

KNUTTON COMMUNITY CENTRE, KNUTTON LANE
DURATA DEVELOPMENT

24/00023/FUL

The application seeks full planning permission for the erection of 21 no. dwellings and a new vehicular access off High Street in Knutton.

The application site, of approximately 0.48 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site is classed as brownfield land and is within a high risk coal mining area.

The statutory 13 week determination period for this application expired on the 22nd April and a subsequent extension of time to the statutory determination period has been agreed to the 16th August 2024.

RECOMMENDATIONS

A) Subject to the applicant entering into a Section 106 obligation by 18th October 2024 to secure the following:

- **A contribution of £117,159 towards off site open space provision**

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. Details of revised access arrangement;**
- 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. Secure cycle storage;**
- 9. Road design details;**
- 10. Electric vehicle charging provision;**
- 11. Residential Travel Plan Framework;**
- 12. Highway & Environmental Construction Management Plan (CEMP);**
- 13. Tree protection measures;**
- 14. Archaeological investigation and implementation;**
- 15. Land contamination;**
- 16. Detailed drainage and surface water maintenance and management plan;**
- 17. Provision of bat, bird boxes, swift bricks and sparrow terraces as per enhancements plan;**
- 18. Waste storage and collection arrangements;**
- 19. Noise management and mitigation measures during construction and**
- 20. Affordable Housing Provision.**

B. Should the matters 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 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

The redevelopment and regeneration of this vacant brownfield site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. The site has no

major constraints and it is considered that subject to a number of conditions, the development represents a sustainable form of development and should be supported.

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

The application seeks full planning permission for the erection of 21 new houses, and a new vehicular access off High Street in Knutton. The site is classed as brownfield land. The application site, of approximately 0.48 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

Subject to condition there are not considered to be any issues relating to coal mining legacy , flood risk or drainage and the following key issues are therefore considered most relevant to the proposal:

1. The principle of the development of this site for residential purposes,
2. The design of the development and its impact on the surrounding area,
3. The impact of the development on highway safety,
4. Acceptable standards of residential amenity,
5. The impact on trees and ecology,
6. Affordable Housing,
7. Planning obligations and financial viability,
8. Other matters,
9. Conclusions and planning balance and
10. Reducing Inequalities

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

The National Planning Policy Framework (the Framework) seeks to support the Government's objective of significantly boosting the supply of homes. It also sets out that there is a presumption in favour of sustainable development.

The application site within the Urban area of the Borough within the western area of Knutton.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say 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.

Paragraph 123 of the Framework states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 11 of the Framework states that Plans and decisions should apply a presumption in favour of sustainable development. 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))

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Footnote 8 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where (a) the local planning authority cannot demonstrate a 5 year supply (or 4 year supply, if applicable as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77 and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years.

The Council has now updated its five-year housing land supply position and has demonstrated a housing land supply of 5.26 years. Therefore, the Council is currently able to demonstrate an appropriate supply of specific, deliverable housing sites.

CSS Policies SP1 and ASP5, and Local Plan Policy H1 are concerned with meeting housing requirements and given that these policies do not reflect an up-to-date assessment of housing needs, they are considered to be out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

Therefore, notwithstanding the five-year housing land supply position, it is considered that the test in paragraph 11(d) has to be applied to this application given the lack of up-to-date policies in relation to the provision of housing. Therefore, the tilted balance outlined within Paragraph 11(d) of the framework is considered to be engaged and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

The site is located in the urban area of the Borough adjacent to an established residential area and is therefore considered to represent a sustainable location for housing development by virtue of its close proximity to services, amenities and employment opportunities. The site has good access to regular bus services to destinations around the borough and beyond.

Subject to any adverse impacts not outweighing the benefits it is considered that the proposal is acceptable in principle.

The design of the residential development and its impact on the surrounding area

Paragraph 131 of the 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 135 of the framework lists 6 criteria, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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.

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.

The site is currently open and offers very little in respect of visual quality, being made up of large areas of hardstanding. The site is also classed as brownfield land.

The proposed houses would be a combination of detached and semi-detached two storey properties which would be of traditional design. The site is bounded by highways to the northwest and south west whereas existing residential areas, comprised of a mixture of two storey house types, are found to the south east and north east. Nearby dwellings have a traditional appearance and are relatively simple in

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design, however most enjoy good sized gardens and private driveways. An existing baby scanning centre would be retained as part of the redevelopment of the site and is positioned on the western boundary of the site, close to the proposed access road.

