
Appeal Decision

Site visit made on 11 September 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/P3420/W/20/3249304

Former Seabridge Community Centre, Roe Lane, Newcastle under Lyme, Staffordshire ST5 3UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mike Winks of Staffordshire County Council against the decision of Newcastle Under Lyme Borough Council.
 - The application Ref 19/00515/OUT, dated 14 June 2019, was refused by notice dated 25 September 2019.
 - The development proposed is demolition of all existing buildings and the erection of circa 55 dwellings with associated infrastructure, landscaping and open space.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of all existing buildings and the erection of circa 55 dwellings with associated infrastructure, landscaping and open space at the Former Seabridge Community Centre, Roe Lane, Newcastle under Lyme, Staffordshire ST5 3UB in accordance with the terms of the application, Ref 19/00515/OUT, dated 14 June 2019, subject to the conditions in the attached schedule.

Procedural Matter

2. The planning application has been submitted in outline. Matters relating to access form part of the application, whilst layout, scale, appearance and landscaping are reserved for future approval. Drawings submitted as part of the application show how the proposed development could be accommodated on the site, with indications of house types, landscaping and open space. Except for the details of the proposed access, I have treated these drawings as being indicative.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area,
 - ii) whether the proposal would provide safe and satisfactory access.

Reasons

Character and appearance

4. The appeal concerns the site of a former secondary school, which comprises of substantial former school buildings and a large car park, surrounded by extensive grassed areas. There are a number of stand-alone trees on the site, of varied age and quality. The site slopes from the south and south west, with the former school buildings elevated above, and clearly visible from Ash Way.
5. The site, which is adjacent to Seabridge Primary School, is located within in a suburban area of Newcastle under Lyme. Houses in the surrounding area are generally set back from the roads with front and back gardens. Trees, vegetation in front gardens and wide grass verges along Seabridge Lane, Harrowby Drive and Sherborne Drive contribute to a spacious, suburban character.
6. Residential development in the surrounding area varies in style, although much of the housing dates back to the second half of the twentieth century. More recent housing includes the large detached dwellings along Ash Way and Bluebell Drive. Plot and house sizes vary, with larger properties along parts of Harrowby Drive and Ash Way, and more modest, predominately semi-detached housing, in the area to the south of Seabridge Lane. There is a mixture of house types in the area, and whilst detached and semi-detached houses predominate, there are also bungalows along Roe Lane and flatted developments on Harrowby Drive.
7. The Urban Design Guidance SPD contains a number of principles for residential areas, and highlights the importance of integrating new development into their surroundings, so that schemes contribute to improving the character and quality of the area. Consideration of appropriate site density is addressed in section R13 of the guidance. The SPD does not set any specific density requirements, rather focussing on the importance of design and quality of life.
8. At 29 dwellings per hectare, the proposed development of around 55 dwellings would be of a higher density than that of the immediately surrounding streets. However, the indicative plan shows how the layout could incorporate areas of open space and landscaping, so that a green and spacious character could be retained. Areas of landscaping are shown at both entrances to the site, which would provide a green setting for the scheme and help it to successfully integrate into the existing development. The layout shows how the scheme could respond to its wider context, with larger houses and bungalows backing onto Roe Lane and Bluebell Drive, and smaller properties more centrally located within the site.
9. The character of the development would be different to that of adjacent housing on Ash Way, but this need not be harmful, and would not be uncommon or unexpected in an area such as this, which has been developed over different times and includes housing of various ages and styles. The inclusion of smaller properties than those on Ash Way and Bluebell Drive need not lead to a development which was inferior in any way, provided that it was of a high quality design. Detailed matters such as the design, height and massing of buildings would need to be addressed at the reserved matters stage, but there is nothing to suggest that a high-quality development could

not be achieved on the site that would complement the character of the surrounding area.

10. The submitted layout plan shows a mix of 2, 3 and 4 bed detached and semi-detached houses, with a small number of bungalows and flats. This is purely indicative, but such a range of house types would be appropriate in a suburban area such as this, which already has a variety of property types and sizes. Furthermore, the inclusion of a range of house types and sizes could help meet the needs of different groups within the local community, including health workers and other key workers, who might not be able to afford larger properties.
11. Whilst detailed matters are reserved for future approval, I am satisfied that a suitable scheme could be agreed at reserved matters stage which would be acceptable in its effect on the character and appearance of the area, including the effect on the appearance of Seabridge Park. As such, the scheme would accord with Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2009 (Core Strategy), which is concerned with design quality. The proposal is also capable of complying with the detailed residential design guidance set out in section 7 of the Urban Design Guidance SPD.
12. The proposal would be consistent with the provisions of the National Planning Policy Framework (the Framework), including paragraph 122, which supports development that makes efficient use of land whilst taking account of the desirability of maintaining an area's prevailing character.

