

LAND ADJACENT HOON AVENUE AND MILEHOUSE LANE, NEWCASTLE-UNDER-LYME
STAFFORDSHIRE COUNTY COUNCIL **20/01078/OUT**

The application is for outline planning permission for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space. All matters except for access (appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the Green Heritage Network as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 16th March 2021 but an extension of time has been agreed to 9th December 2022.

RECOMMENDATION

(A) Subject to the applicant entering into a Section 106 obligation by 27th January 2023 to secure the following:

- **The provision of 25% on-site affordable housing**
- **A contribution of £10,000 towards travel plan monitoring**
- **A contribution off £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky)**
- **A management agreement for the long-term maintenance of the open space on the site**

Permit, subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of reserved matters and commencement of development**
- 2. Approved plans and supporting documents**
- 3. Provision of accesses**
- 4. Junction improvement**
- 5. Travel Plan**
- 6. Construction Environmental Management Plan**
- 7. Hours of construction**
- 8. Noise mitigation measures**
- 9. Contamination**
- 10. Electric vehicle charging points**
- 11. Details of foul and surface water drainage scheme**
- 12. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA)**
- 13. A written scheme of archaeological investigation**
- 14. Tree and hedgerow protection measures for retained trees**
- 15. Arboricultural method statement**
- 16. A minimum of 0.94ha of green open space, including a minimum 400sqm LEAP Play area to be provided on site**
- 17. Approval of details of play facilities and timing of provision of open space and these facilities**
- 18. Ecological and biodiversity mitigation and compensation**
- 19. Reserved matters submission to comply with the principles of the Design and Access Statement**

(B) Should the Section 106 obligation referred to in (A) 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 be acceptable in planning terms and would not achieve sustainable development outcomes; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendation

The site provides a sustainable and accessible location for residential development comprising of market and affordable housing. Adequate open space would remain within the site and the immediate locality for the enjoyment of existing and future residents. In addition, there would be new and better quality tree and hedgerow planting enhancing the site's green infrastructure.

The development would provide acceptable living conditions for its occupiers and given its highly sustainable location, it is not considered that the proposal would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

An acceptable SUDs design can be achieved and the risk of flooding is low as the majority of the site lies within Flood Zone 1. The proposal provides for ecology and biodiversity enhancements/mitigation

and further archaeological work can be secured to understand and characterise any below ground archaeological features within the application site.

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

The LPA has worked positively and proactively with the applicant/agent to address the issues associated with key planning matters and the proposal is now considered to be a sustainable form of development that complies with the provisions of the development plan and National Planning Policy Framework.

Key Issues

Outline planning permission, with all matters (Appearance, Landscaping, Layout and Scale) reserved except for access is sought for the construction of up to 100 dwellings with associated infrastructure, children's play area, landscaping and open space.

The site lies within the Urban Area of Newcastle and is designated as open space and part of the protected Green Heritage Network as indicated on the Local Development Framework Proposals Map.

The key planning matters in the determination of the application are:

- Principle of the proposed development
- Open Space and Landscaping
- Affordable Housing
- Highways Safety
- Trees and Hedgerows
- Flood Risk and Drainage
- Ecology and Biodiversity
- Residential Amenity
- Heritage and Archaeology
- Planning Obligations

Principle of the proposed development

The application site comprises greenfield land designated as open space and part of the green heritage network within the urban area of Newcastle.

Core Spatial Strategy (CSS) Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026. Policy SP3 seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes which are considered sustainable locations for residential 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 2021. Given this, it is appropriate to consider the proposal in the context of the policies contained within the approved development plan. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

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.

Although not previously developed land, the site is considered to represent a highly sustainable location for new housing due to its good transport links and links to education facilities, employment opportunities, services and amenities.

The principle of the proposed development complies with local and national planning policy guidance.

Open Space and Landscaping

CSS Strategic Aim 2 seeks to facilitate the delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities, including health care, education, sports, recreation and leisure.

Strategic Aim 13 seeks to protect and improve the plan area's network of canals and watercourses, green spaces/infrastructure and parks to provide the landscape setting for high quality development of homes, employment and leisure opportunities; opportunities for physical activity and to foster a more sustainable way of life.

