

LAND AT SLACKEN LANE
GLEESON REGENERATION LIMITED

24/00089/FUL

The application seeks full planning permission for the erection of 170 no. dwellings with associated access and landscaping.

The application site, of approximately 5.94 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. Parts of the site are classed as brownfield land and the site falls within a high risk coal mining area. A Public Right of Way (Kidsgrove 139) runs along the south western boundary of the site.

The statutory 13 week determination period for this application expired on the 13th May 2024 but an extension of time has been agreed to the 31st March 2025.

RECOMMENDATIONS

REFUSE for the following reasons:-

1. The applicant has failed to demonstrate that a safe and suitable means of access to the site for the intended scale of development is achievable, thereby having an adverse impact on highway safety.
2. The proposal does not provide a high quality residential development as a result of its high density and due to issues surrounding parking dominant layouts, excessive hard standing at the front of properties and a lack of soft landscaping. The resulting development would be considered over development and overly urban in character.
3. The access arrangements for the development would result in an increase in noise nuisance and loss of privacy to the properties of 'The Hawthorns' and no.34 Pickwick Place and would therefore have an unacceptably adverse impact on residential amenity.
4. The proposed development would result in the loss of visually significant trees which would be harmful to the character of the surrounding area and to natural habitats within the site, and insufficient information has been provided to justify the tree loss as part of the proposals.
5. Insufficient information has been provided to demonstrate that the proposed development would provide a suitable and sustainable drainage system.

Reason for recommendations

It is considered that the proposed development would result in an adverse impact on residential amenity and highway safety and would also result in the loss of a significant amount of trees and associated wildlife habitats whilst failing to provide a high quality designed scheme. Further to the above, insufficient information has been provided to demonstrate that a suitable sustainable drainage system can be incorporated into the scheme. Therefore despite the contribution to the provision of open market housing this benefit would be significantly and demonstrably outweighed by the harms relating to ecology, biodiversity, drainage, residential amenity, design and highway safety. The proposal is therefore contrary to the provisions of the Framework in relation to sustainable development.

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

It is considered that the applicant is unable to overcome the principal concerns in respect of this development and so the proposal represents an unsustainable form of development which conflicts with the provisions of the NPPF.

KEY ISSUES

The application seeks full planning permission for the erection of 170 no. dwellings with associated access and landscaping at land off Slacken Lane. The application site, of approximately 5.94 hectares in extent, is within the urban area of the Borough as indicated on the Local Development Framework Proposals Map. The site also falls within a high risk coal mining area. A Public Right of Way (Kidsgrove 139) runs along the south western boundary of the site.

The Coal Authority have confirmed that they raise no objections to the proposal subject to a condition requiring a scheme to further intrusive investigations to be completed, and on this basis the coal mining legacy risk from the site can be safely mitigated. The proposal does not need to demonstrate a 10% increase to BNG, as the application was submitted prior to this being a national requirement.

The following key issues are therefore considered 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,
6. Impact on ecology
7. Flood risk and sustainable drainage
8. Affordable housing,
9. Open space provision,
10. Planning obligations and financial viability,
11. Conclusions and planning balance

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 Kidsgrove.

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 124 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 227) 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 cannot currently demonstrate a 5 year supply of housing.

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, given the lack of a 5 year housing supply and the lack of up-to-date policies in relation to the provision of housing, the test in paragraph 11(d) has to be applied. 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.

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.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. 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.

With regards to impact on the landscape, CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Classification: NULBC UNCLASSIFIED

NLP Policy N17 expects development to be informed by and be sympathetic to landscape character and quality which should contribute, as appropriate, to the regeneration, restoration, enhancement, maintenance or active conservation of the landscape likely to be affected.

The site currently comprises a mixture of shrubland with some areas of hardstanding. Many semi-mature and mature trees can be found throughout the site. Parts of the site are classed as brownfield, however due to the lack of management the site now appears as a semi natural landscape. The site is bounded by a rail line to the north east and existing residential areas to the south west and north west, an open area of shrubland which contains a Grade II listed farmhouse is located to the south east.

Nearby dwellings have a traditional appearance and are relatively simple in design, however most enjoy good sized gardens and private driveways with the surrounding housing areas being typically suburban in appearance. The site is relatively well screened and is not visible from the majority of nearby highways and public vantage points, with the exception of the Public Right of Way which runs through the site.

