

The application seeks full planning permission for the construction of 14 dwellings, the formation of open space, hard and soft landscaping, provision of access and associated engineering work at land at Bath Road, Silverdale.

The application site is located within the urban area of Silverdale, as indicated on the Local Development Framework Proposals Map. The site is also located within a High Risk Coal Mining Area.

The 13-week period for the determination of this application expired on 13<sup>th</sup> August 2024 but an extension of time has been agreed to 5<sup>th</sup> December 2024.

**RECOMMENDATION**

**(A) Subject to the applicant entering into a Section 106 obligation by 31<sup>st</sup> January 2025 to secure the provision of off-site Biodiversity Net Gain on an alternative site within the borough,**

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

- 1. Time limit**
- 2. Approved plans**
- 3. Materials, boundary treatment and hard surfacing details**
- 4. Landscaping scheme**
- 5. Hours of construction**
- 6. Construction management plan**
- 7. Access, parking, turning areas and relocated lighting columns in accordance with submitted plans**
- 8. Reinstatement of footway**
- 9. Visibility splays**
- 10. Relocation of bus stop**
- 11. Tree protection**
- 12. Levels**
- 13. Contamination**
- 14. Recommendations of Preliminary Ecology Appraisal**
- 15. Installation of bat boxes**
- 16. Remedial stabilisation works**
- 17. Drainage details**

**(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; 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 highly sustainable location for residential development. The design and layout would integrate well with the established character of the surrounding area and subject to conditions, the proposal raises no issues of highway safety, impact on residential amenity, trees or ecology.

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

Amended plans and additional information have been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

**KEY ISSUES**

The application seeks full planning permission for the construction of 14 dwellings, formation of open space, hard and soft landscaping, provision of access and associated engineering work. The application site is situated at the corner of the junction of Cheddar Drive with Bath Road, Silverdale.

The application site is located within the urban area of Silverdale, as indicated by the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- The principle of the development,
- Design and impact on the character and form of the area,
- Residential amenity,
- Parking and impact on highway safety,
- Impact on trees,
- Ecology and Biodiversity Net Gain,
- Financial Contributions.

### **The principle of the development**

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

The application site is located within the urban area of the borough. It is considered to represent a sustainable location for new residential development where occupants of the proposed dwellings would have good access to a variety of services and facilities as well as public transport links and suitable pedestrian and cycle routes. In addition, the site would make use of a previously developed site, an approach considered to be a highly sustainable and appropriate way to obtain new development. Therefore, the principle of residential development in this location is considered to be acceptable.

Concerns have been raised in relation to the loss of the former retail/commercial units that occupied the now vacant buildings fronting onto Bath Road. The application site is not located within a district centre whereby retail development is protected by policy. The closure of the retail units, even prior to this application being made to the Local Planning Authority, is beyond the control of the Council and there is nothing within the Development Plan or NPPF that would stipulate that in policy terms, there would be a need to provide replacement units.

The applicant has also responded to these concerns raised through the preparation of a supporting note. This details that the applicant has, as part of the design process, explored the option of providing one retail unit on site, but that there is currently no interest for this. However, they have expressed that the design of the scheme allows for flexibility through the incorporation of the two split level apartments which, should interest from a commercial entity come forward post planning, the position could be reconsidered. This is subject to a separate planning application process, and so cannot be afforded any weight in the consideration of this proposal.

The submitted Planning Statement and Transport Statement, highlight that the site is located within walking distance of Silverdale district centre making it a sustainable and accessible location. The existing 'One Stop' convenience store located off the High Street is 1km (0.6miles) from the site, which is approximately 16 minutes' walk away, enabling future residents of the site and existing residents of the Park Side estate the opportunity to pick up everyday essentials within walking distance. This

distance is in accordance with the Institution of Highways and Transportation Guidance “Guidelines for Providing Journeys on Foot”. Further afield, the shops and amenities located at the Parade in Silverdale are 1.2km (0.8miles), approximately 21 minutes’ walk, from the site. There are several shops located on the Parade including a Co-operative food store, chemist, and post office which are easily accessible via foot.

In addition to the services and facilities available within Silverdale, the site is also located on a convenient bus route with regular services (No. 1 and No. 1A) passing the site and providing both future and existing residents with the opportunities to travel into Newcastle Town Centre and further afield. It is also noted that these bus routes pass the ‘One Stop’ convenience store and the Parade. The existing bus stops are located along Bath Road with the northbound stop currently located immediately outside the site is proposed to be relocated approximately 45 metres to the north between Cheddar Drive and the access to the nearby car park. The relocation of this bus stop has been accepted by the Local Highway Authority and will be secured by condition.

