

Land between apedale road and Palatine Drive, chesterton

GLEESON DEVELOPMENTS LIMITED & LAND IMPROVEMENT HOLDINGS

21/00655/FUL

The application seeks full planning permission for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

The site has previously been subject to mineral extraction but it is un-restored and has re-naturalised since the mineral extraction ceased. Therefore, it represents a Greenfield site.

The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the Green Belt, as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for this application expired on the 27th September but the applicant has agreed an extension of time to the statutory determination period to the 14th January 2022.

RECOMMENDATIONS

A. Subject to the receipt of amended plans to demonstrate an acceptable level of on-site open space provision for the development by the date of the Committee meeting, and

B. Subject to the applicant first entering into a Section 106 obligation by the 18th March 2022 to secure undertakings to carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction; a residential travel plan monitoring fee of £7,000; a management agreement for the long term maintenance for the open space on-site; a financial contribution of £140,000 towards the improvement and maintenance of off-site public open space and/ or Apedale Country Park; and a review mechanism of the scheme's ability to make a more or fully policy compliant obligations, including the provision of affordable housing, if the development is not substantially commenced within 24 months from the date of the decision, and the provision of such affordable housing 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. Facing and roofing materials;**
- 4. Boundary treatments;**
- 5. Hardstandings;**
- 6. Provision of access, internal roads, private drives and parking areas;**
- 7. Surfacing materials and surface water drainage for the private drives and parking areas;**
- 8. The provision of a footway on the southern side of Apedale Road from the site access to the junction of Audley Road / Castle Street;**
- 9. Garages retained for vehicle parking;**
- 10. Secure cycle storage;**
- 11. Electric vehicle charging provision;**
- 12. Residential Travel Plan Framework;**
- 13. Highway & Environmental Construction Management Plan (CMP);**
- 14. Tree protection measures;**
- 15. Implementation of soft landscaping masterplan;**
- 16. Archaeological investigation and implementation;**
- 17. Land contamination remediation;**
- 18. Ground gas investigations;**
- 19. Unexpected land contamination;**
- 20. Prior approval of soil/ material importation;**
- 21. Flood risk mitigation measures;**
- 22. Detailed surface water drainage scheme;**
- 23. Ecological mitigation measures;**
- 24. Waste storage and collection arrangements**
- 25. Noise mitigation measures for plots 1-5 and plots 327-330**
- 26. Noise management and mitigation measures during construction.**

C. Should the matters referred to in (B) above not be secured within the above period, then 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 sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendations

Whilst the site is Greenfield, the redevelopment of the site for housing, which would make a significant contribution to the Councils housing supply, within a sustainable urban location, accords with local and national planning policy. The scheme is considered acceptable in terms of its design, its impact on the landscape, highway safety and trees. Subject to an acceptable level of on-site public open space being

secured, along with a number of appropriate conditions, the development represents a sustainable form of development and should be supported.

It is accepted, following the obtaining of independent financial advice, that a policy compliant scheme is not viable and that the scheme can only sustain a certain level of contributions but the benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on the area. A Section 106 agreement is required to secure appropriate and justified S106 Obligations, including financial contributions which can be afforded, along with a viability 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 LPA has engaged in pre application discussions with the applicant and officers of the Authority have requested further information throughout the application process and the applicant has subsequently provided amended and additional information.

KEY ISSUES

1.1 The application seeks full planning permission for the erection of 330 no. dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

1.2 The application site, of approximately 16.1 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal, and the Green Belt all as indicated on the Local Development Framework Proposals Map.

1.3 The site previously received outline planning permission in December 2014, reference 13/00525/OUT, for a residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks. A reserved matters application was not received and the outline permission subsequently lapsed.

1.3 A section of the site was previously used for mineral extraction however this part of the site is un-restored and has re-naturalised since the mineral extraction ceased. This is the subject of a planning permission granted in 1949 for the working of clay, and deposit of waste materials. A clause in the previous S106 Agreement for the outline permission included undertakings to carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction. The County Council, as the minerals and waste planning authority raise no objections subject to a clause in the S106 Agreement to secure suitable restoration works.

1.4 The application site is located adjacent to a known archaeological feature, namely a Roman Fort adjacent to the neighbouring high school. The application is accompanied by an Archaeological Desk Based Assessment which is again found to be acceptable subject to conditions which secure archaeological mitigation works prior to the commencement of the development.