CSS Policy CSP5 seeks to enhance, maintain and protect the plan area's open space, sports and leisure assets.

CSS Policy CSP1 expects new development to contribute positively to healthy lifestyles.

NLP Policy C4 states that an appropriate amount of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. The design and location of new play areas must take into account community safety issues.

NLP Policy N16 seek opportunities to consolidate and enhance the green heritage network. Where development is permitted, the Council may require mitigation and/or compensation measures and will seek to ensure that appropriate landscaping proposals will be implemented and maintained to enhance the area's status and function as part of the Borough's wildlife network.

Paragraph 96 of the NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for the alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The site comprises 3.42ha of land designated as public open space/green heritage network within the urban area of Newcastle. This public open space/green heritage is identified as general amenity space on the green infrastructure typology map.

As a result of the residential development proposed, there would be loss of 2.48ha of public open space/green heritage network, resulting in 0.94ha remaining.

The remaining 0.94ha would comprise the landscaped link between the northern and southern parts of the site which would include a footway/cycleway and a LEAP play area and landscaped green space either side of the proposed access off Hoon Avenue. The children's play area would meet the minimum of Fields in Trust LAP and LEAP standards of 0.4ha. The proposed area and type of open space to be provided is shown in the table below:

Open Space	Area Proposed
LEAP (Play Area)	Min 400 sqm
Landscaped Link (inc area around LEAP)	5200 sqm
SuD's Basin	1200 sqm
Landscaped green space	3800 sqm
Total	10600 sqm

In accordance with the National Planning Policy Framework, National Planning Practice Guidance, Core Spatial Strategy, Local Plan and other relevant open space documents the applicant is required to assess the current provision (whether there is a deficit or surplus) of open space against standard requirements.

The recommended quantity and access to green infrastructure standards (2016) covering open space types for Newcastle under Lyme are summarised in the table below (*Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*).

Open Space Types	Quantity Standard (Hectares per 1,000 population unless indicated otherwise)	Access Standard (measured in a straight line)
*Parks and gardens	3.10	Local – 400m Neigh – 800m District -1600m
*Amenity green space	0.90	Open green - 220m MUGA - 700m
*Natural and semi-natural green space	3.60	600m
*Designated play spaces for children and young people	0.41	LAP - 100m LEAP - 400m NEAP - 1,000m
Outdoor Sports Facilities	No standard	No standard
Allotments *	0.15	400m (5- 10 min walk) 15 min drive
Green Corridors	No standard	No standard
TOTAL open space* (sum from above)	8.16	

Based on a population of 124,184 the current provision of open space per 1,000 head of population is shown in the table below. *Source: Newcastle under Lyme Open Space Strategy and Green Infrastructure Strategy Final Draft*.

Type	Count (no. of sites)	Area (ha.)	Current Provision (ha. per 1,000 population)
Accessible natural greenspace	181	1746.22	14.0
Allotments	12	13.60	0.11
Amenity greenspace	112	128.31	1.03
Green corridor	16	46.03	0.37
Park	35	436.29	3.51
Provision for children and young people	81	51.35	0.41

The Borough has a valued and well-distributed network of open space of varying sizes and types (Parks and Gardens, Amenity Green Spaces, Natural and semi-natural green spaces, designated play spaces, allotments and green corridors). As highlighted in the tables above the current open space provision exceeds standard requirements per population. In addition, there is an identified need for new open space to accompany any new development.

An assessment of existing open spaces within 1.5 kilometres of the application site (approximately a 15-minute walk), has been undertaken to consider the quality and quantity of alternative open space provision in the area. The assessment identifies 9 other sites within a 1.5-kilometre radius of the application site, totalling 46.3 hectares.

Of the 9 sites identified, four include general amenity space, and six include a park or public garden. The closest green space measuring 2 ha or more is located 400 metres from the site, at Wolstanton Marsh. This is identified as a park or garden and meets the proposed access standard. The land south of Hoon Avenue is an adjacent piece of amenity green space to the site and is less than 220 metres away.

As stated above, the application site is identified as general amenity space on the green infrastructure typology map. The current provision for general amenity space is 1.03 hectares per 1,000 population, based on 124,381 people. The development of 2.48ha of a 3.42ha site for housing would still exceed the quality standards required without further provision or contributions for general amenity space.

