

**LAND OFF WOODROW WAY, ASHLEY  
MARCUS MACHINE & TOOLS LIMITED**

**17/00605/FUL**

The Application is for full planning permission for the erection of 10 dwellings on a field.

The application site, which measures 1.34 hectares, lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

Access to the site is taken via Woodrow Way which in turn joins Charnes Road, the D2245.

**The 13 week period for the determination of this application expired on 18<sup>th</sup> October 2017 but the applicant has agreed to extend the statutory period until 8<sup>th</sup> December 2017.**

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## **RECOMMENDATION**

**Refuse for the following reasons:**

- 1. The proposed development, because of its isolated location away from a higher level of services, employment and public transport links, would mean that residents would be dependent on the use of private motor vehicles. The development of this greenfield site would not materially enhance or maintain the viability of a rural community in a significant way and is considered to be an unsustainable form of development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, there is no presumption in favour of the proposal. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012). It would also create a precedent for the consideration of similar proposals around the village envelope of Ashley.**
- 2. The adverse impacts of the development, namely the reliance on the use of private motor vehicles and the extension of built development into the open countryside would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2012) taken as a whole and the proposal therefore represents an unsustainable development.**
- 3. In the absence of a secured planning obligation, the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).**
- 4. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from the development and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision as referred to in the Staffordshire County Council Education Planning Obligations Policy (November 2003, as subsequently updated) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). For this reason the proposal would fail to provide a sustainable form of development and would be contrary to Policy CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).**

## **Reason for Recommendation**

The proposal would extend built development out to the east of the existing pattern of development and would not comprise a 'natural or logical' extension to the village. Due to its isolated location away from a higher level of services, employment and public transport links, residents would be dependent on the use of private motor vehicles. Overall, the adverse effects of allowing the development of this proposal, significantly and demonstrably outweigh the benefits.

The proposed development would result in additional pressure on limited secondary school places and in the absence of a financial contribution, such an adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure affordable housing in accordance with policy.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

### **Key Issues**

Full planning permission is sought for the erection of 10 dwellings. The original submission was for 12 units, but during the determination of the application the scheme has been amended and this report addresses the proposal now before the Authority. The application site, of approximately 1.34 hectares in extent, is within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map, and in the open countryside outside the village envelope of Ashley. A plan showing the site in relation to the boundary of the village envelope of Ashley will be available to view at the Committee meeting

It is not considered that the application as revised raises any issues of impact on trees, residential amenity or drainage considerations and taking into account the development plan, the other material considerations indicated below and the consultation responses received, 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?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety?
- Is affordable housing provision required and if so how should it be delivered?
- What financial contributions are required?
- 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?

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

The application site lies within the Rural Area of the Borough, adjacent to but outside of the village envelope of Ashley, within the open countryside.

Core Spatial Strategy (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.

CSS Policy ASP6 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.

Furthermore, Policy H1 of the Local Plan only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Ashley is not identified in the CSS as one of the Rural Service Centres. It is identified as a village and the CSS indicates that no further growth is planned for the villages and efforts will be made to ensure existing services and activities within the villages are protected. The site is not previously developed land.

In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted according to CSS Policy ASP6. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

In conclusion, this site is not one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwellings would not serve an identified local need.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

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.

The Framework seeks to promote sustainable development in rural areas. Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given states that where there are groups of smaller settlements, development in one village may support services in a village nearby. It further details that local planning authorities should avoid new isolated homes in the countryside unless there are 'special circumstances'.

Ashley has very limited services, namely a doctor's surgery, a public house, a restaurant, a church, a village hall and a hairdressers. Although the applicant's case refers to the proximity of the shops and services of Loggerheads, they are approximately 3km from the site and the route to Loggerheads is primarily along narrow rural lanes with no lighting or pedestrian footways making regular walking or cycling for day to day needs unrealistic. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It does go on to say that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km, however, the shops and services of Loggerheads are in excess of 2km from the application site. There is an hourly bus service that passes through Ashley and there are bus stops approximately 500m from the application site. Whilst this would provide residents with some choice of mode of transport, given the limitations to the bus service and the very limited services within the village, it is considered very likely that the future occupants of the dwellings would have to travel by car for day to day domestic needs such as food shopping, employment and school provision.