1.5 Representations received in response to this application have raised issues of devaluation of properties and loss of views. Such matters are not material to the determination of the application. Concern has also been expressed regarding publicity of the application. It is confirmed that the application was advertised by press notice and site notice (five in total) and as such accords with the publicity requirements set out in legislation and with the adopted Statement of Community Involvement.

1.6 The proposed development raises a number of key issues for consideration in the determination of this application, these are:-

1. The principle of the development of this site for residential,
2. The impact of the development on the landscape, including the associated engineering and restoration work and the design of the residential development,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity
5. Open space provision,

6. Ecological impacts and implications,
7. Flood risk and sustainable drainage,
8. Planning obligations and financial viability
9. Planning balance

1. Is the principle of the development of this site for residential purposes acceptable?

1.1 The site lies within the urban area on land designated locally as an Area of Landscape Regeneration, which abuts the Green Belt, as indicated on the Local Development Framework Proposals Map. No part of the site meets the definition of previously developed land, as contained within the National Planning Policy Framework (NPPF) and on this basis the land can be referred to as a Greenfield site.

1.2 Saved Policy NLP H1 indicates that planning permission for residential development will only be given in certain circumstances – one of these is where the site lies within the urban area of Newcastle. Residential development on the application site is therefore in accordance with policy H1.

1.3 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.

1.4 Policy ASP5 of the Core Spatial Strategy (CSS) referring to the Kidsgrove and Newcastle urban neighbourhoods 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 (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

1.5 It is the case that local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The NPPF also 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.

1.6 The Council is currently able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 5.2 years as at the 31st March 2020. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan.

1.7 The NPPF has at its core a presumption in favour of sustainable development, in particular it sets out at paragraph 11 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 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.

(Para 11(d))

1.8 Whilst the site is Greenfield, it is located in the urban area and it is considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities.

1.9 Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing on this site and a conclusion reached at the end of the report regarding the acceptability of the proposed development.

2. The impact of the development on the landscape, including the associated engineering and restoration work and the design of the residential development

2.1 The application site is a former quarry which has revegetated to provide grazing land. The site slopes down (descends), primarily from north-west to south-east with a steep gradient change in a central location within the site, particularly where the quarrying works were primarily undertaken. Therefore, in order to deliver a development on the site a high degree of re-profiling works are required to form development plateaus. This will require a “cut and fill” exercise and the development will need to be delivered in phases over a number of years. Given that this site is in a coal mining low risk area for development there is no basis upon which it could be concluded that the ground conditions of the site are not suitable for the proposed use.

2.2 The submitted design and access statement (DAS) sets out that the proposed site layout is designed around a clear hierarchy of roads which runs from the proposed access point into a devolving root/branch formation, including a combination of estate roads and shared private access roads/ cul-de-sacs. The site has been designed to include a good number of varied house types, with two distinct character areas to improve the aesthetic vernacular of the scheme and to create both interest and to reflect the existing vernacular of the surrounding area.

2.3 Paragraph 126 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. Furthermore, paragraph 130 of the revised 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.

2.4 Policy CSP1 of the Core Spatial Strategy (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 revised NPPF.

2.5 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. In particular, Policy R3 states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it, exploiting existing site characteristics, such as mature trees, existing buildings or long views and incorporating them into the proposal. In addition, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

2.6 The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF. The design has evolved and enhancements have been made to the scheme to ensure that the scheme proposed is the best design for the site when considering the engineering and deliverability challenges encountered.

2.7 The proposed scheme demonstrates an acceptable level of design quality in terms of the individual house types proposed and the variety of the street scenes throughout the development. The concept of two different character types throughout the development is supported and will help to break up the street scenes visually and add architectural interest to the development. The mix of two different red facing bricks, with buff contrasts, would add interest to the street scene also. Soft landscaping and the avoidance of large expanses of frontage car parking will further supplement the appearance of the proposed development.

2.8 The site forms part of the Area of Landscape Regeneration (saved NLP policy N22). This policy states the Council will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location, and that where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

2.9 The topography of the site and the immediate and wider landscape will result in the proposed development being particularly prominent. The introduction of 330 new dwellings into the landscape will undoubtedly result in a noticeable change in the character and appearance of the landscape. However, the development will be viewed within the context of the existing residential estate to the east and it is considered that the proposed development, due to its appropriate layout and the quality of the house types proposed, would sit comfortably adjacent to the neighbouring and established residential estate. Furthermore, the proposed development would be viewed within the context of the built development on the adjacent industrial estate to the west.