Therefore, it is considered that there is sufficient quantity and quality of existing alternative open space (amenity greenspace) provision within 1.5km of the site to ensure the residential development would not detrimentally impact on accessibility to open space for existing and future residents.

The existing provision of and accessibility to natural and semi natural green spaces and designated play spaces for children and young people would remain acceptable within the vicinity of the site. However, given the size and scale of the development proposed there is a requirement to provide a minimum open space provision of 0.94ha, which would include a LEAP play area for existing and future residents

For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF

Affordable Housing

CSS Policy CSP6 requires 25% of the total dwellings to be affordable housing units and be fully integrated with the market housing, be built to the same design, quality and space standards and should not be visually distinguishable from other development on the site.

In accordance with the Affordable Housing SPD, 25% or 25 dwellings of the total number of 100 dwellings are required to be affordable and fully integrated within the development so as to be tenure blind and indistinguishable from the market housing. Of the 25% of the affordable homes proposed, a minimum of 15% should be social rented with the remainder shared ownership.

This is considered acceptable and the affordable housing proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Highway Safety

CSS Policy SP3 addresses the need to secure more choice of, and create better access to, sustainable modes of transport whilst discouraging less sustainable modes. CSP1 expects new development to be accessible to all users and to be safe, uncluttered, varied, and attractive.

NPPF Paragraph 110 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) 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.

Paragraph 111 advises 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 on the road network would be severe.

Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The proposed vehicular access that would serve the southern part of the site would be directly off Hoon Avenue/Hempstalls Lane and to the south of the Sparch Hollow roundabout. The new access would be a new priority junction that would be 5.5m wide access, with 6.0m radii and a 2m footway on the southern side and a 3m footway/cycleway on the northern side of the access. Visibility splays of 2.4m x 43m would be provided in a northerly and southerly direction.

The northern part of the site is accessed directly of Milehouse Lane and would take the form of a simple priority junction.

A Transport Assessment and Travel Plan have been submitted with the application. The Transport Assessment has assessed the potential transport impact on the local highway network and shows the proposed mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout. Also, it provides a summary of existing alternative modes of travel including pedestrian, cycling and public transport (i.e. bus and rail modes). The use of alternative modes of transport are reinforced by the Travel Plan which sets out measures and initiatives to promote sustainable travel to and from the site.

The development is forecast to generate in the region of 84 - 91 person trips (two-way) by all combined modes of travel (Car Driver, Car Passenger, Bus, Cycle, Pedestrian Other) during the typical weekday peak hour. In this regard the residential development would be expected to generate in the order of 70 trips in the AM peak hour and 66 trips in the PM peak hour split between the two site access junctions.

An assessment of the proposed access junctions onto Milehouse Lane and Hoon Avenue shows that the proposed access arrangements are predicted to operate within capacity in all of the forecast scenarios assessed, with minimal queuing predicted on any approach to the junction.

The results of the assessments demonstrate that the existing Hoon Avenue/Sparch Hollow/Hempstalls Lane roundabout will operate within capacity at the 2025 assessment.

The wider impacts of development traffic have been assessed at the two main roundabout junctions to the north and south of the site. The addition of further traffic attributable to the proposed development site is predicted to result in minimal changes in queueing and delay at either junction. However, a minor improvement to Milehouse Lane/Hassam Parade/Hoon Avenue Roundabout is proposed which formalises the Hassam Parade entry making it more efficient.

The Highway Authority has no objections to the proposal on the grounds that it has been demonstrated that the junction is adequate and safe and will operate within capacity and that mitigation document measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

It is considered that a safe and suitable access to the site for all users would be achieved and that any impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety would be mitigated to an acceptable degree.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Trees and Hedgerows

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets.

NLP Policy N12 seeks to resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where,

exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

NLP Policy N13 states the felling or unnecessary pruning of any tree of public amenity will not be supported by the Council unless one of the criteria specified is applicable and where possible appropriate replanting is proposed.

The Arboricultural Impact Assessment accompanying the application identifies that no trees on the site are protected by Tree Preservation Orders or by being within a Conservation Area.

