

LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY
MR IAN MORETON

13/00990/OUT

The application is for outline planning permission for the erection of up to 42 dwellings at land at Moss Lane, Madeley. Vehicular access from the highway network (Moss Lane) into the site for the first 80 metres into the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other internal access details) reserved for subsequent consideration.

The application site lies on the western side of Moss Lane, and except for its access point onto Moss Lane, outside the village envelope of Madeley and within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site is not within the Green Belt, but it adjoins the Green Belt. The site area is approximately 1.65 hectares.

There are three protected trees on the north eastern boundary of the site (Tree Preservation Order no. 100)

The 13 week period for the determination of this application expires on the 5th May 2014.

A decision on this application was deferred at the meeting of the Committee held on 3rd April 2014 to allow Members to visit the application site.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 obligation by 20th May 2014 to require:-

- 1) A contribution of £49,866 (on the basis that the development as built is for the full 42 dwellings and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy, towards school spaces at Madeley High School;**
- 2) Tenure Blind Affordable Housing provision ;**
- 3) A contribution of £2,943 per dwelling towards Open space improvement/ enhancement/ maintenance at either College Gardens or Madeley Pool**

Permit the application, subject to conditions concerning the following matters:

- **Condition to reflect outline nature of application**
- **Time limit for submission of any approval of reserved matters and for commencement**
- **Approved plans and documents**
- **Reserved matter submission to be informed by the principles within a revised Design and Access Statement taking into account Urban Visions recommendations**
- **The proposed dwellings to be built to minimum Code for sustainable homes Level 3 standard**
- **Recommendations in the submitted tree survey and arboricultural impact report**
- **Tree protection measures**
- **Arboricultural Method Statement**
- **Control works within the Root Protection Areas**
- **Landscaping reserved matters to include tree planting**
- **Reserved matters to include details relating to surface water drainage and road specification**
- **Provision of the new access onto Moss Lane as applied for**
- **Off Site footpath widening**
- **Provision of details of residential street layout and character**
- **Mitigation measures prevent debris being deposited on the Highway**
- **Site and construction compound details**
- **Contaminated Land Conditions**
- **Construction hours restriction where appropriate**
- **Construction management plan**
- **Internal noise levels in dwellings**
- **External noise levels**
- **Vibration assessment**
- **External lighting**
- **Waste storage and collection arrangements**
- **Sustainable drainage methods including SUDS and permeable paving**
- **Separate storm and foul water drainage**
- **Recommendations within the submitted Ecological walk-over Survey are implemented**

B. Failing completion by 20th May 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the improvement, enhancement and maintenance of off site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre and village envelope. The adverse impacts of the development - principally the extension of the village into the countryside – do not significantly and demonstrably outweigh the benefits of the development, which is sustainable, and accordingly permission should be granted, provided the financial contributions and affordable housing indicated in recommendation (A) are secured.

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

No amendments were considered necessary during the course of the application. Officers have had appropriate meetings/conversations with the applicant's representatives where necessary to progress the determination of the application.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Sets out a sustainable hierarchy of centres including of Rural Service Centres and Villages, indicating that the rural settlements that have been identified as Rural Service Centres are those that provide the most comprehensive range of essential rural services, and that development within these centres will primarily be to ensure that this offer, and therefore the sustainability of these centres is maintained

The CSS's strategic aims include the following:-

Strategic Aim 1 (SA1) – to halt net outward migration from Stoke-on-Trent and retain and attract population to the conurbation

Strategic Aim 3 (SA3) - To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 4 (SA4) - To balance the supply and demand for quality housing; removing surplus and unfit/obsolescent accommodation; providing a better choice of homes in sustainable locations and to ensure that a sufficient number of new homes are affordable

Strategic Aim 11 (SA11) - To focus development within the communities of Loggerheads, Madeley and Audley Parish to support their function as rural service centres which meet the requirements of local people

Strategic Aim 12 (SA12) - To renew the fabric of urban and rural areas to promote the best of safe and sustainable urban and rural living

Strategic Aim 15 (SA15) – To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural 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 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N20	Areas of Landscape Enhancement
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

National Planning Policy Framework (March 2012) and its technical guidance on Flood Risk

National Planning Practice Guidance (March 2014)

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

Manual for Streets

Supplementary Planning Guidance/Documents

Madeley Village Design Statement 1998

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change – SPG to the former Staffordshire and Stoke-on-Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Relevant planning history

Nil except for the recent grant of planning permission (14/00009/FUL) for a dwelling in the grounds of Rowley House

Views of Consultees

Madeley Parish Council strongly objects to the proposal, on following grounds:-

- The availability of services in the local area in terms of school spaces, doctors surgery, dentists etc and the pressure the development would place on these services.
- The development is inappropriate being outside the village envelope and adjacent to the Green Belt boundary and future threats to the Green Belt.
- Moss Lane cannot accommodate additional traffic, together with parking issues/problems in the area relating use of the GP surgery.