Access

13. Vehicular access to the development would make use of the existing site access on Ash Way, a residential street which also provides access to Bluebell Drive. I note references made to the Design Brief for the Seabridge Park development, and the suggestion that Ash Way was never considered appropriate to serve more than 50 dwellings. However, the Transport Statement submitted as part of the proposal states that the road is of a sufficient standard to meet the requirements for a Major Residential Access Road as set out in the Staffordshire Design Guide. As such, it would be capable of serving the level of development proposed. I note that no objections have been raised by the Council's highways officer.
14. Furthermore, the analysis of trip generation set out in the Transport Statement suggests that, whilst there may be variation during the day, the overall level of trips associated with the proposed development would be lower than that which could occur through the previous use of the site as a Community Education centre.
15. At the time of my visit, there was no on-street car parking on Ash Road. I appreciate that this was only a snapshot in time, and note photographs sent by local residents showing parked cars along the street. However, the parking survey undertaken as part of the Transport Statement also recorded very low levels of on-street parking. Whilst I note concerns about potential overspill parking from the proposed development, the indicative layout plan shows that space could be provided for sufficient off-street parking on driveways and garages to meet the Council's parking standards for residential developments. As such, there is no reason to suppose that the proposal would cause parking problems either within the site or on surrounding streets.

16. A pedestrian and cycle link from the site to Roe Lane and Seabridge Primary School would be provided, which could provide a benefit to existing residents as well as future occupiers, by creating a safe and convenient route to walk or cycle to school. Whilst I note concerns that the proposed link could encourage use of the route by traffic dropping off school children, existing signage at the entrance to Ash Way states that there is no vehicular access to the primary school. Furthermore, the layout does not make provision for any dropping off, and if necessary, appropriate traffic management measures could be put in place to discourage this.
17. Ash Road has two bends, but is of sufficient width to meet the requirements in the Manual for Streets (Department for Transport) for two Heavy Goods Vehicles (HGVs) to pass each other. Nonetheless, I acknowledge concerns that vehicles turning into Ash Way often cross onto the other side of the road, and this could result in danger to other road users, particularly where large vehicles are involved. To minimise the impact of construction traffic on existing residents and ensure the safety of all road users, appropriate measures would need to be put in place through the implementation of a Construction Management Plan. This can be secured by a suitable condition.
18. I conclude that, with suitable safeguards, the proposal would be capable of providing safe and satisfactory access, as required by Framework paragraph 108. The proposal would not have an unacceptable impact on highway safety, and having regard to Framework paragraph 109, there is no reason to refuse the proposal on highways grounds.

Other Matters

Planning obligation

19. A signed legal agreement has been submitted as part of the appeal proposal, which makes provision for 25% of the houses to be affordable, as required by Core Strategy Policy CSP6 and the Affordable Housing SPG. The agreement also provides for an Open Space Maintenance Scheme, which is necessary to meet the requirements set out in Policy C4 of the Newcastle under Lyme Local Plan 2011 (Local Plan).
20. Local Plan Policy IM1 requires contributions to be made for improvements to infrastructure or essential facilities to make development acceptable, including education facilities. The legal agreement makes provision for a financial contribution of £144,815 for primary education. This contribution has been calculated on the basis of a standard formula and assumes that the development would generate a demand for 11 primary and 6 secondary school places. The financial contribution applies only to increasing capacity for primary school places, as there are projected to be sufficient secondary places already available to meet the needs of the development.
21. These provisions are necessary to make the development acceptable in planning terms. They are directly related to the development, and fairly and reasonably related in scale and kind. The legal agreement therefore meets the requirements of section 106 of the Town and Country Planning Act, Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, and Paragraph 56 of the Framework.