The proposed access from Hoon Avenue necessitates the removal of three early mature category B Lime trees. Tree removal identified within the site is limited to the total removal of two groups of natural scrub and the partial removal of three further groups of mixed trees. These are identified as category C and comprise of scrub and less well established plantings of low arboricultural quality.

However, the size of the site and its location provides opportunities for new and better quality hedgerow and tree planting to compensate for this loss and provide an overall, long-term betterment to the site's green infrastructure. The details of the site's landscaping and green infrastructure would be considered as part of any reserved matters application.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Flooding and Drainage

NPPF Paragraph 167 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The application is supported by a Flood Risk and Surface Water Drainage Assessment (FRSWDA). The site lies in Flood Zone 1 which is land/property with the lowest risk of flooding. However, the south eastern part of the site is shown as being at risk of flooding from Lyme Brook and associated overland flows.

The surface water runoff from the site would be discharged to Lyme Brook via a new outfall and restricted to a greenfield 1 in 1 year rate of 4.7 l/s per hectare. The surface water would be attenuated on site by a combination of oversized pipes and a detention basin within the south eastern part of the site. It is expected that the detention basin would provide adequate treatment to the runoff to ensure water quality is not detrimentally impacted.

Foul flows from the site will drain to the existing combined sewers in Hoon Avenue.

The Environment Agency, Staffordshire County Council as the Lead Local Flood Authority, and Severn Trent Water are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design and that detailed drainage design should be in accordance with the proposed drainage strategy. As such, they have no objections to the drainage approach and strategy subject to suitably worded conditions securing the detailed drainage design and foul and surface water flows.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Ecology and Biodiversity

NPPF Paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

CSS Policy CSP4 seeks to protect, maintain and enhance the quality and quantity of the area's natural assets including enhancing the areas natural habitats and biodiversity to achieve the outcomes and targets set out within the UK and Staffordshire Biodiversity Action Plans and Staffordshire Geodiversity Action Plan. Development should avoid and/or mitigate adverse impacts, and wherever possible, enhance the area's natural assets, landscape character, waterways, green corridors and priority species and habitats.

NLP Policy N3 expects development to take account of the potential effects of development proposals upon wildlife and geological features and avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage. Habitats/features of nature conservation or geological value will be retained in situ and protected from adverse impact. Replacement habitats/features will be provided on at least an equivalent scale where the Council agrees that the loss of wildlife habitats or geological features is unavoidable.

NLP Policy N8 seeks to resist development that may, directly or indirectly habitats, unless the applicant can demonstrate that the need for the development clearly outweighs the need to safeguard the habitat. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss

An Extended Phase 1 Habitat Survey was completed in June 2016, this was subsequently reviewed in October 2018 and November 2020. These surveys evidenced that the habitats present on site include poor semi-improved grassland, species-poor hedgerow, introduced shrub and dense scrub as well as established lines of trees. As a result of these surveys there was no requirement for additional habitat surveys however, a protected species survey for Water Voles was recommended as Lyme Brook is within and adjacent to the site.

The protected species surveys identified that there was no evidence of water voles within the on-site or off-site sections of the brook and that the habitats have undergone succession and therefore, become unsuitable to support the species. In addition, given the isolated nature of the watercourse; culverted to both the north and south and surrounding built development (houses and roads) it is unlikely that the watercourse will be able to recolonise, even with enhancement measures out in place.

However, the Ecology surveys recommend the following mitigation, best practice and enhancements:

- Avoid vegetation clearance during the bird nesting season.
- Produce and Best Practice Plan.
- Awareness of working in or adjacent Lyme Brook.
- Where possible avoid works after dark for the protection of bats.
- Planting of new areas of soft landscaping with insect-attracting.
- Install a minimum of 10 bird boxes on retained/newly planted trees.
- Enhance scattered tree lines, species poor hedgerow habitats and provide additional tree planting around the site periphery.
- Any trees or hedgerow that are lost are replaced with at least equal numbers/length.
- Install a minimum of five bat boxes on existing trees.