The applicant's agent refers to appeal decisions for sites at Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT) and Tagedale Quarry, Loggerheads (Ref. 15/00015/OUT). Your Officer considers however, that both Baldwin's Gate and Loggerheads can be distinguished from Ashley due to their significant range of facilities in comparison to those of Ashley.

The agent also makes reference to an appeal decision in which the Inspector allowed a detached dwelling at Smithy Lane, Knighton (Ref. 16/00312/FUL). In that particular instance, the Inspector attributed weight to the fact that the site was within the existing built form of Knighton and that the proposed dwelling would be a logical infill development. The current site does not comprise a logical infill.

Although not referred to by the agent, it is considered necessary to bring to Members' attention an appeal that was allowed for a single dwelling within the village envelope of Ashley (Ref. 15/00540/OUT). In that case, the Inspector gave weight to the fact that the site was within the envelope boundary of Ashley. He stated that LP Policy H1 which is headed 'Residential development: sustainable location and protection of the countryside', is permissive of residential development where the site is in one of the village envelopes and on that basis, he considered that "*development within*

*the policy would tick some aspect of the sustainability box*". The Inspector went on to state that the gap created by that site presented an opportunity for infill development that would make a positive and efficient use of the land. In contrast to the appeal site, the current application site is not within the village envelope of Ashley and does not comprise an infill plot.

There have been a number of other appeal decisions in recent years for residential development around Ashley. In dismissing those cases, Inspectors have concluded that the isolated location of the sites where future occupants of the dwellings would be likely to be reliant on the private car in order to access everyday goods and services, weighed significantly against the proposals. Although it is acknowledged that the current application site, which is adjacent to existing residential development, is not isolated, as discussed above it is considered that the future residents would be heavily reliant on the car.

In conclusion, given the limited nature of facilities and services nearby this is not considered to be a sustainable location and the proposal would not meet the requirements of the NPPF.

Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The applicant's agent states that economic benefits are the provision of direct and indirect employment and the contribution of the increase in population to the local economy and that social benefits are the contribution towards the supply of deliverable housing land and towards meeting the area's affordable housing needs, and the provision of new public open space. In terms of the environmental dimension, the agent highlights the sustainability and energy performance characteristics of the development and states that the proposed development will have a positive impact on biodiversity, a neutral impact on flooding and drainage, no loss of significant trees and considerable new planting proposed, only localised visual impacts, will respect the local character and context and will include a net gain in open space.

It is the case that the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering market housing and making a financial contribution towards the provision of off-site affordable housing. The issue of the environmental impact of the scheme will be considered fully below.

In consideration of the scheme at the pre-application stage, Urban Vision Design Review Panel expressed concern that the development of this site would not be in keeping with the existing pattern of development in the village and that the development would set a precedent and place pressure on other greenfield sites around Ashley and other villages. Although all applications should be considered on their merits, circumstances have to be the same for precedent to be created and there has to be evidence that there is real likelihood that similar applications would be submitted, it is the case that given the form of the village there are a number of sites adjacent to and close to the Village Envelope of Ashley which are the subject of responses to the Call for Sites being undertaken as part of the Joint Local Plan. Acceptance that Ashley is a sustainable development for residential development would create a precedent and make similar applications for such sites difficult to resist in terms of the principle of development. It is the case that the proposal would extend built development out to the east of the existing pattern of development and would not comprise a 'natural or logical' extension to the village. This is a material consideration which weighs against the proposal but whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?

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.

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*

RE5 of the SPD states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

A mix of 4 and 5-bed dwellings are proposed and all the dwellings would be 2-storey. An area of Public Open Space is proposed on the eastern boundary of the site comprising a new woodland and wetland habitat. It would connect to the existing children's play area to the south and is designed to create a buffer between the proposed development and the open countryside.