- Concerns regarding the existing sewage infrastructure and capacity of this with additional demand placed upon it.
- The site is subject to flooding and its development may cause additional flooding in the area.
- The fact that it is an outline application with all matters reserved gives the community no confidence that the indicative layout submitted would be delivered.

Highway Authority has no objections to the proposal subject to the imposition of the following conditions:-

- The development is not brought into use until the access to the site, within the limits of the highway, has been completed.
- The provision of visibility splays either side of the proposed access have been provided.
- Off site highway work relating the widening of the footpath across the frontage of the site
- Submission of reserved matter details together with the means of surface water drainage and full road specifications
- Submission, approval and implementation of a Construction Method Statement

Education Authority advises this development falls within the catchments of Sir John Offley CE(VC) Primary School (Madeley), The Meadows Primary School (Madeley Heath) and Madeley High School. The development is scheduled to provide 42 dwellings. Excluding the 10 Registered Social Landlord (RSL) dwellings from secondary only, a development of 32 houses including 10 RSLs could add 9 Primary School aged pupils, 5 High School aged pupils and 1 Sixth Form aged pupil.

The Meadows Primary is projected to be full for the foreseeable future however, Sir John Offley CE (VC) Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards Primary School provision.

Madeley High School is projected to have insufficient places available to accommodate all of the likely demand from pupils generated by the development. Madeley High School is projected to have limited places available in two year groups only and this has been taken into consideration when calculating the necessary education contribution.

Therefore request an education contribution for 3 secondary school places (3 x £16,622 = £49,866).

The above comments are based on a development providing 42 houses. If the number of dwellings, or the dwelling breakdown were to alter a review of the education contribution will be necessary. The above contribution is based on the 2008/09 cost multipliers which are subject to change.

Environment Agency has no objections to the proposal subject to conditions relating to sustainable drainage provision and land contamination

Network Rail makes no adverse comments regarding this outline application.

Environmental Health Division has no objections subject to the following conditions:-

- Restriction of Construction Hours
- Measures to achieve accepted internal and external noise levels
- Vibration assessment (in relation to passing trains)
- Control of external lighting
- Contaminated Land conditions, given proximity to historic landfill site

Landscape Development Section has no objections subject to:-

The recommendations within the submitted Tree Survey and Arboricultural Impact report, approval of tree protection plan, detail arboricultural method statement and detail of all special engineering within the root protection areas

Submission of a landscaping scheme to include street trees, boundary hedges, planting to front and rear gardens, the proposed sustainable drainage areas and the entrance area off Moss Lane.

The Landscape Development Section are also requesting a financial contribution toward future development/ improvement and maintenance of existing open spaces in the Parish and they have identified Madeley Pool and College Gardens as the appropriate sites to which such a contribution would be applied.

Waste Management section whilst raising concerns over the detail shown on the indicative plan submitted with application, the section are seeking full and precise details of the recyclable materials and refuse storage, including sufficient storage areas and collection arrangements.

Police Architectural Liaison Officer raises no objection to the proposal.

United Utilities raises no objections to the proposal advising of the need for suitable surface water draining in the most sustainable way, reducing the volume of surface water draining by the use of permeable paving and separate foul water drainage system.

Urban Vision Design Review Panel concludes that in principle as a location for housing development the site has a lot of advantages. It does not conflict with strategic local policy; it is well located in relation to the village centre and main facilities; and it would help sustain local services and businesses. At the same time the proposed development would have relatively little impact on the wider landscape.

However, the Panel thought that there are a number of principles that should be incorporated into the Design and Access Statement which would inform the final master plan for the site.

Some of these principles may require a reduction in the number of dwellings that can be accommodated on the site, although this may be redressed by changing the balance of house types.

Firstly, there is a need to deal more convincingly with the site's propensity to retain standing water, perhaps by creating a significant landscape or water feature with amenity and biodiversity benefits, and by providing a comprehensive sustainable drainage solution.

Secondly, the relationship of the development to the adjacent bungalows should be clarified by providing cross sectional drawings which show clearly what impact the houses nearest to them will have on their amenity.