2.10 The site is characterised by vegetation and includes a number of good quality trees that will need to be removed due to the level of ground works required and the extent of the proposed development. However, some trees will remain on the site boundaries and the application includes a landscape masterplan which includes tree planting. The proposed development will also be broken up by on-site areas of open space, albeit primarily towards the lower lying areas towards the south west of the site.

2.11 It is acknowledged that the development would be a noticeable encroachment into the open landscape but the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Councils Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

3. The impact of the development on highway safety

3.1 Paragraph 110 of the NPPF states that in assessing specific applications for development it should be ensured, amongst other things, that appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

3.2 The NPPF further states at paragraph 111 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.

3.3 The development proposes 330 new dwellings with a single point of vehicular access onto Apedale Road. The proposed access would utilise an unused but existing gated access.

3.4 It is relevant to note that outline planning permission has previously been approved on the site. This permission secured the access arrangements for up to 350 dwellings on the site. However, that development had different access arrangements onto Apedale Road and secured a number of other highway benefits to mitigate the impact of the development, including improvements to the junction of Apedale Road with Castle Street and substantial financial contribution towards bus service provision within the site and other transport improvements.

3.5 It is believed that the improvements to the Apedale Road and Castle Street junction have previously been completed but in all other respects the proposed development does not secure the same highway benefits as the outline planning permission did.

3.6 A number of objections to the application have been received raising significant concerns about the impact of the proposed development on Apedale Road, in particular the impact of congestion and associated highway safety implications due to the proposed volume of traffic using the narrow road. Similar concerns are raised about the impact on the surrounding highway network.

3.7 The application is supported by a transport assessment (TA) and travel plan (TP). The TA includes trip generation data and assessments for 330 new dwellings, along with junction capacity information for key junctions in the surrounding area. This includes the proposed T-Junction from Apedale Road which will serve the 330 dwellings. Furthermore, the results of the off-site junction capacity assessments confirm that the additional traffic arising from the development during peak periods (08:00-09:00 and 17:00-18:00) of operation does not impose a detrimentally severe level of operational impact upon all

of the modelled junctions. The data is based on a worst-case scenario and includes relevant growth assumptions also.

3.8 The Highways Authority has raised no objections to the application on the basis that the applicant has demonstrated that the proposed development would not have a 'severe' impact on the operation of the highway network, which is the test that is set out at paragraph 111 of the NPPF. They are satisfied that a single point of access onto the site is acceptable and that a second access onto Palatine Drive is not required. Furthermore, it is set out that the roads are intended for adoption and will be designed in accordance with the Staffordshire Residential Design Guide regarding the road layout and gradients.

3.9 The Council's waste management section highlighted a number of issues with the layout of the scheme, in particular road adoption and the lack of swept path details for a refuse vehicle. In response to these concerns a road adoption plan has been submitted, along with a swept path plan. Such information shows that other than a small number of short, private drives, the internal accesses are to be adopted and demonstrates that a waste vehicles can access all properties and manoeuvre within the site. Collection and storage arrangements for the dwellings can be secured by suitably worded condition.

3.10 Whilst it has been concluded that the proposed development would not have a 'severe' impact on the operation of the highway network it is also important to ensure that sustainable development objectives are achieved to further minimise the impact of the development. Importantly, paragraph 112 of the NPPF sets out that applications for development should;

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and facilitate and encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

3.11 The site is within the urban area and within walking and cycling distance of existing amenities and services, including shops, employment opportunities, schools and public transport provision. However, the topography of the area presents a number of challenges for future residents of the site and your officers have sought a number of connectivity improvements to the wider area which should encourage and promote non-car use. These improvements will help to encourage walking and cycling, particularly to the north and east.

3.12 The connectivity improvements include a cycle and pedestrian link from the development to Horatius Road which will allow direct access to Loomer Road and the wider employment opportunities and connections of Lymedale Business Park. Off-site footpath improvements are also proposed along the south side of Apedale Road which will provide a continuous footpath from the development to existing footpaths so that future occupiers of the proposed development can walk to the village centre of Chesterton, the school and bus services.