Given the landlocked nature of the site, the visual impacts of the proposals in respect of the wider landscape and townscape are considered to be minimal, however the loss of trees would lead to a significant visual change to the site when seen from surrounding properties.

The overall proposed layout for the scheme shows an area of public open space close to the main vehicular entrance, and a large, landscaped area to the north east, part of which would be used as an attenuation basin. The central parts of the site would be used for housing only, with no additional open public space available to future residents. Whilst existing and new planting will be used along the boundaries of the site, all other trees within the central part of the site would be removed, and no attempt appears to have been made to utilise existing natural features within the central areas of the site.

The proposed houses would be a combination of detached and semi-detached two and three storey properties which would be of traditional design and would be constructed of red brick and white render. The proposal does contain a slight variation of housing designs at a central T junction which proposes some larger properties. This part of the site is referred to in the Design and Access Statement as a focal square of the development.

Aside from the landscaped areas around the site's boundaries, there are very few areas of soft landscaping proposed throughout the application site, and the arrangement of houses has a very urban appearance with a density of 41 dwellings per hectare. The high density of properties has resulted in a higher need for parking and many street layouts focus heavily on parking areas to the front of properties which further emphasise the urban nature of the scheme. Whilst small landscape strips are proposed between parking areas to the front of dwellings, these would be too small to support any larger trees or shrub planting and would therefore fail to break up the large areas of hardstanding which surround them.

The high density of the proposal has also resulted in many houses appearing to be shoehorned into the scheme which creates a sense of overdevelopment that conflicts with the more suburban housing area which surround the application site.

The scheme also lacks any green pedestrian and cycle routes or any useable areas of amenity space within the main housing area, and with the exception of the central focal square there is very little variety to the housing types or street layout proposed. Officers consider that there is a missed opportunity to provide a wider variation of more distinct parts to the site, which could be supported by a stronger green infrastructure or more unique design solutions. In its current form the scheme lacks any form of distinction and fails to provide a development with any sense of place or character.

To conclude, the proposal does not provide a high quality residential development as a result of its high density and due to issues surrounding parking dominant layouts, excessive hard standing at the front of properties and a lack of soft landscaping. The resulting development would be considered overdevelopment and overly urban in character and would conflict 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.

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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 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 the Local Plan.

Additional highways information has been provided by the applicant to address concerns raised by the Highways Authority, however following the latest submission of technical information, the Highways Authority have maintained fundamental objections to the proposal.

With respect to traffic movements, the submitted Transport Assessment has forecast that the proposed development would generate 84 two-way vehicle trips during the weekday AM peak and 118 two-way trips during the weekday PM peak period.

Regarding the access into the site, this would be from the A34 via Slacken Lane which is classed as a Private Street of varying width (approximately 5-10 metres) that has no segregated footways/ street lighting and is in a very poor state of repair. Slacken Lane is used by several existing properties, and it is evident that some on street parking does occur. The access road leading from the main part of the site to the A34 is proposed to be changed to an adoptable standard and would have a retained width of 5.5 metres for the majority with a reduced carriageway width of 3.4 metres spanning 50m.

The Highway Authority have noted that in this case the required road hierarchy would be a residential connector road to which the design principles are outlined in the Staffordshire Residential design guide published in 2000 to ensure a sufficient means of access is available at all times in the event of partial blockage caused by road works or accidents. However given the fact that part of the proposed access road would utilise a single lane priority give way system for vehicles to enter and leave the site, the HA consider that the access road does not meet the minimum requirements of the connector road technical standard.

In addition to the above, the HA note that the proposed changes to Slacken Lane do not appear to consider how existing residential access points can be accommodated within the amended layout of Slacken Lane. Slacken Lane is a private road and will accommodate a significant increase of two way traffic as a result of the development. Suitable means of access and requisite visibility splays would be required for each existing access point, however these matters do not appear to be achievable within land under the applicant's control.

The applicant has also failed to address the potential displacement of parking on the A34 Congleton Road and Slacken Lane as a result of the access corridor works. The proposed junction radii at the A34/Slacken Lane access and the junction spacing of the proposed connector road junction to the A34/Old Butt Lane junction opposite are substandard from a highway safety perspective. The HA go on further to note that the baseline traffic survey data obtained to assess the capacity of the proposed priority junction is not sufficient to fully represent the forecast operation of the priority junction design.