Subject to the imposition of a condition requiring appropriate mitigation, it is not considered that an objection could be sustained on the grounds of ecological impact. For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Residential Amenity

Paragraph 174 of the NPPF advises that, planning policies and decisions should contribute to and enhance the natural and local environment by "...preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans

Paragraph 185 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 186 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

An Air Quality Assessment submitted with the application concludes that the development would not have a significant impact upon local air quality.

A Noise Assessment has also been submitted which acknowledges that the dominant noise source would be road traffic noise from the surrounding road network, including Hoon Avenue to the west, Milehouse Lane to the north and St. Michaels road to the south. Also, distant road traffic was audible from the A527 and Liverpool Road.

The proposed general mitigation strategy for the site to achieve indoor ambient noise levels for dwellings and acceptable noise levels for external amenity spaces includes the provision of standard glazing with a minimum sound reduction and ventilation and the presence of close-boarded 1.8m high garden fences to external amenity areas.

The Environmental Health Division agree with the findings of the Noise and Air Quality Assessments and recommend conditions for hours of construction and the submission of a Construction Environmental Management Plan to address the effects of noise, vibration, dust, emissions and site lighting.

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between both existing and proposed dwellings and that sufficient private amenity space would be provided to comply with the Council's Space Around Dwellings SPG.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Heritage and Archaeology

NPPF Paragraph 195 expects Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 notes that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

LP Policy B8 ensures the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration.

LP Policy B3 requires archaeological assessments and field evaluations to be submitted prior to the determination of proposals affecting sites of known or potential archaeological significance.

There are no designated heritage assets (i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens etc.) within or in close proximity of the proposed red line boundary.

The Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

The County Archaeologist advises that considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

Subject to the imposition of conditions, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF.

Planning obligations

CSP10 'Planning Obligations' requires developers to have regard to the consequences that may arise from development. The policy sets out a number of areas which should be considered including transport, infrastructure, affordable housing, education and community facilities, open spaces, sports and recreation facilities and environmental improvements and mitigation.

Section 122 of the Community Infrastructure Levy (CIL) Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

The applicant has confirmed their willingness to agree to the provision of 25% on-site affordable housing. The Landscape Development Section has requested a contribution of £20,000 towards the improvements of the existing Multi-Use Games Area at the Croft Road Play Area (Icky Picky) which the applicant has agreed to pay. It is considered necessary for the community that the open space on site is available for use and appropriately managed, therefore a management agreement is required for the long-term maintenance of the open space on the site. A financial contribution of £10,000 is also considered necessary towards the monitoring of the travel plan for a period of 5 years.

These are all considered to meet the tests identified in the NPPF and are compliant with Section 122 of the CIL Regulations.

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 CSP2:	Historic Environment
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 N2:	Development and nature conservation - site surveys.
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures.
Policy N4:	Development and Nature Conservation – Use of Local Species.
Policy N8:	Protection of Key Habitats.
Policy N12:	Development and the Protection of Trees.
Policy N13:	Felling and Pruning of Trees.
Policy N14:	Protection of Landscape Features of Major Importance to Flora and Fauna.
Policy N16:	Protection of a Green Heritage Network.
Policy N17:	Landscape Character - General Considerations.
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](#) (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 and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

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

[Relevant Planning History](#)

There is no relevant planning history to the site.

[Views of Consultees](#)

The **Recycling and Waste Services Team** confirms that the swept path information submitted is acceptable. Concerns are raised regarding the indicative layout and the number of properties accessed via unadopted stretches of private access.

The **Highway Authority** has no objections as the submitted information demonstrates the junctions are adequate and safe and will operate within capacity. The mitigation measures at Milehouse Lane /Hassam Parade / Hoon Avenue Roundabout and minor improvement to Hassam Parade formalises the entry making it more efficient.

The **Environmental Health Division** has no objections subject to conditions relating to sufficient site investigation, detailed remediation scheme, appropriate hours of construction and Construction Environmental Management Plan.

Staffordshire County Council Education Authority advised that they have considered the impact on school places at the Hempstalls Primary School and The Orme Academy. In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 100 dwellings would require 21 primary school places and 11 secondary places. 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. Subsequently, no education contribution is required.