#### Design and impact on the character and form of the area

Paragraph 131 of the National Planning Policy Framework (the 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.

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.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle’s unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The development site comprises approximately 0.26 hectares of land that is largely rectangular in shape and is positioned at the junction of Cheddar Drive with Bath Road. Currently there are four, two-storey semi-detached buildings but these are vacant. The last use saw the first floor of these buildings used for residential purposes, and the ground floor as commercial/retail space. To the rear of these buildings is an area of vacant, previously developed land that was historically host to a children’s play area and which would be incorporated into the scheme.

The site slopes notably down from west to east, with a total level change of approximately 6m. Along the frontage of the site on Bath Road there is currently a deep grassed area of highway verge that is interspersed with the stepped entrances to the vacant buildings.

In terms of wider development, the surrounding area is comprised largely of traditional two storey terraced and semi-detached properties. There is a public car park sited directly north of the site and to the south and southwest is an area of Public Open Space known as Ilkley Place.

The development would result in the construction of 14 dwellings. It would be split into two blocks of housing with one row fronting directly onto Bath Road and then directly behind these dwellings would be a further 6 properties that would be accessed via a new private drive created off Cheddar Drive. This layout and arrangement allow for an active frontage to be retained on Bath Road and is respectful to the existing built form and layout of surrounding properties. In addition, it achieves back-to-back gardens, and design standards considered to be appropriate in terms of design quality and living standards. Whilst the layout would mean that the development would not achieve an active frontage onto Cheddar Drive, the side facing gables of the buildings along this part of the site have all incorporated acceptable levels of fenestration and brickwork detailing to add architectural interest to these elevations. Therefore, the scale and layout of the development is considered to be acceptable.

All of the dwellings are two storeys in height and would be constructed from traditional tile and brickwork, with a gabled roof arrangement used throughout all of the dwellings. The design of the dwellings has

also responded positively to the level constraints of the site though the provision of split levels internally within the building, a design choice that was welcomed by the independent Design Review Panel that considered the scheme prior to its formal submission.

The material palette for the development would include the use of concrete roof tiles and a mixture of red brick types throughout the dwellings to provide some areas of contrasting brickwork for architectural detailing and interest. These materials would integrate well with the established character of the surrounding area and a condition can be attached to any permission granted to secure full and precise details of the materials to be used.

Concerns had been raised by officers during the pre-application stage about the loss of the deep, grassed highway verge and its replacement with parking. As existing this element provides a welcome visual break to what is otherwise a heavily built up and developed area. From the pre-application stage to submission the applicant has taken on board these comments and addressed the parking layout to provide greater opportunities for soft landscaping and the latest landscaping plan incorporates trees and planting on each exposed frontage that would go some way to softening the appearance particularly when viewed travelling southwards along Bath Road. As a result, the scheme on this basis is considered to be acceptable.

#### Impact on 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.

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

There would be no breach of the guidance contained within the SPG in relation to the separation distances between the proposed dwellings and the existing dwellings along both Cheddar Drive and Bath Road.

Each of the semi-detached dwellings would have a suitably sized garden and with appropriate separation distances between principal windows. A shared private communal garden space is also proposed for use by the occupants of the flats which is considered to be an appropriate addition to the scheme.

Comments from Silverdale Parish Council consider that one of the two new flats proposed does not comply with the National Space Standards. The flats are both stated as 2-bedroom, 3 person flats for which the national space standard recommends an internal floor area of 61 square metres. One of the flats has an internal area of 61 square metres, the other, the ground floor unit would be 56 square metres which is below the recommended standard. It must be noted however that these standards are recommended levels of floor area, and this policy does not form part of the development plan for the Authority and so is of limited weight. Notwithstanding this, the flat only falls short of the recommended standards by 5 square metres. The principal rooms are of a suitable size and scale and have sufficient means of outlook and ventilation and so such a shortfall is not considered to be harmful to the amenity or living conditions of future occupants of this flat.

Further concerns have been raised by Silverdale Parish Council in relation to the internal layout of the proposed dwellings, notably the siting of a downstairs WC which is accessed from the living/dining room. The comments note that the ideal is to have a separating lobby for privacy when accessing the toilet. Whilst these comments are noted, there is nothing within policies of the development plan, NPPF or supporting supplementary information that stipulates where the provision of WC facilities should be located within a dwelling. This would be a matter for building regulations and as such, this issue is not considered to be sustainable as grounds for refusal of the scheme.