The Highway Authority also raise a fundamental concern to whether the applicant has a legal right of vehicle access to the site via Slacken Lane. As the first 55 metres of Slacken Lane is a private street

and is situated within unregistered land, there is no guarantee that the applicant could achieve full rights to the road in the future. Whilst there is a process to change private roads to an adoptable standard (as set out within Section 228 of the Highways Act 1980), this process is applied at the highway authority's discretion and is typically only where the risk of objection is minimal. However in this case as can be seen from the public objections to the proposal, any proposal to change Slacken Lane to an adopted Road would likely be met with objections from residents of the street whose land is adjacent the lane or have any rights over or responsibilities for the lane in question. This concern has been raised with the applicant and no evidence of consultation with local residents and supportive response has been provided to allay the highway authority's concerns.

The HA also highlight that accessibility to/from the site for pedestrians and cyclists is very limited, and consequently they do not believe a safe and suitable means of access for all users can be provided to serve the proposed development.

Given the outstanding concerns outlined above, it is considered that the proposal does not demonstrate a safe and suitable access into the site and is therefore contrary to the aims and objectives of the NPPF and the design principles as set out in the Staffordshire Residential Design Guide (2000).

Acceptable standards of residential amenity

Paragraph 198 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 199 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

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.

Objections received have referred to a loss of quality of life from the construction process, noise and disruption that would go hand in hand with a largescale development site.

The majority of properties within the development site would achieve acceptable separation distances, in accordance with the Council's SPG and all properties would benefit from suitably sized private gardens.

Following the submission of updated air quality and noise details, the Council's Environmental Health Team have raised no objections to the proposal subject to conditions.

However, your Officers raise concerns regarding the impact of traffic movements past the rear gardens of 'The Hawthorns' located on Slacken Lane and no.34 Pickwick Place which have their main gardens facing directly onto the proposed access road into the site. The significant increase of vehicular movements past these rear gardens would lead to a loss of privacy and increase of noise levels due to the low level rear boundary wall of 'The Hawthorns', and the close proximity of no.34 Pickwick Place to Slacken Lane. Whilst an acoustic barrier or wall could help to mitigate some of these impacts, this in turn would result in an adverse visual impact of this part of Slacken which is characterised by low level boundary treatments, meaning a solution cannot be controlled through a condition or alteration of the scheme.

To conclude, the proposal would result in an adverse impact on the rear garden area on the 'The Hawthorns' and no.34 Pickwick Place from vehicle movements and no consideration has been given within this proposal to demonstrate how this impact could be mitigated. The proposal is therefore contrary to both local national policies which relate to amenity, namely the guidance set out in Space around Dwellings SPG and the NPPF.

Impact on Trees

Paragraph 187 of the NPPF states that planning policies and decision should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 192 of the Framework states that when determining planning applications, LPAs should apply the following principles;

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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”.

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 application is accompanied by an Arboricultural Report which notes that twenty individual trees, thirty-one tree groups, three woodlands and four hedgerows were identified on and immediately adjacent to the site. The report reveals that 5% of the individual tree population was classified as category ‘A’ quality, 45% as category ‘B’ quality and 50% as category ‘C’ quality. No category ‘U’ quality trees were identified.

In order to facilitate the proposed scheme, all trees within the site boundary will require removal except for parts of groups along the north and east boundaries. This includes the removal of one individual category 'A' quality tree (T15), six individual category 'B' quality trees (T2, T3, T11, T13, T14, T17) and eight category 'C' quality individual trees (T1, T4, T10, T12, T16, T18, T19, T20), as well as all other trees groups identified above.

Although some trees close to the boundary of the site will be retained and some new landscaped areas are proposed, the supporting statement provided with the application states that the extent of replanting would not fully compensate for the loss of trees and that this matter should be weighed against the benefits of the proposal. Whilst the applicant has acknowledged that there will be a loss of biodiversity on the site, they note that it has not been possible to design a scheme that can fully compensate for this whilst providing a viable housing development. However, no viability assessment or information has been provided in support of the proposal and so no weight can be given to this point.

Whilst the LPA accept that some loss of category C trees could be allowed to facilitate the scheme, the overall number of trees to be removed from the site, which includes the removal of category A and B trees is something that is not considered to be acceptable. The trees make a good contribution to the visual amenity of the wider area and the application site and support a wide range of natural habitats. This proposal is also not supported by the Councils Landscape Development Section who agrees that the loss of trees from the site is not appropriate and needs further justification.