Severn Trent Water confirm that they have no objections to the proposals subject to the inclusion of the following condition:

1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

In addition, they advise that there is a public 800mm combined sewer and a public 900mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

The **County Archaeologist** states that the Staffordshire Historic Environment Record records that a section of the possible route of a Roman road between Littlechester and Chesterton runs through the northern portion of the site, and notes that several excavations along the length of the route have revealed large sandstone blocks on a layer of turf and clay, and that the agger (i.e. the road embankment) is also visible on the southeast edge of Wolstanton Golf Club.

Taking into account the above, and considering the potential for groundworks associated with the proposed development to impact below ground archaeology, including the Roman road and possibly associated activity nearby, the lack of previous archaeological works being carried out in a large, previously undeveloped site in the area, and the scale and nature of the proposals, it is recommended that further archaeological work is undertaken to better understand and characterise any below ground archaeological features within the application site.

This work could be most satisfactorily secured via a condition attached to any planning permission for the scheme.

The **Environment Agency** have no objections.

The Landscape Development Section requests tree planting to mitigate the loss of trees T21, T29 and T30 on Hempstalls Lane. Permission should be subject to submission of a dimensioned construction phase tree protection plan to BS5837:2012 and a detailed landscaping scheme. Useable open space provision of 0.4 ha (40m² per dwelling) and a LAP and a LEAP to Fields in Trust recommendations should be provided along with a Section 106 contribution towards a MUGA. The contribution would be used for improvements to the existing MUGA at the Croft Road Play Area (Icky Picky) which is approximately 560m away.

The **Lead Local Flood Authority** are satisfied that the proposals demonstrate that it would be feasible to achieve an acceptable SUDs design within the proposed development and that the detailed drainage design should be in accordance with the proposed drainage strategy taking into account the constraints identified and the results of any further investigations.

Representations

63 letters of objection have been received raising concerns on the following grounds:

- Loss of local greenspace which is enjoyed by multigenerational families for recreation, play, dog walking and exercising. A huge loss to the local community
- Concerns about additional traffic as the roads are busy enough without any more congestion
- The area around the junction of Hoon Avenue, Hempstalls lane and Sparch Hollow is already prone to flooding during heavy rain, this will only increase the problem.
- Increasing the area of hardstanding will exacerbate flooding.
- Increased traffic will create noise and disturbance and increase collision risk for school children, walking to/from school.
- The land holds rainwater and allows it to slowly drain into Lyme Brook. Building on this land would cause rainwater to flow directly into the brook.
- It has only been 4-5 years since the previous appeal was rejected.
- There are plenty of houses in the area for sale – why do we need more.
- Build on other plots of land Old Sainsburys, land next to Bradwell hospital on the A34 and flats next to Jubilee
- The land is allocated as Protection of Green Heritage Network.
- Hoon Avenue and Hempstalls Lane are a rabbit run for vehicles avoiding multiple traffic
- Local amenities, schools and doctors are over subscribed
- There are 20 plus flats being built on Hempstalls Lane
- This monstrosity will devalue property
- Since lockdown does not think an accurate amount of the traffic can be assessed.
- Trees and hedgerows being cut down which are home to many different wildlife.
- There are better sites for residential development.
- The area is home to bats, hedgehogs, foxes, carrion crows, swallows, jays, buzzards, frogs, common lizards and insects.
- Existing greenspace is limited
- The roman road which exists would be disturbed by the development
- The grasslands are essentially wetlands which is unsuitable for housing and would result in substandard housing because of poor footings.
- There are currently plans to develop several green areas within the local community and very close to this site, Keele Golf Course and adjacent site with up to 1200 houses and sites in Knutton with over 300 houses, with 1 site already being developed
- Building on this greenspace will negatively impact on the character of the neighbourhood
- The council should be looking at developing brown field sites first, even if higher building costs may be incurred.
- Does not believe on balance there will be sufficient community benefit in compensation for the loss of the greenspace that would be lost. If the committee are minded to approve they should seek the highest available compensation through CIL to be used in the area to enhance the environment.
- Mr Ash left the land for recreational use.
- The area should be used to promote wildlife, environmental enhancement and preservation of the area containing remains of the Roman road, Rynkneld Street, of which most local residents are unaware. Surely this area must be protected and developed as a special interest site and not built over and destroyed.

Applicant's/Agent's submission

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/20/01078/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

23 November 2022