In light of the above it is considered that the development would be capable of providing an acceptable level of amenity to the occupants of the proposed dwellings whilst also having an acceptable level of impact on those in neighbouring dwellings.

### Parking and impact on highway safety

Paragraph 114 of the NPPF states that, amongst other points, development should provide a safe and suitable access to the site for all users.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

The application would create 14 residential dwellings comprised of 12 two-bedroom dwellings and 2 two-bedroom flats. The first block of properties would have vehicular access and frontage parking directly from Bath Road, whilst the second block of dwellings would be served by a new point of access and private drive off Cheddar Drive.

A total of 21 parking space are provided across the development. This would be a shortfall of 7 parking spaces below the maximum parking standards that are recommended within the Local Plan.

The Highway Authority notes the shortfall in spaces but refers to the fact that the parking standards outlined within the Local Plan are maximum standards. They consider that given the sustainable location of the site and close proximity of a public car park on Cheddar Drive that on this occasion such a shortfall is acceptable. Your officers agree with this assessment.

In order to facilitate access to the frontages of the dwellings on Bath Road, an existing bus stop and two lighting columns would have to be relocated. The latter would be dealt with by an agreement with Staffordshire County Council, however the HA have confirmed that the proposed relocation of the bus stop to the north of the site, adjacent to the public car park on Bath Road, is acceptable.

The HA have also confirmed that the access and visibility from the access on both Bath Road and Cheddar Drive are acceptable, as are the proposals to widen the footways on the approach to both points of access.

Whilst the comments of Silverdale Parish Council are noted in terms of securing one additional parking space, in light of the comments received from the Highway Authority together with the sustainable location of the site it is not considered that such a change is necessary. In addition, the NPPF only advises that applications should be refused on highway safety grounds if the development would have an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe. The shortfall of parking spaces does not, on this occasion, result in unacceptable impacts to the highway network.

Therefore, subject to conditions, the proposed development is considered to be acceptable from a highway safety perspective and so accords with the provisions of the development plan as well as the aims and objectives of the NPPF.

### Impact on Trees

Policy N12 of the Local Plan details that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also details that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

An Arboricultural Report has been submitted alongside the application. This indicates that 6 trees would need to be removed in order to accommodate the development including 6 Category C trees (T1, T12 and T14-T17) and 2 category B trees (T13).

The loss of the category C trees, given their low amenity value and quality, is not considered to have a harmful impact on the character and appearance of the wider landscape. However, the removal of the category B trees is an unfortunate loss from the site.

The application documents stipulate however that new trees would be planted along the frontage of Bath Road to help to offset and mitigate the loss of these trees. In addition, further shrubs and amenity planting is proposed on the corner of Bath Road and Cheddar Drive and along the frontage shared with Cheddar Drive which would help to further soften and mitigate the impacts of the built development. The redevelopment of the site on the whole would be an improvement to the appearance of the wider landscape and the level of replacement planting is considered to be suitable.

The Arboricultural Report also includes a Tree Protection Plan which identifies suitable levels of protection can be achieved and also that areas of special construction will be required within the Root Protection Areas of T18 and T1, all of which can be secured by condition.

The Landscape Development Section raises no objections to the proposal subject to the tree protection measures being implemented and the submission of details of existing and proposed levels. Whilst there is some encroachment into the RPA of some of the retained trees, the LDS accepts that the special engineering measures as shown would mitigate any potential damage to the rooting areas of these trees.

Therefore, in light of the above, and subject to appropriately worded conditions, it is not considered that the proposed development would have an unacceptable impact on trees or the visual amenities of the area.

#### Ecology and Biodiversity Net Gain

Saved Policy N3 of the Local Plan states that development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough. This includes measures to retain habitats/features of nature conservation and protect them from adverse impacts and to replace habitats/features on at least an equivalent scale where the Council agrees that the loss of wildlife habitats cannot be avoided.

The application is accompanied by a Preliminary Ecological Appraisal (PEA). This details that in terms of habitats, 60% of the site consists of building and hard-standing ground with the remaining 40% comprising scrubland that has become established during the last ten years. The site is of limited value to support wildlife.

