

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 109 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 for up to 113 dwellings on this site (Ref. 13/00426/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 5.6 hectares in extent, is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 8th November 2016.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Details of the tie in of access of the site with Gateway Avenue**
- **Integral garages of the Suckley house type to be retained for the parking of vehicles**
- **Materials (facing, roofing and surfacing)**
- **Landscaping conditions**
- **Details of management of community orchard**
- **Upgrading of the surface of the right of way**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. It is considered that this revised scheme addresses the reasons for refusal of the previous scheme, Ref. 15/01106/REM, and there are no material considerations which would justify a refusal of this reserved matters submission.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 109 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00426/OUT at appeal in January 2015. Details of access from the highway network were approved as part of the outline consent.

1.2 A similar application for the approval of reserved matters for 113 dwellings was refused earlier this year (Ref. 15/01106/REM). The reasons for refusal were as follows:

1. The layout, density and design of Plots 1 to 10, including the provision of two-storey houses on Plots 5, 6 and 7 and the positioning of the dwelling on Plot 10 forward of No. 11, Hillview Crescent, would be out of keeping with the layout, character and appearance of the adjoining existing development. The proposed development would therefore be contrary to Policy CSP1

of the Core Spatial Strategy, the Urban Design Guidance Supplementary Planning Document (2010) and the aims and objectives of the National Planning Policy Framework (NPPF).

2. The proposed development, by reason of the proximity of the dwellings on Plots 5, 6 and 7 to the rear gardens of the properties on Gateway Avenue and Hillview Crescent, the positioning of the dwelling proposed on Plot 10 forward of No. 11, Hillview Crescent and the proximity of the dwelling on Plot 1 to the lounge window in the side elevation of No. 14, Gateway Avenue, would have cumulatively a material adverse impact on the standard of residential amenity of the occupiers of the existing dwellings, which reflects the generally prevailing high standard of residential amenity experienced within the village of Baldwin's Gate. The proposed development would therefore be contrary to the aims and objectives of the NPPF.
3. The affordable housing units would be insufficiently distributed across the overall site and the development would therefore fail to create a mixed and integrated community. The proposed development would therefore be contrary to Policy CSP6 of the Core Spatial Strategy, the advice in the Council's Affordable Housing Supplementary Planning Document (2009) and the aims and objectives of the NPPF.

1.3 This application seeks to address the above reasons for refusal and the principal changes to the previous scheme are as follows:

- The number of dwellings has been reduced from 113 to 109
- The dwellings in the area of the site at the end of Gateway Avenue and Hillview Crescent have been reduced from 10 to 6 and the properties facing the rear gardens of the existing houses in this location now comprise bungalows
- The dwelling adjacent to No. 11, Hillview Crescent has been set back so that it no longer projects forward of that property
- Greater separation is now proposed between No. 14, Gateway Avenue and Plot 1
- The affordable dwellings have been redistributed across the site

1.4 Although objections have been received from local residents regarding the proposals for foul and surface water discharge and the impact of the proposed development upon the surrounding highway network, these are matters that were considered and accepted as not grounds for refusing either the outline planning permission or the recent reserved matters application, and therefore, cannot be revisited now. Issues of impact on view and impact on property values have also been raised but these are not material planning matters.

1.5 Given the reasons for refusal of the previous reserved matters application, the issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the siting of the affordable dwellings appropriate?

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2.2 Policy CSP1 of the 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 NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 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 settlement*
- 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.

2.5 R12 of that 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.

2.6 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.

2.7 The previous reserved matters scheme (Ref. 15/01106/REM) comprised 113 dwellings. As indicated above one of the reasons for the refusal of that scheme was that the layout, density and design of Plots 1 to 10, including the provision of two-storey houses on Plots 5, 6 and 7 and the positioning of the dwelling on Plot 10 forward of No. 11, Hillview Crescent, would be out of keeping with the layout, character and appearance of the adjoining existing development.

2.8 This revised layout would comprise 109 dwellings and the number of properties in the area of the site at the end of Gateway Avenue and Hillview Crescent has been reduced from 10 to 6. The three 2-storey dwellings previously proposed facing the existing houses have now been omitted. A reduction in the number of dwellings in this area of the site has resulted in a more spacious layout and enabled the bungalows to be re-positioned so that the property adjacent to No. 11, Hillview Crescent no longer projects forward of that property. Your Officer's view is that the revised layout satisfactorily addresses the first reason for refusal of the previous scheme. It is considered that the layout and density of the proposed scheme and the proposed house types reflect local character and that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

3. Would there be any adverse impact on residential amenity?

3.1 As indicated above the second reason for refusal of the previous scheme (Ref. 15/01106/REM) was that the proximity of the dwellings on Plots 5, 6 and 7 to the rear gardens of the properties on Gateway Avenue and Hillview Crescent, the positioning of the dwelling proposed on Plot 10 forward of No. 11, Hillview Crescent and the proximity of the dwelling on Plot 1 to the lounge window in the side elevation of No. 14, Gateway Avenue, would have cumulatively a material adverse impact on the standard of residential amenity of the occupiers of the existing dwellings.

3.2 The reduction in the number of dwellings in the area of the site at the end of Gateway Avenue and Hillview Crescent has allowed for the provision of a greater distance between No. 14, Gateway Avenue and the dwelling on Plot 1. Your Officer's view is that this, along with the omission of the three 2-storey dwellings previously proposed facing the existing houses and the re-positioning of the bungalows, overcomes the second reason for refusal of the previous application and ensures that there would be no adverse impact on residential amenity.