There is a mix of dwelling size and style in the area and densities vary across the village. The density of the proposed scheme would be approximately 7 dwellings per hectare. Six different house types are proposed with subtle changes in materials and elevational treatment to ensure variety but a consistency of style. The materials would comprise a mix of red and blue facing bricks, timber cladding, white render and zinc cladding.

In consideration of the scheme at the pre-application stage, Urban Vision Design Review Panel was also not convinced that the design quality proposed was befitting of the opportunity presented by this attractive site. The house types were considered to be standard and more differentiation in their external appearance was suggested. It was considered that the materials proposed would give a contemporary feel but as juxtaposed would be harsh and out of context for the rural edge of a village. The Panel felt that the access road was over engineered and that a more visionary, strategic approach to the landscape was required. The applicant's aspiration to achieve high levels of sustainability and energy performance was applauded but it was considered that the approach needed to be more radical to mitigate the loss of open countryside.

Your Officer's view is that given the edge-of-village location of the site, the density of the proposed scheme is appropriate. Notwithstanding the views of Urban Vision, it is considered that the design of the dwellings and the materials' palette proposed would provide sufficient variety to create interest whilst ensuring a consistency throughout the site. Whilst the contemporary design of the dwellings differs from that of the existing properties nearby, given the variety of dwelling size and style currently in the area, it is not considered that the design of the dwellings would be harmful to the character of the area.

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.

The site is within a Landscape Maintenance Area and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The applicant's agent states that existing mature hedgerows and trees are to be retained and enhanced and that a landscape buffer is proposed along the east side of the site limiting the landscape and visual impact of the development on the wider countryside. Existing views of the site are limited due to the presence of mature hedgerows and trees along its boundaries. With appropriate and sensitive additional planting, it is considered that the development would have limited effect on the wider landscape character.

Would the proposed development have any adverse impact upon highway safety?

The site would be accessed from Woodrow Way by extending the cul-de-sac into the application site.

Concerns have been raised by residents on the grounds that Woodrow Way is too narrow to accommodate the additional traffic and is impassable to emergency and refuse vehicles and that Charnes Road is also of insufficient width to serve a large estate of 40 or more cars in addition to the existing traffic.

The application is accompanied by a Transport Statement (TS) and a further Technical Note (TN) which includes a traffic speed and volume survey on Charnes Road and information regarding visibility splays. The TS and TN state that the traffic using the local highway network is modest and the number of additional vehicle trips generated by the proposed development would be low and would have no material impact on the existing situation. The documents conclude that the proposed development is acceptable with regards to transport matters.

The Highway Authority raises no objections to the application subject to the imposition of conditions. They comment that the existing width of Woodrow Way is 4.8m which complies with the national guidance document, Manual for Streets. They go on to state that in the assessment of the application they have taken into account the information and data within the TN which demonstrates that the required visibility splays are achievable and that Charnes Road is lightly trafficked. In addition there have been no recorded accidents on Charnes Road and Woodrow Way in the last 5 years.

The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*. Whilst it is the primary responsibility of the LPA to either accept or reject advice from statutory consultees such as the Highway Authority, it has to understand the basis for doing so, and it is required to give thorough consideration to that advice. The Highway Authority does not raise objections to the application and your Officer's view is that subject to the imposition of conditions the impact of the proposed development on highway safety would not be severe and therefore an objection on such grounds could not be sustained.

The Council's Waste Management Section expresses concern that the development may well sometimes be impossible to reach given that Woodrow Way can be difficult to collect from due to its narrow width and the presence of parked cars blocking access to the properties furthest from Charnes Road. In addition, they state that the layout appears poor and having properties grouped together along shared private accesses can result in problems. They state that a better design would be to have a turning head at each of the furthest ends.