The assessment makes a number of recommendations to safeguard birds as well as bats, given that the buildings to be demolished are of roosting potential for bats. An additional bat and bird survey report has been undertaken which did identify that bats are roosting within the buildings. Therefore the applicant has confirmed that prior to the demolition of any buildings, a Natural England Development license will be needed to legally carry out the mitigation and compensation measures. This process is separate to the planning process and is protected by a separate area of legislation. However, the mitigation measures that are recommended following the granting of any license can be appropriately secured by condition and this includes detail regarding time avoidance; toolbox talks; soft demolition and the installation of bat boxes. No evidence of nesting birds was identified but recommendations are made in terms of development during birds nesting season.

The PEA also recommends a number of landscaping enhancement measures which would be incorporated into a landscaping scheme which has been taken on board by the applicant and incorporated into the landscaping strategy.

Now turning to the requirements for Biodiversity Net Gain (BNG).

Where possible, biodiversity net gain should be provided for wholly within the boundary of the site requiring planning permission and follow the principles of the mitigation hierarchy set out in national guidance where biodiversity impact is an issue.

It is recognised that due to the nature of the development site and the dwellings and hard landscaping involved, the required BNG cannot be achieved on site. The applicant does however have another application currently submitted within Silverdale (Ref. 24/00231/FUL) and will factor the BNG requirements associated with this application into the landscaping and additional enhancements for that scheme. This would secure the required BNG uplift and could be secured by a S106 agreement.

## Financial Contributions

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 Landscape Development Section have requested a financial contribution of £78,106 for off-site Public Open Space improvements to be used at Ilkley Place Play Area (adjacent to the site) and/or to Underwood Road Play Area, which is located 320m from the site.

The Staffordshire and Stoke-on-Trent Integrated Care Board have requested a sum of £12,552 to be applied towards the provision of Health Care Services within the Newcastle South and/or Newcastle Central Primary Care Networks.

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

The applicant has submitted a Viability Assessment which seeks to demonstrate that the above financial contributions would render the scheme unviable. The viability case has been considered by independent and suitably qualified valuers and it is accepted that the scheme cannot meet the requisite planning obligations.

## 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 CSP1  | Design Quality                              |
| Policy CSP3  | Sustainability and Climate Change           |
| 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 IM1: | Provision of Essential supporting Infrastructure                                |

### **Other material considerations include:**

National Planning Policy Framework (2023)

Planning Practice Guidance (March 2019, as updated)

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

23/00950/DEM Application for prior approval for demolition of four two storey semi-detached properties  
Approved 12<sup>th</sup> January 2024

Views of Consultees

The **Highway Authority** raises no objections subject to conditions regarding the implementation of access, parking, turning areas and relocated lighting columns, reinstatement of footway off Cheddar Drive, provision of visibility splays and relocation of the bus stop on Bath Road.

**Staffordshire and Stoke-on-Trent Integrated Care Board** request a payment of £12,552 which would be targeted towards supporting the future development/adaptation/expansion of primary care facilities, with the aim of tackling inequalities in outcomes, experience, and access for patients.

**Staffordshire Flood Team** raise no objections to the proposal subject to a condition requiring the submission of a final detailed surface water drainage design.



**Silverdale Parish Council** raise concerns regarding the lack of a retail unit, inadequate parking provision, conflict with national space standards for dwellings, inadequate boundary treatments and flawed BNG calculation.

The **Landscape Development Section** raise no objections to the proposal subject to conditions regarding tree protection and levels. A contribution of £78,106 is requested for off-site Public Open Space improvements.

The **Environmental Health Division** have no objection subject to conditions relating to land contamination, a construction environmental management plan and hours of operation for construction work.

Staffordshire County Council as **Education Authority** state that the development would not require an education contribution.

The **Coal Authority** has no objection subject to conditions regarding land stabilisation.

**Staffordshire Police Designing Out Crime Officer** offer advice in regard to boundary treatments and security measures.

**Severn Trent Water** have no objection subject to subject to standard conditions on drainage.

#### Representations

Two letters of representation have been received raising objections/observations on the following grounds;

- Social impact of loss of the retail shop in this location
- Knock on effect of residents having to travel further to purchase goods
- Request for 'swift bricks' to be incorporated into development

Councillors Brown and Adcock support the submission of Silverdale Parish Council regarding the loss of a retail unit.

#### Applicant/agent's submission

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

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<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/22/00397/FUL>

#### Background Papers

Planning File  
Development Plan

#### Date report prepared

19 November 2024