Thirdly, the dwellings near to the north eastern boundary should be located to ensure that the protected trees on that boundary do not over-dominate the gardens of those dwellings and become a detriment to the amenity of residents.

Fourthly, the proposed layout should be amended to provide good connectivity with the village centre for all houses, including the affordable houses

Fifthly, the relationship of the development to the prospective development of the adjoining Council-owned site should be clarified by producing a combined indicative layout plan covering both sites.

Finally, a sustainable energy statement should be provided explaining how the design of the buildings and the overall site will help achieve reduced carbon emissions and reduce energy demand.

They advise and acknowledge that certain of the above design principles, and the associated recommendations set out below, are not required to be provided in detailed drawings with an outline planning application, and may be more appropriately taken into account by the use of planning conditions at this stage.

Their recommendations are:-

- A comprehensive sustainable drainage solution should be provided to deal with the tendency of the site to retain standing water, including the provision of a central water feature with amenity and biodiversity benefits.
- Cross sectional drawings should be produced which clearly show the relationship between the height of the proposed development and the adjoining bungalows along the north eastern boundary of the site.
- The master plan showing the indicative layout of the development should be amended to ensure sufficient space is provided around the protected trees along the north eastern boundary of the site so they do not over-dominate gardens and affect the amenity of occupiers.
- The amended master plan should provide good connectivity with the village centre and a good quality environmental setting for all dwellings in the development, including the affordable houses, with the more urban forms of development nearest to the village centre and the lower density parts nearest to the open countryside.
- The amended master plan should include the adjoining Council-owned land, in order to demonstrate how the two sites can be developed jointly and in a manner that satisfies the principles identified in this report.
- A statement should be provided explaining how the design of the development will help achieve reduced carbon emissions and reduce energy demand.

Staffordshire Wildlife Trust have advised they are not in position to provide any comments on the proposal due competing workload demands caused by additional work relating to the proposed HS2 route.

The Borough Council's **Housing Strategy Section** have been consulted and have not provided any comments on this application therefore it has to be considered they have no comment to make on the proposal.

Representations

158 letters of objection have received raising the following concerns:-

- The inadequacy of the width of Moss Lane to serve the development
- Existing parking issues in Moss Lane and The Bridle Path
- The lack of existing services in the area
- Flooding issues
- The capacity and issues with the existing sewer
- The application should be a full application rather than in outline
- The proposal should be refused unless there are clear overriding material considerations which justify the LPA in ignoring the policies in the Madeley VDS and the CSS
- A recent appeal decision (Bar Hil) considered the presumption in favour of sustainable development and the lack of 5 year housing supply did not outweigh the harm caused contrary to the relevant policies in the Local Plan
- Another decision (in West Sussex) where the Inspector dismissed an appeal for 100 houses on the grounds of poor layout and relationship to adjoining properties even though the Council could not demonstrate a five year supply
- No overriding material consideration in support of the application
- That the outline application is purely speculative
- Clear reasons should be given if the application is recommended for approval
- The site is a greenfield site
- The site is not in the village envelope.
- A lack of serious discussion with residents
- The density of dwellings is too high and does not reflect the density of the surrounding dwellings
- Potential changes to the route of HS2 which could severely impact upon the development site
- The photos presented by the developers are not representative and do not consider the wider impact on the village such as the 'Monument junction' near the Meadows School.
- There is no need for new housing in the area
- Devaluation of existing property

- Previous refusals setting precedence
- The use of soakaways
- Loss of views
- Ecological issues

Madeley Conservation Group has objected to the proposal in 2 letters on the following grounds:-

- No employment opportunities in Madeley
- Development of a Greenfield site
- Alternative sustainable sites in the urban area supporting services and employment
- No spare capacity in local schools
- No demonstrated need
- A number of existing properties for sale in the village
- Current pressures for a five year housing supply due to not enough sites being developed and the LPA should not rush into developing greenfield sites.
- Density – much greater than the existing surrounding area
- Emergency vehicles access – the proposal is served off one access
- Sewage and surface water flooding – the existing capacity of infrastructure
- Train noise – concerns regarding noise and vibration from the adjacent railway tracks
- Protection of existing residents on The Bridle Path – the development should respect the existing residents and their amenity
- The status of the application being outline although a detailed layout plan has been provided.