In response to the comments of the Waste Management Section, the applicant's agent states that the turning head in the location shown would allow a collection vehicle to get within acceptable 'carry distances' of all properties. Manual for Streets identifies 25m as an acceptable carry distance and the private drives are approximately 25m long. Allocated areas have been provided within each plot's driveway to ensure that bins can be stored securely and out of the immediate streetscene. With regards to the width of Woodrow Way and the suggested difficulties for waste collection, it is stated that this is an existing issue not arising from the development itself but from parking by occupiers of Woodrow Way. The existing carriageway width is 4.8m and meets the required standard. It is asserted that compared to the existing situation, the proposed development should offer a benefit to

waste collection vehicles as they will be able to turn at the turning head on the new development and thus enter and leave Woodrow Way in a forward gear.

It does appear that on-street parking is causing an existing problem for waste collection services but it is not considered that the proposed development would materially exacerbate the situation. The proposed layout complies with Manual for Streets and in the absence of any objections from the Highway Authority, it is not considered that an objection on this basis could be sustained.

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

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.

This application proposes 10 dwellings and at 25% provision for affordable housing, 3 affordable dwellings would be required. In this case the applicant proposes to deliver the affordable housing by a commuted sum for provision elsewhere in the Borough.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

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

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that affordable housing and 'tariff-style' contributions should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

Whilst in this case the site is 10 units or less, it would have a gross floorspace of significantly more than 1,000 square metres and therefore the guidance does not rule out seeking affordable housing in this case.

Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that whilst affordable housing should be provided on the application site so that it contributes towards creating a mix of housing, where it can be robustly justified, off site provision or the obtaining of a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted. The SPD suggests that one of the circumstances where offsite provision may be appropriate is where the Council considers that "the provision of completed units elsewhere would enable it to apply the contribution more effectively to meet the Borough's housing need".

Although no comments have been received from the Council's Housing Strategy Section regarding the application, they did comment in relation to the pre-application enquiry for the site. They stated that given that this is a relatively small development with very large and spacious properties, a Registered Provider would not wish to take on such units for affordable housing and so an off-site contribution of a broadly equivalent value could be acceptable.

It is considered that a low density development is appropriate in this edge of village location and therefore your Officer considers that off-site provision secured by means of a financial contribution is appropriate in this instance. It is critical that calculation of the level of financial contribution fully takes into account the real difference between the costs of offsite and onsite provision, so that there is no financial benefit to the developer in proceeding in this way. Should Members resolve to approve the application, the advice of the District Valuer would need to be sought regarding the sum to be required.



### What financial contributions are required?

As referred to above, the Ministerial Statement indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres. Notwithstanding whether an education contribution is considered to meet the definition of a ‘tariff-style’ contribution or not, given that this development would have a gross floorspace of significantly more than 1,000 square metres, the guidance does not rule out seeking an education contribution in this case.

Staffordshire County Council states that no education contribution is requested for the revised scheme for 10 dwellings on the grounds that the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 ha. This site, at 1.34ha, significantly exceeds 0.2ha and having considered the County Council’s Education Planning Obligations Policy, and on the basis that Madeley High School is projected to be full for the foreseeable future, it is considered that an education contribution should be sought. The County Council has confirmed verbally that their response was incorrect and that a contribution of £33,244 for 2 high school places should be sought.

The obligation is considered to meet the tests identified in paragraph 204 of the NPPF and is compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5<sup>th</sup> April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a specific project to provide additional classrooms and an extension to the dining room. Any subsequent planning obligations will be for a different project or projects than mentioned above. On this basis, it is considered that the contribution complies with CIL Regulation 123.

### 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?

In conclusion, the proposal would result in the provision of ten houses, which would make a not insignificant contribution towards addressing the current shortfall in housing supply, and bring about limited economic benefits associated with its construction and occupation. However, the development would not comprise a ‘natural or logical’ extension to the village and it is not in a sustainable location owing to its distance from services and the necessity for future residents to travel to and from the site by car.

Overall, the adverse effects of allowing the development of this proposal, significantly and demonstrably outweigh the benefits.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy 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 \(NLP\) 2011](#)

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 N19:	Landscape Maintenance Area
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 Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Newcastle-under-Lyme Open Space Strategy \(March 2017\)](#)

[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 SPD \(2010\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Waste Management and Recycling Planning Practice Guidance Note \(2011\)](#)

[Staffordshire County Council Education Planning Obligations Policy](#)

[Relevant Planning History](#)

None

## Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, hours of construction submission of an Environmental Management Plan.

