

LAND OFF CROSS STREET, CHESTERTON
DURATA DEVELOPMENT LTD

24/00137/FUL

The application seeks full planning permission for 39 new dwellings with associated landscaping and access at land off Cross Street, Chesterton.

The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The statutory 13-week determination period for this application expired on 19^h July and an extension of time has been agreed to 13th September 2024.

RECOMMENDATIONS

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 vehicle access onto Kent Grove, reconfiguration of footway and provision of tactile crossing;**
6. **Full details of vehicle access onto Cross Street, parking for plot 3 and communal parking for plots 4-17 to be submitted.**
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. **Landscaping Plan**
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.**

Reason for recommendations

The redevelopment of this 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. Subject to 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 requested further information throughout the application process and the applicant has subsequently provided amended and additional information. The application is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

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The application seeks full planning permission for 39 dwellings and associated landscaping and access at land at Cross Street, Chesterton.

The application site falls within the urban area of the Borough as indicated on the Local Development Framework Proposals Map.

The proposed application raises the following key issues:

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. Residential amenity,
5. The impact on trees and ecology,
6. Biodiversity Net Gain
7. Planning obligations and financial viability, and
8. Conclusions and Planning Balance

The principle of the development of this site for residential purposes

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 a central part of Chesterton.

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 117 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))

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 Inspectors in a number of previous appeal decisions, have found that these policies

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do not reflect an up to date assessment of housing needs, and as such are out of date in respect of detailed housing requirements by virtue of the evidence base upon which they are based.

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 in close proximity to the centre of Chesterton 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 proposal would make a contribution to the Council's housing supply. Whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits will be considered later in this report.

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 proposed dwellings would be a combination of detached and semidetached two storey properties, bungalows and a three storey apartment block, all of which be of traditional design. The area around the application site is made up predominately of residential properties of various housing styles which includes a cluster of three storey apartment buildings and associated car parks to the east. The nearest dwellings to the west are made up of uniformly designed terraced bungalows whereas more traditional two storey semidetached and terraced dwellings are located to the south. Crackley Field and Crackley Park are located to the north of the site.

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 being considered to be acceptable additions to the local design vernacular. 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. The three-storey apartment building, whilst large, would not appear out of place given the other nearby apartment buildings, but rather would provide an attractive backdrop to the rest of the development.

To conclude, subject to a condition regarding the control of external facing materials, the proposal is considered to comprise good 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

The NPPF, at paragraph 115, states 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 fully consistent with the Framework given its 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 an approximate total of 13 two-way vehicle trips during the AM peak hour and approximately 15 two-way trips during the PM peak hour, which equates to approximately one additional vehicle every 4 minutes on the surrounding highway network. The Transport Statement concludes that the traffic increase from the proposal would not be severe, and no further assessment or mitigation is considered necessary. The Transport Statement also notes that there is a previous permission on this site for a 37 bedroomed supported living apartment building.

The layout of the site and provision of areas of unadopted road would mean that the residents of the pair of detached bungalows to the southeast of the site would be able to take their bins out directly onto the highway. For the other properties bin storage areas will be provided which are marked on the submitted plans. In consideration of the fact that there is no identified 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 was consulted on the proposal and whilst they were generally satisfied with the proposed arrangements, they did request that additional information was submitted in support of the application which related to the installation of a pedestrian crossing, a revised arrangement for the driveway associated with plot 22 and the increase of a parking space for plot 2. Amendments have subsequently been made to the scheme to address these points and the Highway Authority has confirmed that they raise no objections to the proposal subject to conditions.

Subject to the imposition of the conditions requested by the HA, 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.

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.

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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 Division has 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.

The 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.

An Arboricultural Assessment has been submitted in support of the application which notes that there are a total of 39 individual trees, 2 tree groups and 2 hedgerows all of which are either moderate (category B) quality or low quality (category C trees). There are no protected trees within the site. Demolition has already taken place on the site and so a number of trees have already been removed. The development will require the removal of 11 individual trees and 2 low quality groups (G1 and G2). The proposed individual tree removals comprise 4 moderate quality trees and 7 low quality trees. Whilst the loss of these trees is unfortunate, it is recognised that the proposal will result in an overall net increase in trees within the site, and subject to a landscaping plan being controlled via a condition, it is considered that the loss of the trees 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 trees offer a negligible scope for roosting bats due to the nearby street lighting and their location within a residential area, but trees within the site have some limited scope for bird nesting provision. 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 the proposal on ecology is limited.

Biodiversity Net Gain

Paragraphs 180 & 185 of the NPPF set 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.