3.13 In terms of public transport opportunities, the nearest bus stops are on Audley Road and within Chesterton village centre. HA confirm that the introduction of a new bus service along Apedale Road to serve the site has been considered via a Section 106 contribution to provide a service for a period up to 5 years. However, they consider that this option would not be sustainable in the long term because after the 5-year period expires bus operators are unlikely to continue to provide a specific service to serve the development. Therefore a contribution is not justified.

3.14 The application is supported by a residential travel plan, as encouraged by the NPPF, which can be secured by condition and a monitoring fee will be secured via A S106 Agreement. The travel plan provides a number of benefits for a development of this scale for example the provision of Travel Welcome Pack. Fundamentally its purpose is to reduce unnecessary car use, raise awareness of the travel options available for residents and make sustainable travel easier and more attractive. The travel

plan will be monitored by the County Council for a number of years and future residents can be involved in the monitoring process.

3.15 The proposed layout demonstrates that 803 off road car parking 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 and so the proposal complies with the requirements of Policy T16 of the Local Plan. Furthermore, a condition to secure electric vehicle parking provision for each dwelling is necessary to meet sustainable development objectives.

3.16 HA have suggested a number of conditions to make the development acceptable, including the submission and approval of a construction management which needs to set out, amongst other things, the routing of construction vehicles and the timing of deliveries. The conditions will make the development acceptable and in the absence of any evidence that the proposed development would result in a severe impact on highway safety, it is considered that the proposed development accords with the guidance and requirements of the NPPF.

4. Acceptable standards of residential amenity

4.1 Paragraph 130 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. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

4.2 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

4.3 There are existing residential properties that front Apedale Road and share a boundary with the proposed development. The separation distances between the existing dwellings and proposed dwellings (plots) in this part of the site are acceptable.

4.4 There are also existing residential properties beyond the eastern, southern and western boundaries but the proposed development again demonstrates acceptable separation distances, in accordance with the Council's SPG.

4.5 Furthermore, the proposed development demonstrates acceptable separation distances and relationships between plots, particularly for plots that occupy a central position within the development where the difference in ground levels is significant. All plots will also have an acceptable amount of private amenity space.

4.6 The application site is also adjacent to Rowhurst Industrial Estate and the application is supported by a Noise Assessment Report (NAR) which assesses the impact of neighbouring uses, including the industrial estate, Ibstock brickworks and the highway network in the area, on the future occupiers of the plots.

4.7 The NAR sets out that noise mitigation measures will be required to protect the living conditions and quality of life of future occupiers of the proposed development due to the varied noise impacts from neighbouring land uses and operations. The mitigation measures will primarily be for plots that front, or are in close proximity to Apedale Road, namely plots 1-5 and plots 327-330.

4.8 A development of this nature and scale will also result in noise impact during earthworks and construction phases of the development which are likely to be over a number of years. The NAR advises that mitigation measures will be required to minimise the impact on the amenity of the area and whilst broad principles are discussed the NAR advises that specific management and mitigation measures will need to be agreed.

4.9 The application is also supported by an Air Quality Assessment which concludes that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives and as such is in accordance with all relevant national policy.

4.10 The Environmental Health Division, who normally provides advice on these matters have not provided any comments on the planning application but it is considered that planning conditions will be required to protect the living conditions and quality of life of existing residents and the future occupiers of the proposed development. Subject to these conditions the development is in accordance with the NPPF, in particular paragraphs 130 and 185 of the NPPF.

5. Open space provision

5.1 Saved NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

5.2 The Councils Open Space Strategy adopts the Fields in Trust guidelines for equipped play space for developments of this size. It sets out that the development needs to provide a Local Area for Play (LAP), a Locally Equipped Area for Play (LEAP) and a Multi-Use Games Area (MUGA), along with a financial contribution towards the nearest Neighbourhood Area for Play (NEAP). The nearest and most accessible NEAP in this instance is Loomer Road.

5.3 The Landscape Development section (LDS) has raised issues with the level of on-site public open space and discussions about acceptable provision are ongoing. These discussions have not yet been concluded but acceptable on-site provision and a contribution towards off site public open space are being explored. An update on these discussions, acceptable provision and the submission of amended plans will be provided prior to the committee meeting.