Policy N13 of the Local Plan goes on to state that the felling of any tree of public amenity will not be supported unless one of the following is applicable;

- Its removal forms part of a development permitted in accordance with Policy N12.
- The applicant can demonstrate that the tree is adversely affecting the structural condition or safety of a building or buildings.
- The applicant can demonstrate that the tree presents an unacceptable risk to the safety of the public.
- The applicant can demonstrate that the operation is in the best interests of improving the growth of other trees.

It is not considered that the applicant has demonstrated any of the above points. Therefore the proposed development is considered to be directly contrary to Policy N13 of the Local Plan as well as the aims and objectives of the NPPF.

Impact on Ecology

With respect to ecology, an Ecological Assessment (EA) has been submitted. A number of objections have been received from residents regarding the impact of the proposal on ecology and habitats.

In respect of Bats, the EA recommends that a further, more detailed assessment be undertaken of the potential roosting features. In respect of birds, it is recommended that any works are undertaken outside of the bird nesting season, or that a nesting bird check be undertaken by a suitable ecologist. Given the existence of suitable habitat for common lizard and grass snake, a reptile survey was also recommended.

Whilst the above surveys could be controlled through conditions, the initial loss of habitats from the site as noted in the section above is contrary to both local and national policies which seek to enhance biodiversity levels on site, namely paragraphs 187 & 192 of the NPPF, and new planting would not mitigate for this loss.

Flood Risk and Sustainable Drainage

NPPF Paragraph 181 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

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

The FRA identifies that the site is within Flood Zone 1, being an area of low probability (of flooding). Development within Flood Zone 1 is the preferable option when considered in the context of the sequential test found in the NPPF. The Lead Local Flood Authority (LLFA) have been consulted on the application.

The LLFA originally requested that additional information be provided in support of the application. Whilst an updated flood risk assessment and a technical note have been submitted in support of the proposal, the LLFA have requested further details. In addition, they note that the site lacks SuDS and provides little control for the treatment of surface water at source.

No further information has been provided on drainage details and given the comments of the LLFA it is considered that insufficient information has been provided to demonstrate that the proposed development would provide a suitable and sustainable drainage system.

Affordable Housing and Housing Mix

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 43 affordable units which is the equivalent of a 25% affordable housing provision and therefore meets the requirements of policy CSP6.

It is generally accepted that affordable housing can be either secured by planning condition or by a S106 agreement, and if the proposal were to be approved then a S106 agreement would need to be entered between the applicant and the council.

The Newcastle-under-Lyme Housing and Economic Needs Assessment Update, dated March 2023, still considers that there is a broad mix of housing required but there is a slight shift towards a need for larger homes when compared with the previously published 2020 Housing Needs Assessment.

It is considered that a broad mix of housing proposed as part of this development seeks to provide the type of dwellings for one person households, couples without children, households with dependent children, families with other adults and other types of households. In this regard the mix, type and size of dwellings is acceptable.

Open Space Provision

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

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

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

Within the development there would be the provision of 1.59ha of open which is comprised of a mix of areas of amenity green space, a local area of play (LAP), a Locally Equipped Area of Play (LEAP), and landscape strips along the boundaries of the site.

The size of the children's play area proposals meet the minimum requirements outlined within in terms of the LAP and LEAP provisions and overall.

In addition to the on-site provision, developments of between 10 and 200 dwellings require a contribution for a multi-use games area (MUGA). This can be secured as part of the S106 agreement.

For the reasons outlined above, the proposals are considered to accord with development plan policy the guidance set out within the NPPF with respect of open space provision.

Planning obligations

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 Integrated Care Board have requested a financial contribution of £152,417 towards supporting the future development/adaptation/expansion of the estate within either or both the Newcastle North and About Better Care PCNs in alignment with strategic estates planning.

Any permission given would require a S106 agreement to ensure the above contribution is secured.

Conclusions and planning balance

The proposal would provide some social and economic benefits, most notably the construction of 170 new residential properties on a partially brownfield site within a sustainable location within the urban area, which will increase the housing mix and make a contribution to boosting housing supply in the Borough. However, the proposal has failed to demonstrate how it can satisfactorily address matters relating to highway safety and drainage matters. Furthermore, the proposal would result in a significant loss of trees from the site and would have an adverse impact on local ecology. The proposal has also failed to provide a high quality scheme and would result in a development of poor visual quality. Finally, the proposal would also have an adverse impact on the residential amenity of nearby properties due to the increase of traffic movements to and from the site. The adverse impacts of the proposal are therefore considered to outweigh the benefits in this case.