Other considerations

22. The scheme has attracted a considerable amount of objection from local residents. Representations made by individual residents and the Seabridge and Westlands Action Group for Residents have raised a variety of issues, including the desire to see the existing community use of the site retained, or the site returned to its original use as a school.
23. I do not doubt that the site is capable of being used for a variety of purposes, and was in use at the time of my site visit. However, the former secondary school has been closed for some time, and the appellant has confirmed that there is no likely prospect of the re-use of the buildings for education purposes. Additional demand for school places arising from residential developments in the area will need to be met, but the appellant, as the local education authority, is responsible for ensuring this can be achieved. The appeal site has been judged to be surplus to educational requirements and I have no reason to suppose that appropriate provision elsewhere would not be available.
24. In its committee report the Council noted that the community groups which were previously using the site have been relocated, and I have no evidence to suggest otherwise. The Council has not objected to the loss of the site as a community facility, and I have no reason to question the principle of the site's redevelopment for an alternative use.
25. The Council has confirmed that, subject to careful positioning of windows, the proposal would be capable of incorporating sufficient separation between the new dwellings and existing houses to meet the requirements of the Space Around Dwellings SPG. I note concerns raised by a local resident about the proposed siting of houses close to the boundary of their rear garden, but the submitted site layout plan is indicative only, and detailed matters, including the siting of individual buildings, would need to be addressed at the reserved matters stage. Overall, I am satisfied that the scale of development proposed could be achieved without causing unacceptable overlooking, loss of privacy or light to properties surrounding the site.
26. Photographs provided by local residents show that there have been issues with surface water flooding in the vicinity, with wet conditions on the site itself. A Flood Risk and Drainage Assessment has been submitted as part of the proposals which includes drainage mitigation works. The proposals have been reviewed by the Lead Local Flood Authority, who have confirmed they are generally satisfied with the proposals, subject to the submission of a detailed surface water drainage design, which can be secured by condition. No objections have been raised to the proposal by Severn Trent Water. On this basis, I have no reason to suppose that the proposed development would have an unacceptable impact in relation to these matters. Detailed matters such as the inclusion and location of ponds, proposed as part of the drainage mitigation, would need to be addressed at reserved matters stage.
27. There are a number of trees on the site, the condition of which has been assessed through a tree survey submitted as part of the appeal proposals. Whilst some trees are of poor quality, others are identified as being of category B, and are worthy of retention. The site layout is indicative at this stage and does not identify which trees are proposed to be retained, but a condition can be imposed requiring such information, together with details of additional planting to mitigate for any trees which are lost.

28. Local residents have commented that the site provides a habitat for a variety of birds and mammals. As part of the appeal proposal, an ecological appraisal of the site was undertaken which assessed the suitability of the site for a variety of species. The report found that the site has the potential to provide suitable habitat for a number of birds and animals, and suggests a series of measures to protect these species and mitigate for any loss of habitat. This would include the preparation of a Habitat Management and Maintenance Plan, which can be secured through a suitable condition.
29. The ecological assessment also confirmed the presence of bat roosts on the site, which would be affected by the demolition of the existing buildings. Bats are a protected species, and their presence is a material consideration when development is being considered which would be likely to result in harm to the species or their habitat.
30. For development to proceed on the site, it would be necessary to obtain a European Protected Species Licence (EPSL) from Natural England. Having regard to standing advice from Natural England, the findings of the ecological surveys and the proposed mitigation strategy, I consider that it is reasonably likely that the proposal would meet the necessary tests, allowing an EPSL to be granted. In coming to this view, I have also had regard to the benefits of the proposal in providing additional housing in a location which is accessible to local services and facilities. The Council's ability to demonstrate a five year supply of deliverable housing sites is disputed, indicating a potential lack of suitable alternative sites.
31. Whilst the potential impact on protected species does not provide a reason to withhold planning permission, the decision on whether or not to grant an EPSL is a matter for Natural England.
32. I appreciate that demolition and construction activities on the site would have the potential to be disruptive for local residents, but this would be for a limited period. Measures to limit hours of working and minimise adverse impacts arising from construction activities would need to be put in place through a Construction Method Statement, which can be secured by an appropriate condition.

Conditions

33. The Council has provided a list of suggested conditions which I have assessed in light of the advice in the Planning Practice Guidance. I have combined some of the conditions to make them more concise and have made minor wording changes in places to improve clarity and enforceability.
34. I have imposed standard conditions relating to the submission and timing of reserved matters applications and the commencement of development. It is necessary to require compliance with the submitted plans, but only in relation to access, as this is not a reserved matter. In the interests of certainty and to safeguard the character and appearance of the area, I have also imposed a condition requiring that any reserved matters application generally accords with the principles set out in the Design and Access Statement.
35. A pre-commencement condition requiring the submission, approval and subsequent adherence to a Construction Method Statement is necessary, in the