6. Ecological Impacts and Implications

6.1 Policy CSP4 of the Core Strategy states that “the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character”.

6.2 Paragraphs 174 & 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

6.3 The application is supported by a Preliminary Ecological Appraisal Report which has identified that a variety of habitats exist on the site including unmanaged broad-leaved woodland, hedgerows, species-poor grassland habitats, numerous ponds and scattered scrub within the site. It is clear from the site surveys undertaken by the applicant's consultant that the site supports a wide range of protected species. Therefore, further site surveys have been undertaken which update the ecological surveys that were undertaken for the previous outline planning application.

6.5 A number of objections to the application have been received due to the impact and loss of wildlife, protected species and habitats. Staffordshire Wildlife Trust (SWT) have asked for further time to provide consultation comments and these are expected prior to the committee meeting.

6.6 Subject to no fundamental objections being received from SWT, it is accepted that the impact of the proposed development on the habitat of protected species can be adequately mitigated. It has been demonstrated that the proposed development can provide opportunities for ecological enhancements, which would build on those already provided since the previous outline planning permission. It therefore meets the guidance and requirements of the NPPF.

7.0 Flood risk and sustainable drainage

7.1 The application has been accompanied by a Flood Risk Assessment, which includes a drainage strategy, (FRA). The drainage strategy incorporates a sustainable urban drainage strategy scheme (SuDS).

7.2 The FRA identifies that the majority of the site is within Flood Zone 1 being an area of low probability (of flooding) with the lower lying sections of the site being in Flood Zones 2 and 3 adjacent to the route of the Lyme Brook. Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF and the submitted plans demonstrate that all residential properties will be within Flood Zone 1.

7.3 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted on the application. The EA raises no objections subject to the suggested mitigation measures set out in the FRA and they therefore require a planning condition that stipulates that no built development shall be located in Flood Zone 3

7.4 The LLFA originally raised concerns with the FRA and the drainage strategy in particular. However, following the submission of amended and additional information the concerns of the LLFA have been overcome and subject to a condition which secures a detailed surface water drainage scheme for the site, the development will be acceptable and minimise flood risk, in accordance with local and national planning policy.

8. Planning obligations and financial viability

8.1 The previous outline planning permission secured a number of planning obligations to make the development acceptable, these were;

- a contribution of phased payments towards the Newcastle (urban) Transport and Development Strategy (NTADS),
- a contribution of phased payments towards an extended bus service,
- a contribution of phased payments towards school spaces,
- affordable housing provision,
- either a contribution towards open space maintenance provision or the entering into of a management agreement to secure the long term maintenance of the public open space,
- travel plan monitoring fee,
- a financial viability review mechanism, and
- carry out earthworks to restore the land affected by former quarrying and to oblige the owner not to further implement a permission for clay extraction (as referred to above)

8.2 The secured obligations were for a development of 350 new dwellings and were secured following independent financial advice. However, the outline planning permission subsequently expired and the S106 Agreement therefore did not take effect.

8.3 The proposed development is now for the construction of 330 new dwellings, including open space, new vehicular access off Apedale Road, and associated infrastructure and earthworks.

8.4 The applicant identified at an early stage during pre-application enquiry discussions that the scheme could not support the likely planning policy compliant S106 obligations that would be generated by the proposed development due to the high level of abnormal costs associated with ground remediation necessary to deliver a development on the site, which equate to approximately £7.1 million.

8.5 Any S106 Obligations, in order to be lawful, must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development

8.6 The Education Authority states that the development would not justify an education contribution as there are projected to be a sufficient number of school places to mitigate the impact of the development at both primary and secondary phases of education.

8.7 Policy CSP6 of the CSS states that residential development within the urban areas will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This application proposes 330 dwellings and 83 affordable dwellings is required to make the development accord with policy.

8.8 The development is proposing on-site open space in the form of a number of play areas and the long term management and maintenance of these areas will need to be secured by a S106 Agreement to ensure that acceptable provision is provided for future residents and mitigate the impact of the development accordingly. A financial contribution towards the NEAP at Loomer Road is also sought. Your officers are currently in discussions with LDS about this aspect of the development.

8.10 Staffordshire County Council's Rural Development Officer has commented on the application and advises that a development of 330 new dwellings in such close proximity to Apedale Community Country Park and its infrastructure, will increase visitor pressure across these areas. Therefore, a developer contribution, to help offset impacts from the proposed development, for the increased usage of the country park is suggested. They have identified possible suitable projects and costs and your officers are currently in discussions with them about this aspect of the development.