The proposed development has been presented to a Design Review Panel (DRP) at an early stage in the process, as encouraged by the NPPF, and a number of amendments and enhancements have been made to the scheme at the request of the case officer to ensure that the scheme demonstrates a high quality design as required by both national and local policies. The site has been designed to include a good number of varied house types with the chosen designs integrating well with the local design vernacular. The proposed materials for all houses are to be traditional red facing brick, with the majority of detailing also being completed in matching brick. Window cills are to be constructed of artificial stone with windows to be white uPVC. The material choice is considered to be appropriate given the local design character, however a condition shall be attached to any permission granted to secure full and precise details of external facing materials.

A number of landscaped areas and new planting will also help to break up new built-up frontages and soften the overall visual impact of the development. Boundary treatments for rear garden areas are to be 1.8 vertical close boarded timber fencing, whilst a mixture of hedges and timber fencing will be used for more prominent positions within the site. The boundary treatments proposed are typical of a residential scheme of this type and are considered to be appropriate in general, however it is considered necessary to use a condition to control the final boundary scheme for the site.

To conclude, the proposal will help to remove what is currently a vacant brownfield site in the area and replace this with a high quality residential development which will integrate well with surrounding land uses. It is therefore considered that the design of the proposed development is acceptable and subject to conditions, it will comply with design principles and policies of the Council's Urban Design Guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

The impact of the development on highway safety

Paragraph 114 of the NPPF states that sustainable modes of transport are prompted and seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph 115 highlights that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Such a policy is, however, of limited weight as it is not in fully consistent with the Framework given it reference to maximum parking levels.

The site is considered to be within a sustainable location and has a range of services located nearby which are safely accessible by foot and bicycle. The proposed residential units would each provide sufficient off-street car parking spaces which would be in accordance with the Council's parking standards set out in Appendix A of the Saved Local Plan policies.

The transport statement notes that the proposed residential development will generate a total of 7 two-way vehicle trips during a typical weekday morning peak hour and a total of 8 two-way vehicle trips during a typical weekday evening peak hour. This is equivalent to less than one vehicle trip every five minutes and the transport statement concludes that this would have a negligible impact on traffic in the area. Details within the statement also show that the proposed development would generate less vehicle trips than the previous use of the site which was a community centre.

The layout of the site and provision of areas of unadopted road would mean that 4 properties would have to take their bins out to a bin collection point given their siting on an area of unadopted road. However the unadopted roads incorporated into the proposal are limited in size with most properties being no further than 20m from an adopted road. In consideration of the fact that there is no identified

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breach of policy, the arrangement as proposed is considered to be sufficient and ensures that the amenity level of future occupants is acceptable from a waste collection perspective.

The Highway Authority has no outstanding concerns and is resolved to support the application subject to conditions and informative comments. Therefore, it is considered that the proposal would not have any significant adverse impact on highway safety and it is considered that the proposal complies with Policy T16 of the Local Plan and the aims and objectives of the Framework.

In the absence of any objections from the Highway Authority and subject to conditions, it is not considered that the proposal would have any significant adverse impact on highway safety and it is considered that the proposal complies with Policy T16 of the Local Plan and the aims and objectives of the Framework.

Acceptable standards of residential amenity

Paragraph 135 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 191 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.

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

All properties within the development site would achieve acceptable separation distances, in accordance with the Council's SPG and the proposal raises no issues with respect of loss of privacy and all plots will have an acceptable amount of private amenity space.

The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to land contamination, internal noise levels for dwellings, construction management and hours of construction. Therefore subject to the inclusion of the conditions referred to above, the development is considered to be in compliance with the provisions of the NPPF.

Impact on Trees and Ecology

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".

Paragraphs 180 & 185 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.

Policy N12 of the Local Plan states that the Council will 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.

The main part of the site is comprised of large areas of hardstanding with some grassland and contains few natural features, however there are three mature trees along the southern and western boundary that are worthy of retention and a cluster of a trees along the site's north western boundary which make a positive contribution to the street scene. No trees within the site are protected however one mature tree close to the proposed access point will need to be removed to accommodate the proposal. Whilst the loss of this tree is unfortunate it is recognised that the proposal will result in an overall net increase

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in trees within the site, and subject to a landscaping plan being controlled via a condition, it is considered that the loss of the tree can be adequately mitigated. All other trees within the site will be retained. The removal of areas of hardstanding would also create some additional opportunities for biodiversity.