- interests of highway safety and to safeguard the living conditions of neighbouring residents.
36. The Council has suggested a condition requiring the provision of electric vehicle charging provision for each residential unit. I note the appellant's comments that this is not a specific requirement of any local plan policy, however paragraph 110e) of the Framework requires that development should be designed to enable charging of vehicles in safe accessible and convenient locations. The requirement for electric charging provision for each property is therefore reasonable. However, a single charging point at a property could be used by more than one vehicle at different times, so the need for all other parking spaces provide passive wiring for future connection seems unduly onerous and is not supported by evidence.
37. Depending on the tenure of the houses, the long term maintenance of charging points may be beyond the appellant's control, so I have omitted that part of the condition, as it fails to meet the test of enforceability. Furthermore, in the absence of evidence that the minimum technical specification is achievable and to take account of future changes, I have amended the final point of the condition to require details of the specification to be agreed with the Council.
38. The Council has suggested a condition requiring a noise assessment and the application of specific internal noise levels. However, the wording of the proposed condition is imprecise and, given the location of the site in a suburban area away from major roads and other potential sources of significant noise, it is unclear why the condition is necessary. I have therefore not imposed it.
39. A condition requiring details of refuse storage and collection arrangements to be agreed in writing is necessary and reasonable in the interests of safeguarding character and appearance of the development, and protecting the living conditions of future occupiers.
40. The Council has suggested several conditions relating to contamination, ground conditions and site remediation works. A Phase 1 Geo-environmental desk study was submitted as part of the proposals, which includes a number of recommendations for further studies and testing. I note that the Council's environmental health officer has confirmed that the contents of the report appear broadly appropriate. As such, I agree with the appellant's suggestion that, in the interests of clarity, the suggested conditions be altered to require that the recommendations of the study be carried out. If unacceptable risks arising from contamination are subsequently identified, the submission of, and adherence to, a detailed remediation scheme would be necessary to protect future occupiers, site workers, natural systems and neighbouring uses. I have imposed a condition to that effect. Similarly, a requirement to report any contamination found or suspected during construction is necessary, as well as a restriction on the importation of soils to the site.
41. A condition relating to the provision of details of the proposed footway/cycleway is necessary in the interests of sustainable transport and public safety, as is the submission of landscaping information to safeguard the character and appearance of the area and sustain biodiversity. Submission and implementation of a drainage strategy is necessary to avoid flooding. Finally, a condition is necessary to ensure that the development is undertaken in

accordance with the recommendations of the submitted ecological assessment, to protect biodiversity.

Conclusion

42. For the reasons given, I conclude that the appeal be allowed subject to the attached schedule of conditions.

R Morgan

INSPECTOR

Schedule of conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans (but only in respect of those matters not reserved for later approval):
Drawing No. A109193SCSP02 rev B- Existing Site Plan
Drawing No. A109193SCLP03 rev B - Illustrative Layout Plan
- 5) Any reserved matters applications pursuant to this outline planning permission shall broadly accord with the principles set out in the Design and Access Statement (WYG June 2019).
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to prevent mud deposition on the highway from vehicles leaving the site, including wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a site compound with associated temporary buildings;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) Prior to the occupation of the development hereby permitted, at least 1 parking space per residential unit shall be provided with a fully operational dedicated electric vehicle charging point. Charging points should be installed to a minimum technical specification which has previously been agreed in writing with the local planning authority.
- 8) Prior to construction of the development, details of designated areas for refuse storage; refuse receptacles and collection arrangements, shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall commence until an intrusive ground investigation is undertaken in accordance with the recommendations set out in section 7.2 of the Geo-environmental Desk Study (WYG November 2018). This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced).

A report of the results of the investigation works should be submitted to, and approved in writing by, the Local Planning Authority. This should include a risk assessment and, if any unacceptable risks are identified, a detailed remediation strategy. The remediation strategy, if required, shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan.

The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) No soils (or soil forming materials) shall be imported onto the site until information on their source, the results of any soil analysis, and an assessment of their suitability for use has been submitted to, and agreed in writing by, the local planning authority.
- 12) Any application for the approval of reserved matters of layout and landscaping shall include indications of all trees and hedgerows on the land, identifying those to be retained, and shall set out measures for their

protection throughout the course of development. Full details of additional landscaping, including replacement planting, shall be included.

- 13) Prior to the construction of the approved development, full details of a footway/cycleway link from the site to Roe Lane shall be submitted to and approved in writing by the local planning authority. The footway/cycleway shall be completed prior to first occupation in accordance with the approved details, and thereafter retained for the lifetime of the development.
- 14) Prior to the construction of the approved development, a scheme for the disposal of foul and surface water flows shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with the overall strategy and key design parameters set out in the Flood Risk and Drainage Assessment (ref A109193, January 2019). The drainage scheme shall be implemented in accordance with the approved details prior to occupation of the development.
- 15) The development shall be implemented in accordance with the recommendations, mitigation measures and enhancement features detailed in the Updated Ecological Appraisal Letter Report (WYG June 2019).