The **Highway Authority** has no objections subject to conditions requiring the provision of the internal site road, parking and turning areas, the submission of details of the means of surface water drainage, submission of details of the installation of a street light on Charnes Road between Woodrow Way and Green Lane, retention of garages within the scheme for parking of motor vehicles and cycles, and submission of a Construction Method Statement.

The **Waste Management Section** states that Woodrow Way is sometimes difficult to collect from because it is narrow and parked cars block access to the properties furthest from Charnes Road. The development may well sometimes be impossible to reach leading to inconvenience to residents and high costs to the Council making speculative return visits hoping to be able to reach the properties. The layout appears poor and designs in the blight of containers being left out on the highway between collections. Having properties grouped together along shared private unadopted accesses is a very problematic design and instead of a central turning head with two substantial private shared accesses, a better design would be to have a turning head at each of the furthest ends. The current design will mean that residents opt to leave their containers out between collections as they consider it too far to take bins back to their own properties creating complaints and staff will not collect from the points where individual property boundaries meet the private sections. Should a resident of one of the end properties ever require an assisted collection it poses a significant problem in terms of the logistics and health and safety when arranging to make collections.

The **Landscape Development Section** states that their original concerns, about the distance of properties to the existing playground facility and about the proximity of Plot 6 on the original layout to the two Category A Ash trees, have been addressed. The dwellings should however be facing the open space to allow for natural surveillance which has not been addressed with the revised layout.

The proposal would require a LAP (Local Area for Play) and LEAP (Local Equipped Area for Play) facility. Due to the proximity of the existing play facility, the Council would consider that the developer could allow for improvements to these facilities in association with the local Parish Council (appropriate proportional sum to be agreed) instead of creating a new LEAP. A new LAP should be installed within the open space provided.

Should this development be approved then conditions are suggested requiring retention and protection of trees and hedgerows during construction, submission of an Arboricultural Method Statement and a dimensioned Tree protection Plan, alignment of utility apparatus, schedule of works to retained trees and detailed hard and soft landscaping proposals.

The **Education Authority** states that the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 hectares. Therefore, no education contribution is requested for this application.

The **Crime Prevention Design Advisor** has no objections to the principle of housing and there are some positive layout features evident on the proposed site plan such as generally good levels of natural surveillance, overlooked parking provision and some rear gardens backing onto others to provide mutual security. If other rear garden boundaries will comprise only planting and no fencing, they will need to be suitably dense and reinforced to offer an appropriate level of protection against intrusion. Fencing and lockable gating should be incorporated and positioned as close as possible to the front of the building line to prevent unauthorised access.

It would be better for the new development to have views over the existing play area. Incorporating views over the area of public open space in the south-east corner of the site would also be desirable. It is also recommended that robust physical security is installed throughout the development.

The **Lead Local Flood Authority** states that the Flood Risk Assessment & Drainage Strategy demonstrates that an acceptable surface water drainage strategy can be achieved within the

proposed layout which includes permeable paving and an attenuation pond. No objections are raised subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

**Severn Trent Water** has no objections subject to a condition requiring drainage plans for the disposal of foul and surface water flows.

**Loggerheads Parish Council** objects on the following grounds:

- The site is outside the village envelope, is in an area of landscape maintenance and there is no affordable housing on site.
- The application does not meet the local housing needs identified in the Loggerheads Housing Needs Assessment.
- In the Borough Council's own assessment of Strategic Housing Land Availability, updated in 2017, the lists of sites assessed as Not Deliverable and Developable includes sites in Ashley adjacent to this site. The reason given applies equally to this site – adjacent a Tier 3 settlement indicating a lack of pedestrian access to key facilities within or outside the settlement.
- The site is not in a sustainable location. There is a total lack of facilities within a safe walking distance and a lack of frequent accessible public transport which is reached by an unsafe pedestrian route.
- Access to the site is via lanes that are sub-standard in width.
- Both the applicant's Technical Note and the consultation response of the Highway Department are silent on the issue of the width of Woodrow Way and the technical distance needed for construction traffic to access the site. The Borough's recycling truck is not able to access the full road and the width will not support the flow of construction traffic.
- The proposal is out of character with the adjacent area.