Madeley Action Group has objected to the proposal on the following grounds:-

- The site is a green field site.
- The site is not in the village envelope.
- It is a low lying area which has rainwater runoff from a much larger area.
- Concern with regard to the capacity of the sewer and drainage infrastructure.
- The highways and congestion at present is unacceptable and needs to be reviewed by independent experts with input from the affected residents.
- The lack serious discussion with residents.
- All matters should be reserved, including the number of houses and means of access.
- Including the number of houses only serves to increase the price of the land for sale to developers.
- The density of dwellings is too high and does not reflect the density of the surrounding dwellings.
- Potential changes to the route of HS2 which could severely impact upon the development site.
- The photos presented by the developers are not representative and do not consider the wider impact on the village such as the monument junction near the Meadows School.

Madeley Practice Patients Fund has objected to the proposal raising the following concerns:-

- The development would be detrimental to the locality as not being in keeping with the area.
- Concerns regarding highway safety and access as result of parked vehicles on the streets in the area.
- The proposal is not for the betterment of the village but purely for financial gain.

3 letters of support have been received making the following comments:-

- The proposal would contribute to the shortfall in housing numbers in a highly sustainable location.
- The success of three other sites in Madeley which were permitted against local opposition and these properties have been sold.
- The development low grade agricultural land.
- The site is sustainable in terms of its access to local services and public transport links.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Highway Report including parking survey and sustainability report
- Flood Risk Assessment
- Ecological Survey and Impact Assessment
- Tree Survey
- Landscape and Visual Impact Report
- Noise Report
- Preliminary Ground Investigation Report

The applicant's agent has provided additional information in the form of a letter of interest from a housing developer who would wish to develop the site. The letter confirms there are no technical constraints which could not be overcome to deliver the site for residential development.

The applicant's agent has also made a representation in respect of the potential value of the development to the area in terms of the financial benefits it would attract, not only to recommended section 106 financial contributions totalling approximately £174,500, but also to the value of the affordable housing (circa £1 million) and the potential of securing New Homes Bonus totalling £378,000.

They have also clarified the extent of the access which is the subject of this application.

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/rearrowleyhouse

KEY ISSUES

1.1 Outline planning permission is sought for residential development of up to 42 dwellings. Access from the highway network but not the internal access within the development itself, is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an illustrative layout plan has been submitted together with a Design and Access Statement. The applicant is not seeking approval for the siting of the buildings as shown on the illustrative plans, rather such matters would have to be agreed at the reserved matters stage if outline permission were granted.

1.2 Applicants for outline planning permission are required to include information on the amount of development proposed for each use referred to in the application. In the absence of any condition to the contrary any reserved matter would need to comply with and can refer to and draw support from the Design and Access Statement submitted with an application. Where an applicant indicates that the proposal is for up to a certain number of dwellings, in the event of outline planning permission being granted, unless a 'floor' or minimum number of units is imposed by a condition a reserved matters application seeking approval for any number of units up to the specified upper number would be in accordance with the outline planning permission. However if the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

1.3 The application site, of approximately 1.65 hectares in extent, is within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Madeley. The application site is not within the Green Belt but this is immediately to the north west of the site.

1.4 In dealing with applications for planning permission the LPA has to have regard to the provisions of the development plan (so far as material to the application), local finance considerations (so far as material to the application) and any other material considerations (Section 70). Where regard is to be had to the provisions of the development plan, the determination should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise (Section 54a). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that following a 12 month period

from the publication of the NPPF (i.e. post 29th March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

1.5 The Madeley Village Design Statement was prepared jointly by the Borough Council and the Parish Council in 1998, and adopted as Supplementary Planning Guidance at that time. As such it could have some weight, but again the fact that it dates from over 16 years ago and is based upon policies in the previous version of the Newcastle Local Plan all suggest that it cannot be given more than limited weight. In any case as the title indicates it is about design – the application here is for outline planning permission with all matters except for access reserved for subsequent consideration – including the external appearance of the dwellings.

1.6 Taking into account the development plan, the other material considerations indicated above and the consultation responses received, it is considered that the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Is there conflict with development plan policy that seeks the enhancement of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?
- Would the proposed development have a significant adverse impact on the character and appearance of the village?
- Would the proposed development have any adverse impact upon highway safety?
- Is best and most versatile agricultural land lost as a result of the proposal?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so how should it be delivered?
- Would there be any issue of flood risk or impact on sewage capacity?
- Will appropriate open space provision be made?
- What are the ecological implications of the development and are they acceptable?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

2.1 The site lies within the Rural Area of the Borough, outside of, but immediately adjacent to, the village envelope of Madeley, in the open countryside.

2.1 Saved Policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes – it is not within one of the envelopes, and none of the other circumstances apply in this case.

2.3 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.