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

Classification: NULBC UNCLASSIFIED

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

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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 (2024)

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

None relevant.

Views of Consultees

The **Highway Authority** raise fundamental concerns in that the access route to the public highway is not included within the red edge application boundary and therefore does not demonstrate that a suitable means of access can be provided to support the major development.

Classification: NULBC UNCLASSIFIED

The **Environmental Health Team** raises no objections to the proposal subject to conditions relating to low emission boilers, a Construction Environmental Management Plan, noise mitigation and land contamination.

The **Landscape Team** raise concerns relating to the loss of a significant number of trees / groups of trees and woodland areas. Whilst the loss of some trees on this site to accommodate a development could be considered, the level of losses are significant. From the Arboriculture Impact Assessment all these trees are graded between A and C, and the loss of grade A-B trees is not supported.

Whilst the provision of the LAP and LEAP are welcomed on this site, the development would also require the provision of open space to a minimum 0.68 ha for the 170 dwellings.

The **Coal Authority** raises no objection to the proposal subject to conditions requiring the submission of a scheme of intrusive investigations.

The **Canal and River Trust** request the submission of additional information relating to drainage and land stability before permission can be granted. A CEMP is also requested as a condition prior to the start of any development. If the development has the likelihood to increase usage of tow paths then it is considered reasonable to request a financial contribution from developers to mitigate this impact, for example upgrading an access/towpath surface to a standard which is more durable to accommodate increased usage and to sustain it in the future.

The **Conservation Officer** notes the development site is adjacent to Woodshutts Farmhouse which is a Grade II listed building and whilst some attempt over the years has been made to repair the building and make it safe it is disappointingly still severely at risk from neglect. Its immediate setting includes various outbuildings and a curtilage barn, also similarly at risk. The wider setting character is similar to the land where the development is proposed, previously used and overgrown. The layout and houses off Slacken Lane are uninspiring and it would have been better to connect the two sites together. If this development around Woodshutts does happen, this will create a second access which will be beneficial for both developments.

The setting of the canal conservation area will not be compromised by a development of this nature in this location.

Network Rail request conditions relating to drainage, risk assessment for the nearby rail line, ground stability, noise mitigation, planting details and landscaping and request a developer contribution towards additional waiting facilities on the Kidsgrove Railway station platforms as part of any s106 agreement.

The **Public Rights of Way Officer** notes that if any footpath needs diverting as part of these proposals the developer must apply under section 257 of the Town and Country Planning Act 1990 to divert the public rights of way to allow the development to commence.

Active Travel England note that their standing advice should be followed.

The **Conservation Advisory Working Party** was disappointed with the quality of the development, unimaginative design and densification of the site. It was especially concerned that the development did not acknowledge the presence of the Listed farmhouse and the potential integration and relationship with this part of the wider site.

The **Lead Local Flood Authority** notes that insufficient information has been submitted to demonstrate that an acceptable Flood Risk Assessment has been submitted and an acceptable Drainage Strategy is proposed. They therefore recommend that planning permission is not granted.

The **County Minerals Officer** raise no objections to the proposal.

United Utilities raise no objections to the proposal subject to a condition requiring the submission of a Sustainable Drainage Scheme.

Staffordshire Police have provided guidance on a number of security matters.

Classification: NULBC UNCLASSIFIED

NHS (integrated care board) request a minimum developer contribution of £152,417, to be applied towards the provision of Health Care services within either or both the Newcastle North and About Better Care Primary Care Networks.

No comments have been received from **Kidsgrove Town Council**, the Council's **Waste Team**, **British Waterways**, **Cheshire East Council**, **Naturespace**, The **Housing Strategy Team** or from **Staffordshire Wildlife Trust**.

Representations

33 (Thirty Three) letters of representation have been received which raise the following concerns:

- Highway Safety and traffic levels
- Loss of trees and wildlife
- Visual Impact
- Impact on Public Rights of Way
- Impact on residential amenity
- Lack of public consultation
- Impact on local schools and other services
- Flood risk and drainage

1 letter of support has been received.

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/24/00089/FUL>

Background Papers

Planning File

Development Plan

Date report prepared

10th March 2025