8.11 A financial viability appraisal has been submitted by the applicant and independent financial advice has been sought and has now been received by the Authority. The report of Butters John Bee (BJB) confirms that two factors affect the financial viability of the scheme, these being the level of abnormal costs and the sales values, which are only marginally higher than build costs. It is therefore concluded that the scheme is not sufficiently viable to provide any on-site affordable housing but a financial contribution amount of £100,000 – £200,000 can be provided.

8.12 The conclusions of BJB as to the level of financial contribution that the development can support clearly fall short of the S106 Obligations secured in the previous outline permission, as set out at paragraph 8.1, but it has to be acknowledged that the previous permission could not be delivered and one factor is likely to have been financial viability due to the level of works required to deliver a development and the associated abnormal costs.

8.13 The NPPF sets out 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 a Local Plan is finalised.

8.14 The applicant's position is that their financial viability assessment concludes that the scheme can only support a maximum of £136,280 to be allocated to financial contributions. Therefore, this figure sits within the parameters of the conclusions reached by BJB, which is less precise. Therefore, your officers accept that, without a more precise figure from BJB, the figure of £136,280 can be accepted but in the circumstances it is reasonable to round it up to £140,000.

8.15 In terms of the preference for affordable housing and POS/ Country Park improvements the Council has no agreed formal "hierarchy of need" in its Developer Contributions SPD. The NPPF also offers no such preference.

8.16 The advice of the Housing Strategy Section has been sought regarding affordable housing but no comments have been received.

8.17 A contribution towards the improvement of off-site public open space and/or the Country Park would seek to mitigate the impact of the development on these areas and your officer would suggest

that in this case the financial contribution should be used to improve and maintain the identified POS and Country Park, instead of providing affordable housing.

8.18 Market conditions and viability can change over time and it is reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within two years, owing to the re-profiling works required, of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement.

9. Planning balance

9.1 The proposed development would provide 330 new houses in the urban area and it has been demonstrated that the design and appearance of the scheme would not harm the visual amenity of the area. The scheme would increase the housing mix in the Borough and make a significant boost to housing supply in a sustainable urban area.

9.2 It is accepted that there would be some harm caused by the development, namely the development of a Greenfield site and the impact on the associated wildlife and trees, along with the impact on the landscape and increased traffic movements. The lack of policy compliant affordable housing also weighs against the proposal. However, on balance, it is accepted that the identified impacts will only be minor and they would not significantly and demonstrably outweigh the identified benefits of the proposal. Accordingly the proposal complies with the requirements of paragraph 11 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required S106 obligations are secured and obtained to address infrastructure requirements, alongside appropriate conditions are used, as recommended

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1:	Residential development: Sustainable location and protection of the countryside
Policy T16:	Development - General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy C21:	White Rock – Apedale Road
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy N22:	Area of Landscape Regeneration
Policy B3:	Other Archaeological Sites
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

[National Planning Policy Framework](#) (2021)

[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](#)

Outline planning permission, reference 13/00525/OUT for a 'Residential development of up to 350 dwellings including open space, new vehicular accesses, infrastructure, ancillary development and associated earthworks', was approved in December 2014 but no subsequent reserved matters application was submitted and as a consequence, the permission lapsed.

Views of Consultees

The **Education Authority** advises that there are projected to be a sufficient number of school places both in the catchment area and/or wider cluster areas to mitigate the impact of this development at both primary and secondary phases of education. Therefore, an education contribution is not being sought and the proposed development is acceptable from an education perspective.

Staffordshire County Council's Historic Environment Team advises that previous archaeological works within the application site, which have included geophysical survey and archaeological trial trenching, have provided evidence to suggest that remains survive within specific areas of the site which are likely to relate to 1st to 2nd Century Roman domestic activity contemporary with the nearby Chesterton Roman fort.

The application is supported by an Archaeological Desk Based Assessment (ADBA) that provides a useful understanding of the developmental history of the site, previous archaeological works within the site, and the potential archaeological impact of the proposals. Therefore no objections are raised, subject to a pre commencement condition that secures the submission and approval of a written scheme of archaeological investigation.

Staffordshire County Council's Rural Development Officer advises that there are concerns that the development of 330 new dwellings in such close proximity to Apedale Community Country Park and its infrastructure, which includes impacts on the path network (containing a number of Public Rights of Way), as well as on areas of ecological sensitivity, will increase visitor pressure across these area. Therefore, a developer contribution, to help offset impacts from the proposed development, to mitigate for this increased usage of the country park is suggested.