4. Is the siting of the affordable dwellings appropriate?

4.1 The third reason for refusal of the previous application was that the affordable housing units would be insufficiently distributed across the overall site and the development would therefore fail to create a mixed and integrated community.

4.2 In the previous scheme, the affordable units were sited with 11 dwellings grouped in the north-eastern part of the site, 3 dwellings in the centre of the site and 2 dwellings in the south-western area of the site. Based on 16% of the then proposed 113 dwellings, a total of 18 affordable units were proposed.

4.3 Due to the reduction in the number of dwellings proposed overall, 17 affordable dwellings are now proposed across the site. The affordable units have been distributed more evenly across the site with 8 units now proposed in the north-eastern part of the site, 5 dwellings in the centre of the site and 4 dwellings in the south-western area of the site. It is considered that the layout would satisfactorily create a mixed and integrated community and your Officer's view is that the revised scheme satisfactorily addresses the third reason for refusal of the previous scheme.

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 CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan (NLP) 2011

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 N21: Areas of Landscape Restoration
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

Relevant Planning History

13/00426/OUT Outline application for up to 113 no. dwellings and associated works Refused
and subsequent appeal allowed on 12th January 2015

15/01106/REM Application for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 113 dwellings Refused

Views of Consultees

The **Highway Authority** states that the application has changed slightly since the last submission with fewer plots on site. They state that their previous comments still apply which were that they had no objections to the proposal subject to conditions requiring full details of the tie-in of the access of the site with Gateway Avenue and stating that the integral garage of any Unit D shall be retained for the parking of motor vehicles and cycles.

The **Housing Strategy Officer** states that 17 units will be given as affordable housing which is a reduction from the original application which had 18 units. This is on the basis that the total number of units has been reduced to 109 and 16% of that number is 17.44 units which has been rounded down to 17 units. The types of houses that have been given as affordable are 2 and 3 bed houses which is appropriate as there is a greater need for smaller properties rather than larger family houses. It seems that the development is being built in 3 clusters and affordable units are present in each of the clusters. The affordable housing seems sufficiently integrated within the development.

The **Landscape Development Section** has no objections however consideration should be given to introducing some larger growing tree species to the varieties specified in the central areas.

The **Education Authority** notes that a Unilateral Undertaking was submitted at the time of the appeal for 13/00426/OUT and the education contribution amount and terms should be calculated in line with this. Using the information available the education contribution calculates a total of £442,146 plus indexation.

Whitmore Parish Council stands by its original petition that this development is neither justified, needed nor wanted. However, since outline planning permission has already been granted and this application includes all of the changes agreed by Kier to resolve the issues which led to the refusal of 15/01106/REM, the Parish Council wishes to thank Kier for their adjustments and now have no further objection to this application.

Regarding Application 15/01106/REM the following additional consultation responses were received:

The **Environment Agency** had no objections.

Network Rail made the following comments:

- Increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. The developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met. Further clarification is required regarding the swales. Should any issues result from the proposal then the developer will be liable for all mitigation costs.
- Any excavation adjacent to the cutting crest/railway boundary will require supervision by Network Rail to ensure the stability and safety of the railway is not adversely affected.
- The 1.8m high fence proposed by the developer is acceptable to Network Rail.
- It is for the developer and the LPA to ensure mitigation measures and conditions are in place to ensure that noise and vibration from the existing railway are mitigated appropriately prior to construction.
- No trees should be planted next to the boundary with Network Rail land and the operational railway. Only evergreen shrubs should be planted and they should be a minimum distance from the boundary that is equal to their expected mature growth height.
- The developer should submit a Risk Assessment and Method Statement (RAMS) which would consider all works to be undertaken within 10m of the operational railway.

The **Crime Prevention Design Advisor** stated that it is pleasing to note that the applicant has clearly sought to address crime prevention within the design layout. A number of elements are listed that accord with 'Secured by Design' guidance and principles. One aspect of the development that might benefit from some further thought is the boundary treatment where the two ends of Sandyfields will meet the new development. Perhaps providing a formal pedestrian linkage at one of these points might have been beneficial and need not undermine security. In the absence of a link there is a danger that informal paths/desire lines will be created. If there are to be no pedestrian linkages at these points, it may be prudent to reinforce the relevant site boundaries.

Representations

9 letters have been received including a submission from **Baldwin's Gate Action Group**. A summary of the comments made is as follows:

- Kier have gone out of their way to address the concerns of residents and the new layout is much improved
- The revised plan shows a reduction in the number of dwellings and reduced density adjoining Hillview Crescent and Gateway Avenue
- By siting bungalows in the designated zones in accordance with the outline permission and by respecting the building line of Hillview Crescent, the scale of development is proportionate to the existing development and makes a positive contribution to the integration of the existing and new developments
- The separation distance of new dwellings from 14, Gateway Avenue has been increased

- Affordable housing has been further dispersed throughout the site
- The reinstatement of the footpath in the public open space on the north west side of the development and the provision of seats ensures the public accessibility of this space
- The revised plans closely adhere to the conditions imposed by the Planning Inspector when outline planning permission was granted
- Potential drainage problems
- The proposals for foul and surface water discharge are incomplete and as such unsustainable
- Impact on view
- It is pleasing that the applicant has agreed to improve the public right of way behind Hillview by clearing it and laying a better walking surface. However, it is concerning that no lighting is to be provided.
- Road safety concerns
- Affordable housing is not spread evenly throughout the development
- The design is an urban design and not complimentary to the rural environment
- Impact on property values
- Concerns that the application has been validated without review to see if it is compliant with the conditions set out in the outline planning permission

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Noise and Vibration Impact Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00676/rem>

Background Papers

Planning files referred to
 Planning Documents referred to

Date report prepared

20th September 2016