2.4 CSS Policy ASP6 on the Rural Area states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

2.5 The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to

ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The most recently calculated shortfall in the number of deliverable housing sites (including a 20% buffer) is 949 dwellings and the latest housing land supply figure is 3.27 years. This position has been reported to and noted by the Planning Committee (4th June 2013). A more up to date figure to reflect the position as at 31st March 2014 will be calculated in due course (the process involves site by site visits to check completions, decisions on the inclusion of sites in the supply and the making of an assumption about windfall sites, and the taking into account of the national planning practice guidance issued on the 6th March 2014). Until this process is completed the Authority has to rely upon the currently published figure, which your officers are satisfied is robust, as there are no substantive grounds at present to consider that the picture will be materially different – i.e. the Borough will continue to be unable to demonstrate a 5 year supply allowing for an appropriate buffer as required by the NPPF. The applicant is entitled to a timely decision upon his application. If an update can be given it will be.

2.6. There is no basis in either the CSS or national policy for having a different requirement in the five year housing land supply for the rural and urban areas separately.

2.7 The principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”* As a consequence despite the clear conflict that there is in this case with development plan policies, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to housing being on land within the village envelopes of the key Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

2.8 Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking (i.e. the determination of planning applications and appeals) this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

2.9 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.10 In sustainability terms, Madeley is one of the Rural Service Centres identified in the Core Spatial Strategy. The CSS identifies that such rural settlements are those that provide the most comprehensive range of essential rural services. The types and range of services and facilities available in Madeley, are, together with their locations, as follows:-

Primary School – Sir John Offley Church of England (Voluntary Controlled)
Secondary School – Madeley High
Doctors Surgery Moss Lane
Dental Practice Greyhound Court
The Madeley Centre offering a wide range of community facilities and activities
Places of Worship – All Saints Church Vicarage Lane / Methodist Church Poolside
Public Open Spaces – Madeley Pool / College Gardens
Post Office Newcastle Road
Pharmacy Newcastle Road
Convenience Stores – One Stop Poolside / Co-Op Morningside
Butchers Poolside

Newsagents Greyhound Court
Hairdressers Greyhound Court
Vehicle spares store Greyhound Court
Off License Greyhound Court
Public House - Offley Arms Poolside
Takeaways/Restaurant/Café - Greyhound Court/Poolside
Nearest Bus Stop Moss Lane
Nearest Post Box Moss Lane

The list above indicates a wide range of services and facilities are available within Madeley, justifying its status within the Core Spatial Strategy as Rural Service Centre, where a greater level of services and facilities can be found.

2.11 The matter of sustainability of development was recently highlighted in an appeal case on Bar Hill, Madeley where the application was refused for two reasons - unsustainable location and harm to the appearance of the open countryside. At appeal the Inspector saw no merit in the LPA's case that that site was unsustainable – the site being approximately 500 metres from the boundary of the Madeley village envelope unlike this current proposal which abuts the village envelope. He commented that from the evidence submitted and his own observations he was of the view that the distances between the appeal site and local services, shops and public transport were such that walking and/or cycling would not inevitably be discouraged and that the proposal before him represented sustainable development. He dismissed the appeal for another reason.

2.12 The site is greenfield. As indicated CSS SP1 refers to “new development being prioritised in favour of previously developed land”, but given the position indicated above, as a policy on the supply of housing it must be considered to be out of date at least until there is once again a five year housing supply. The location of the application site, relatively close to the services and facilities in the village of Madeley, all are indicative that this is a location where sustainable development can be achieved.

2.13 The issue of the transportation aspect of sustainability is explored further later on in the report, but it is not unreasonable to conclude that there is a presumption in favour of the development at this location, although appropriate weight needs to be given in particular to any conflict with landscape policies contained within the development plan, and any other policies which do not relate to the supply of housing. For this reason the report next considers that to be the first issue to be considered.

3. Is there conflict with development plan policy that seeks the enhancement of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?

3.1 The site forms part of the Area of Landscape Enhancement (saved NLP policy N20). This policy states the Council *will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape.*

3.2 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.

3.3 The NPPF in paragraph 109 advises the planning system should contribute to and enhance the natural and local environment by, amongst other headings, protecting and enhancing valued landscapes. It is considered the above NLP and CSS landscape policies are not in conflict with the more recent advice found within the NPPF.

3.4 Supplementary Planning Guidance on Planning for Landscape Change to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as lying between Areas of built character and Ancient Clay Farmlands landscape character type. It states that the latter area is characterised by the irregular pattern of hedged fields with ancient hedgerows and oaks, by

subtle evidence of former heathland, and by a dispersed settlement pattern with small rural towns. The SPG was used in the NLP to set policies for landscape consideration.