Natural England advises that they have no comments to make on the application but their Standing Advice applies.

The Council's **Waste Management Section** has highlighted a number of issues with the layout of the scheme and how this would affect waste collection and storage arrangements.

The **County Highway Authority** initially recommended the application for refusal due to insufficient information but following the submission of amended and additional information and plans they now raise no objections subject to conditions which secure the following;

- Provision of access, internal roads, private drives, and parking areas,
- Surfacing materials and surface water drainage of private drives, and parking areas,
- The provision of a footway on the southern side of Apedale Road from the site access to the junction of Audley Road / Castle Street,
- Secure weatherproof cycle parking for plots without a garage,
- Garages retained for vehicle parking,
- Residential Travel Plan Framework, and
- Construction Management Plan (CMP).

A travel plan monitoring fee of £7,000 is requested and secured via a S106 Agreement.

The **Lead Local Flood Authority** raises no objections following the submission of additional information. However, they request a condition which requires a detailed surface water drainage scheme to be submitted for approval prior to any development commencing on site.

United Utilities raised no objections to the proposal subject to conditions to secure a surface water drainage scheme and the draining of foul and surface water from separate systems.

Staffordshire County Council as the **Minerals and Waste Authority** advises that the site is a former clay quarry, which has not been worked in recent times, and has naturally revegetated to provide grazing land. They advise that the site falls almost entirely within the Mineral Safeguarding Area (MSA) for Brick Clay, as defined in the Minerals Local Plan for Staffordshire (2015 – 2030). In addition, the major part of the application site is subject to a planning permission granted in 1949 for the working of clay, and deposit of waste materials.

There are no objections to the application on the basis that the proposed development will not lead to the permanent sterilisation of significant mineral reserves. It is recommended that appropriate works are incorporated into the development to ensure the satisfactory restoration of the whole site and the safeguarding of protected species and enhancement of their habitats as well as an agreement secured that there is no further implementation of the mineral permission. The County Council will also need to pursue a separate application for Prohibition Order to prohibit the resumption of mineral working.

The **Environment Agency** raises no objections to the proposed development on the basis of the revised Flood Risk Assessment but they recommend a condition that the development is carried out in accordance with the revised FRA and no built development shall be carried out in Flood Zone 3.

The **Environmental Health Division** have responded in respect of contaminated land matters only and raise no objections subject to conditions which secure appropriate mitigation and remediation measures.

The **Crime Prevention Design Advisor** advises that the proposed development has some notable positive proposed layout elements that should substantially reduce opportunities for crime and anti-social behaviour. A number of other crime prevention design measures are also advised, including lighting, contained within the Secured by Design Homes 2019 design guide document.

Comments of **Staffordshire Wildlife Trust** are awaited.

Comments were also invited from the **Councils Housing Strategy Section, Economic Regeneration, Planning Policy, United Utilities and the Greater Chesterton Locality Action Partnership (LAP)** 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

Twenty Two (22) letters of representation have been received raising objections on the following grounds;

- Apedale Road is too narrow and cannot support an additional 330 houses - it will exacerbate existing highway safety issues, in particular on street car parking and congestion,
- Apedale Road is restricted to a maximum 7.5t vehicle,
- Traffic monitoring is not accurate because it was carried out during 'lockdown',
- An additional access onto Palatine Drive should be considered,
- Apedale Road, Audley Road Victoria Street is already a busy junction,
- Increased danger from speeding cars,
- Parts of Apedale are privately owned,
- Chesterton does not have sufficient infrastructure for the proposed development, in particular schools and doctors,
- Negative impact and loss of wildlife, including protected species
- The visual impact of the development will be negative,
- The proposals do not restore the character or improve the quality of the landscape, as required by Policy N21,
- Loss of privacy to existing properties,
- Loss of views,
- The site floods and is a flood risk,
- Other brownfield sites are more suitable for development,
- Lack of publicity,
- Devaluation of property prices,
- Noise and pollution during construction,
- Air pollution poses a real risk to the health of existing residents,
- Loss of greenspace and grazing land,
- Ground instability from coal mining activities,
- There is no need for more housing in Chesterton,

Applicant/agent's submission

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

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00655/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

17th December 2021