Detailed comments are made regarding the application documents. A brief summary is as follows:

- Although the application form states that waste will be easily accessed from the roadside, existing properties have missed collections as the waste vehicle has been unable to gain access due to on-street parking.
- Additional vehicles would have difficulty accessing the site due to on-street parking.
- It is questioned whether the consultation with local residents has been meaningful. A leaflet drop took place to a small number of houses directly adjacent to the site. A public meeting would be beneficial but has not happened.
- The bus does not run at convenient times for access to work or in the evening or on Sundays.
- The affordable housing should be on site, rather than diverted elsewhere.
- The proposal for 'eco properties' outside the village envelope of a non-sustainable village does not make it a sustainable development particularly when the high level of car usage and total lack of local facilities is taken into account. The only facilities are a pub, restaurant, doctor's surgery and two churches.
- These 12 dwellings could only make an insignificant contribution to renewable energy or low carbon energy targets when considered as part of the borough as a whole.
- The Parish Council supports the findings of the Design Review Panel and is concerned that their conclusions and recommendations seem to have been ignored.
- The application states that there have been no previous planning applications on the site but this is incorrect. In 1988 an application for a bungalow was refused and then refused at appeal.
- There are currently 40 similar properties for sale within 3km of the site.

No comments have been received from the **Housing Strategy Section** or from **United Utilities**. Given that the period for comment has passed, it must be assumed that they have no comments to make.

### Representations

Approximately 82 letters of objection have been received. Objection is made on the following grounds:

- The site lies outside the village envelope and has special landscape value
- It is too far from essential services and employment
- Pedestrians cannot walk safely from the site to shops due to the narrow roads and lack of or very narrow pavements
- The junction of Woodrow Way and Charnes Road has limited visibility and the right turn out of Woodrow Way is dangerous
- Woodrow Way is too narrow to accommodate the additional traffic and due to on-street parking, is impassable to emergency vehicles and refuse/recycling vehicles
- Charnes Road is of insufficient width for a carriageway to a large estate of 40 or more cars in addition to existing traffic. It has no pavements or lighting.
- Houses are poorly designed, out of keeping with the village architecture and will harm its character
- A village with such limited facilities will struggle to accommodate the increase in population. The local GP and school will be unable to cope.
- The plan shows no social housing, bungalows for the elderly or affordable houses. Smaller houses would be more appropriate and would retain a healthy mix in the area. There are already several large houses for sale in Ashley and there is no requirement for more.
- Ashley and Loggerheads Parish have carried out their own survey in 2014 which has been updated this year. That shows that only 12 houses per year are needed and that there is enough building land for 20 years.
- If this development is approved, it will set a precedent
- Impact of construction noise
- Impact on property value
- Impact on sewerage capacity
- The intention of highly sustainable dwellings is not sufficiently well developed or secured through a recognised standard and is therefore meaningless.
- The applicant has not significantly or demonstrably shown that the adverse impacts would be outweighed by the benefits
- The Habitat Suitability Index that accompanies the application is incomplete as not all pools in the vicinity have been accessed.
- Lack of consultation with the community

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement
- Planning Statement
- Energy and Sustainability Statement
- Extended Phase 1 Habitat Survey
- Phase 1 Desktop Investigation
- Arboricultural Impact Assessment
- Transport Statement
- Flood Risk Assessment & Drainage Strategy
- Strategic Landscape Management Plan

These documents are available for inspection at the Guildhall and on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00605/FUL>

#### Background papers

Planning files referred to

Planning Documents referred to

#### Date report prepared

17<sup>th</sup> November 2017