3.5 As the NPPF indicates due weight should be given to policies in existing development plans (those adopted prior to the publication of the NPPF in March 2012) according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

3.6 The designation of the site as part of an Area of Landscape Enhancement cannot, given the actual wording of the policy, be read as preventing development of the site. That said it is appropriate to consider how the proposal performs in terms of the Landscape policy – does it make a positive contribution towards landscape enhancement?

3.7 The application site is bounded by existing hedgerows together with an intermittent internal hedgerow within the site. The site is not readily seen from any public vantage point, other than from Bower End Lane, and footpaths leading down from Moor Hall Farm and even then views are filtered by intervening trees and hedges and the site has the backdrop of the existing village built form together with the main West Coast railway line to the south west of the site, albeit the railway line is in a cutting at this point adjacent the application site.

3.8 As stated above the applicants have an indicative layout plan in their submission and whilst this detail does not form part of this outline application it provides the decision maker with a useful reference document to see how the site could be developed.

3.9 This indicative plan shows the intention to retain the existing hedgerows around the site boundary together with three protected oaks on the north eastern boundary of the site adjacent to the existing properties on The Bridle Path. Whilst there are no specific details at this stage the indicative layout shows there are opportunities to provide additional landscaping within the site itself. The Landscape Development section has not raised an objection to the proposal and is recommending the provision of a landscaping scheme to include street trees and landscaping around the site entrance.

3.10 The applicants have provided a Landscape and Visual Appraisal, which concludes the proposed development would not cause unacceptable visual harm and it would make a positive landscape improvement by providing opportunities for new areas of landscaping.

3.11 The Urban Design Review Panel acknowledge in their report that the proposed development would have relatively little impact on the wider landscape.

3.12 In conclusion the proposal would be an encroachment into the landscape surrounding Madeley, given it involves the development of a greenfield site, albeit one having a backdrop of the existing village built form and the West Coast railway line. The development provides the opportunity to create, retain and enhance other landscape features. Overall, subject to conditions regarding proposed landscaping, it is not considered that the proposed development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal. In any case any element of harm identified has to be weighed in the balance against the benefits associated with the development, and this is considered later in the report.

4. Would the proposed development have a significant adverse impact on the character and appearance of the village?

4.1 CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

4.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

4.3 The site is located on the edge of Madeley. It is bounded by existing dwellings on its north and eastern boundaries on The Bridle Path and Moss Lane. On its southern boundary is a 3 metre embankment marking the extent of a former landfill site and beyond its western boundary is farm land rising to the west.

4.4 The application site gently slopes down from the north to the south typically 3.5 to 4 metres over a distance of approximately 100 metres.

4.5 Whilst this proposal seeks outline planning permission for residential development with all matters reserved for subsequent approval with the exception of the means of vehicular access into the site, the applicants have submitted an indicative layout plan and indicative street elevations. The applicants have provided this with their submission to demonstrate how they envisage the development of this site could be achieved and demonstrating that up to 42 dwellings could be provided on the site with an acceptable density. The density proposed is similar to the adjacent existing residential area. Whilst not forming part of the application to be determined, the indicative layout plan does provide a useful guide to the decision maker.

4.6 The indicative layout shows the proposed vehicular access from Moss Lane serving an indicative internal road network laid out.

4.7 The submission also includes some indicative elevational details and proposed cross section for the proposed residential development and whilst not forming part of the formal submission to be considered at this stage they do give the decision maker an opportunity to understand how the site could be developed in the future to accommodate residential development showing differing house styles with varying roofscapes and the use of palette of different surface materials finishes.

4.8 Whilst purely indicative the layout plan demonstrates that the development would not have to conflict with the Borough Council's adopted space about dwellings supplementary planning guidance (to achieve this scale of development).

4.9 Urban Vision Design Review Panel have provided a number of recommendations and as they advise a number of these could be controlled by the imposition of condition to any approval. The one exception to this would be the recommendation regarding the potential for the future development of the adjacent Council owned land fronting Bower End Lane. This land does not form part of this current application and it is considered that the current application can be determined independently given it is considered that if this additional land ever became available for development in future a suitable scheme could be developed on the adjacent site in all scenarios – that is if the current application site is granted or refused planning permission or it could be developed jointly if circumstances allowed.

5. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

5.1 This application is for outline planning permission with all matters of detail reserved for subsequent approval with the exception of the means of vehicular access to the application site from

the existing highway network. The internal on site access arrangements are not part of the submission. The applicant's agent has provided for consideration at this stage details of the extent of the vehicular access from the public highway on Moss Lane into the site to the approximately the rear boundary of the adjacent Rowley House.

5.2 The proposed single vehicular access would be taken off Moss Lane between the existing detached properties on Moss Lane. Planning permission has recently been granted for a new house in the grounds of Rowley House and account has been taken of its approved access arrangements in the assessment of this application..

5.3 The development would obviously increase the useage of Moss Lane and would place demands on its junction onto Poolside (A525). This one of the main concerns raised by the letters of objection. Moss Lane and the adjacent road known as The Bridle Path are subject to some on-street parking issues which appear to occur during the surgery hours of the nearby Doctors Surgery. The application is supported by a parking survey although the validity of this is questioned by some of the objectors. This situation seems to be a transient problem occurring at certain times of the day. Whilst this issue is a material consideration in the determination of the application it is considered it would not be made any worse by the development of the application site for residential purposes. Indeed residents of the new development would be most unlikely to use their cars to access the surgery facility given its proximity.

5.4 The application is also supported by Highway Report and a Sustainability Report. The latter demonstrates the site is a sustainable location in easy reach of surrounding services and facilities.

5.5 Paragraph 32 of the NPPF advises that decisions should ensure that safe and suitable access to development sites should be achieved for all people but also that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.6 The Highway Authority has not raised an objection to the proposal subject to a number of conditions.

5.7 Given the conditional support of the Council's technical advisers on highway matters – the Highway Authority for the area - and the advice found within the NPPF it is considered there are no sustainable reasons to resist the proposal on highway grounds.

6. Is best and most versatile agricultural land lost as a result of the proposal?

6.1 The application is not supported by a field survey based assessment of the quality of the agricultural land involved. Examination of the large scale Agricultural Land Classification map suggest that the site is Grade 3. Best and most versatile agricultural land however consists of Grade 1, 2 and 3a land. Whether the site is Grade 3a or 3b is not indicated on the large scale map and in practice only a field survey can determine agricultural land quality. However the condition of the site, its shape and contours is all strongly suggestive of a site that is not of "best and most versatile quality" so this issue has not been pursued any further.

7. What impact would the development have upon the local school in terms of additional pupil numbers and how could this matter be addressed?

7.1 New residential development will placed pressure on existing schools in term of pupil numbers and it is considered appropriate to consider whether it is appropriate to seek a financial contribution to fund additional spaces.

7.2 The County Council has a statutory duty to ensure the sufficient supply of school places, from nursery age through to post-16 and is responsible for promoting a diverse range of schools to achieve these objectives. A key part of this is securing education contributions from residential development schemes where there is projected to be insufficient places available for the pupils generated by the development.

7.3 Staffordshire County Council as the Education Authority, advises the development site falls within the catchments of Sir John Offley CE(VC) Primary School, The Meadows Primary School and Madeley High School. The development is scheduled to provide 42 dwellings. Excluding the 10 RSL dwellings from secondary only, a development of 32 houses including 10 RSLs could add 9 Primary School aged pupils, 5 High School aged pupils and 1 Sixth Form aged pupil.

7.4 They have requested an education contribution for a development of £49,866 based on the 3 secondary school places.

7.5 The comments are made based on the development providing 42 dwellings and if that number were to be different, a revised calculation will be necessary.

7.6 The number of children attributable to the proposed housing and the contribution per pupil place has been calculated using the methodology set out within Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated for 2008/09.

7.7 The applicant has anticipated the need for further school spaces as a result of the development in their submission indicating their willingness to make a financial contribution via a section 106 obligation.

7.8 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the education contribution sought is considered reasonable.

8. Is affordable housing provision required and if so how should it be delivered?

8.1 CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs. With a maximum of 42 dwellings this would therefore equate to approximately 10 dwellings.

8.2 The Affordable Housing Supplementary Planning Document specifies the detailed requirements of the make up of the units with the following as a general principle,

8.3 Developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis.

8.4 In terms of the tenure mix of the affordable housing, a policy compliant scheme would provide approximately 6 social rented units and approximately 4 shared ownership units (based on 42 units being provided on the site).

8.5 The applicants' agents in their submission advises that the applicant will enter into an obligation to provide up to 25% of the dwellings for affordable housing in line with the adopted Supplementary Planning Document and Policy CSP6 of the CSS. The indicative layout drawing shows 10 affordable units being provided on site albeit not in a tenure blind arrangement as required by the SPD. They also advise that interest in delivery these affordable units has been received from a local Registered Social Landlord.