The Preliminary Ecological Appraisal submitted in support of the application notes that the habitats within the site provide suitable foraging and nesting opportunities for common bird species, however the appraisal notes that there is limited habitat for more uncommon and protected bird species. It is noted that there are no buildings within the site and the trees within the site offer negligible to low potential to support roosting bats. Due to the lack of available aquatic habitat and poor connectivity to the site, it is considered that amphibians will unlikely be impacted by any development, and the site has low potential for reptiles. Overall given the lack of natural features within the site, the impact of proposal on ecology is limited.

A number of enhancement measures are outlined within this appraisal, which include the provision of bird and bat boxes. Subject to suitably worded planning conditions which would tie in the recommendations of the appraisal, it is considered that the application has demonstrated that the impact and loss of wildlife and biodiversity can be suitably mitigated, in accordance with the provisions of the NPPF.

Affordable Housing

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 100% affordable housing and therefore exceeds the requirements of policy CSP6.

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement. This Council has previously accepted the use of a condition in cases similar to this, and therefore a condition to control the affordable housing element of the scheme will be attached to any permission given.

Planning obligations and financial viability

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It 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.

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

The Landscape Development Section have requested a financial contribution of £5,579 per dwelling which will be used to improve and develop the Cotswold Avenue play area and open space which is less than 350m from the site. The total overall contribution for the 21 dwellings would be £117,159.

The application is supported by a viability assessment which concludes that the scheme cannot support the policy compliant contributions.

The NPPF 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.

The submitted viability assessment is being reviewed by an independent third party and their comments are expected prior to the meeting of the Planning Committee. An update will be provided to Members on this matter.

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Other Matters

One representation received has raised concerns that Japanese knotweed is present on site, and therefore a suitably worded informative notifying the applicant of this plant species potentially being on site will be added to any decision notice.

Conclusions and planning balance

The proposal would provide various social and economic benefits, most notably the construction of 21 new residential properties on a brownfield site within a highly sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. It has also been demonstrated that the design and appearance of the scheme would be of an appropriate quality and would not harm the visual amenity of the area. Onsite replanting and biodiversity enhancements have been proposed and other environmental objectives will be secured. Therefore, the three overarching objectives of sustainable development will be achieved.

On this basis planning permission should be granted provided the required S106 obligations are secured to address infrastructure requirements, alongside appropriate planning conditions, as recommended.

Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

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 N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – general Considerations
Policy IM1:	Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, 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

23/00958/DEEM3 - Prior approval of proposed demolition of former health centre – permitted

Views of Consultees

Following the submission of additional information, the **Coal Authority** raises no objection to the proposal.

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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.

CADENT raises no objections to the proposal subject to an informative being added to the decision notice.

Following the submission of additional information, the **County Highway Authority** raise no objections subject to conditions which secure the following;

- Revised access arrangements onto highway to be agreed
- Surfacing materials and surface water drainage of private drives, and parking areas,
- Detailed design of all new roads, footpaths, visibility splays, surface water drainage and other technical details to be submitted
- Secure weatherproof cycle parking for plots without a garage,
- Construction Management Plan (CMP).

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

The **County Archaeologist** raise no objections subject to a condition requiring that a programme of archaeological works is submitted.

The **Environmental Health Division** raise no objections to the proposal subject to conditions relating to contamination and noise insulation details.

The **Landscape Development Section** raise no objections to the proposal subject to the following:

- That a plan showing the proposed root protection fencing is submitted, for all retained trees.
- The all retained trees are protected in accordance with BS5837:2012 throughout the construction period.
- That details are provided in relation to the construction of the shared surface area to the front of the site in relation to T4, as the surface is within the RPA this should be no dig construction method.
- That details are provided in relation to the retained Category B tree and the construction of the new access road. The access road is with the RPA of the tree, and this appears to be more than the permitted 20% encroachment into the RPA. The construction methods should be no-dig within the RPA.
- That a contribution towards of site open space provision should be provided for the 21 dwellings of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This would be used to improve and develop Cotswold Avenue play area and open space which is less than 350m from the site.

Following revised drainage details **The Lead Local Flood Authority (LLFA)** have confirmed that they raise no objections to the proposals subject to a condition which would require the submission of a detailed drainage and surface water maintenance and management plan.

Comments were also invited from the **Local Area Partnership Western Communities, Staffordshire And Stoke-on-Trent Integrated Care Board, Waste services** and **Naturespace** however no comments have been received.

Representations

3 (three) letters of representation have been received, two of these raise queries and concerns regarding archaeology, privacy, knotweed, drainage and disabled access.

The other representation notes that the proposal should incorporate swift bricks and bat boxes.

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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/24/00023/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

25th of July 2024

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