Biodiversity Net Gain (BNG) is "an approach to development that leaves biodiversity in a better state than before". When applying biodiversity net gain principles, developers are encouraged to bring forward schemes that provide an overall increase in natural habitat and ecological features. The aim of BNG is to minimise losses of biodiversity and help to restore ecological networks. Sites must demonstrate a minimum of a 10% Biodiversity Net Gain as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, with habitat used for net gain to be secured for a minimum of 30 years.

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An on-site baseline biodiversity value has been provided within the Preliminary Ecological Appraisal which has been submitted in support of the application and the applicant has then made a post-development biodiversity value calculation by using the Statutory Biodiversity Metric Tool provided by DEFRA.

The site consists of an area of hardstanding and grass land, and although there are number of trees scattered through the site, it is considered that the site has low habitat significance and has been given a total of 2.99 biodiversity units. The proposal will result in the creation of extensive hedgerow planting which has been calculated to provide an overall gain of 3.38 habitat units representing a 13.14% increase to biodiversity gain for the site.

The results of the assessment demonstrate that the reserve area is expected to result in a gain in biodiversity units for both area based and linear habitats when compared with the current baseline. To conclude it is considered that the proposal has adequately demonstrated that the site will result in an on-site biodiversity net gain.

Planning obligations and financial viability

Any developer contribution to be sought must be 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 has requested a financial contribution of £5,579 per dwelling which will be used to improve and develop off site open space. The scheme includes twenty one, 1 bedroom units and therefore these units would not be considered to provide family accommodation. Therefore the inclusion of the £512 within the requested sum that would go towards play spaces for children and young people is not considered to be reasonable or necessary. Therefore a total of £10,752 should be deducted from the total sum requested by the LDS which would take the overall contribution to £95,249.

The Highway Authority has requested a financial contribution of £3,000 towards residential travel plan monitoring to support the developer's Travel Plan Coordinator and audit annual monitoring reports to ensure the Travel Plan outcomes are being achieved.

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 has been reviewed by an independent third party instructed by the Council to consider the position put forward by the applicant. Their report concludes that the scheme would be unviable if any S106 contribution was secured. On this basis, any requirement for a S106 contribution must be set aside.

Conclusions and planning balance

The proposal would provide various social and economic benefits, most notably the construction of 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.

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It has been demonstrated that there would be no adverse impacts that would significantly and demonstrably outweigh these benefits and therefore, the scheme is recommended for approval.

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 CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy IM1: Provision of essential supporting infrastructure and community facilities
Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (December 2023)

Planning Practice Guidance (2019 as updated)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Open Space and Green Infrastructure Strategy (April 2022)

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

20/00369/FUL - Demolition of all existing buildings and a) full planning permission for the development of 9 bungalows (C3 Use Class) along with car parking, landscaping and associated amenity space; and b) outline planning permission with all matters reserved except access for (i) the development of 43 dwellings (C3 Use Class) and (ii) an older persons scheme comprising 73 supported living apartments for the over 55's and associated communal facilities, along with additional car parking, landscaping and amenity space – Permitted

22/00012/REM - Approval of Reserved Matters (scale, layout, landscaping and external appearance) for the development of 35 dwellings, pursuant to planning permission 20/00369/FUL – permitted

22/00521/FUL - Application to vary conditions A2 (to alter the design and layout) & C9 (electric vehicle charging points) of planning permission 20/00369/FUL – permitted

23/00353/FUL - Application to vary conditions A.1 and A.8 (Road Safety Audit) of planning permission 22/00521/FUL – permitted

Views of Consultees

The **Education Authority** state 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.

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

- 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),
- Details of revised vehicle access onto Kent Grove, reconfiguration of footway and provision of tactile crossing,
- Full details of vehicle access onto Cross Street, parking for plot 3 and communal parking for plots 4-17 to be submitted.

The Council's **Environmental Health Division** has no objections subject to conditions relating to land contamination, construction management, noise levels and hours of construction.

The **Crime Prevention Design Advisor** is generally supportive of the proposal and has provided guidance on a number of security matters.

The **Landscape Development Section** raises no objection to this proposal subject to a financial contribution for offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years, making a total contribution of £106,001.

Severn Trent Water raise no objections subject to the submission of drainage plans for the disposal of foul and surface water flows.

Following the submission of 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.

Naturespace has no comments on the application.

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

No comments have been received from the **Housing Strategy Section, County Ecologist** or **Waste Management Team** and given that the period for representation has ended, it must be assumed that they have no comments to make.

Representations

One (1) letter of representation has been received from a member of the public which requests that swift boxes are incorporated into the proposal.

Applicant/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/24/00137/FUL>

Background Papers

Planning File

Development Plan

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Date report prepared

29th August 2024

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