8.6 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The level of affordable housing is policy compliant and it is considered that the CIL tests are met. Accordingly the affordable housing provision sought is considered reasonable.

9. Would there be any issues of flood risk or sewage capacity?

9.1 A Flood Risk Assessment (FRA) submitted to accompany the application advises the whole of the site is within Flood Zone 1 being an area of low probability (of flooding). Development within Flood Zone 1 area is the preferable option when considered in context of the sequential test found in the National Planning Policy Framework.

9.2 The development proposes sustainable drainage options including SUDS areas.

9.3 A number of objections received have raised concerns regarding the land flooding and the land being waterlogged for a large part of the year and concerns regarding sewer capacity.

9.4 The Environment Agency has no objections to the proposal subject to conditions relating the sustainable drainage principles and contaminated land conditions. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

9.5 Concerns have been raised regarding sewage capacity. However the relevant statutory undertaker – United Utilities – have not expressed any concern on this point in their response to this application – and in any case they are under a statutory duty to make provision if a developer seeks to connect to the public drainage system.

9.6 United Utilities has no objections to the proposal subject to conditions relating to the need for suitable surface water draining in the most sustainable way, reducing the volume of surface water draining by the use of permeable paving and separate foul water drainage system, it is not considered that an objection could be sustained on the grounds of sewer capacity.

10. Will appropriate open space provision be made?

10.1 Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. The threshold for this is 10 or more dwellings or a site area of 0.4 hectares or more. The policy advises where no open space provision is being made on site the developer will be invited to make a financial contribution.

10.2 The NPPF advises developments should optimise the potential of sites to accommodate development, create and sustain an appropriate mix of uses, including public open spaces (paragraph 58), it also advises the local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 203) it is considered policy C4 is compliant with the up to date advice within the NPPF and therefore is able to be given the appropriate weight.

10.3 Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

10.4 Given no on-site open space is being proposed, the Landscape Development Section are requesting a financial contribution for off-site open space improvements in the order of £2943 per dwelling, this contribution if secured would be proposed to be used for improvements to existing facilities in the Madeley area.

10.5 The Landscape Development Section has advised any contribution secured would be spent on improvements to land around Madeley Pool and College Gardens. Given the physical proximity of these sites to the proposal site, and the nature of the works proposed, such contributions would, in

your planning officer's opinion be consistent with the provisions of the NPPF and meets the tests of the CIL Regulations.

11. What are the ecological implications of the development and are they acceptable?

11.1 The application is supported by an Ecological Walkover Survey. This survey does not identify any protected species and their habitat either across the site or within a 30 metre buffer of it, identifying the hedgerows around the site as being the most valuable ecological asset of the site, which remain.

11.2 The survey provides a number of recommendations and it's considered prudent to attach a condition requiring those recommendations to be fully implemented as part of any approval.

12. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

12.1 In consideration of the above points, the development would result in some limited local impact on the landscape around the village and the local highway network. However, the proposal represents sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough.

12.2 The applicant's agent has provided additional information in respect of the financial benefits of the development in addition to the suggested section 106 obligation financial contributions totalling approximately £173,500, namely the value of the affordable housing (which he estimates at circa £750,000 - £1 million) and the potential of securing New Homes Bonus totalling £378,000. Both are material planning considerations which the LPA have to take into account in this decision.

12.3 The New Homes Bonus, introduced in April 2011, is a grant paid by central government to local councils for increasing the number of homes and their use. The value of the New Homes Bonus as quoted by the applicant's agent has been confirmed as being correct.

12.4 The stated value of affordable housing element of the proposal has not been substantiated and is unlikely to be by the time of the consideration of the application (a full financial appraisal would be required to do this). However it is not unreasonable for the applicant to refer to the provision of 10 affordable dwellings as a benefit that should be taken into account, even though it is required to make the development policy compliant. The other contributions are required to meet needs arising from the development so your officer's view is that weight should not be given to them as 'benefits'.

12.5 That the owner may be close to disposing of the site to a developer, and the stated intentions of that developer, is material to the decision insofar as it provides a measure of confidence to the Authority that should planning permission be granted for this site, the housing will be delivered and thus make a contribution to addressing the issue of the lack of a 5 year housing land supply.

12.6 In summary the limited adverse impacts of this sustainable development would not significantly and demonstrably outweigh the benefits of the proposal. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

Background Papers

Planning file
Planning documents referred to

Date report prepared

8th April 2014

