

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 32 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in April 2015 for residential development of up to 32 dwellings (14/00930/OUT). Details of access from the highway network were approved as part of the outline consent.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of Tree Preservation Order no.3.

This application was reported to Committee on 19th June, however a decision could not be reached at that meeting following receipt of amended plans which triggered the requirement to notify Madeley Parish Council and give them an opportunity to comment upon that amendment. The views of the Parish Council and of the Landscape Development Section are awaited at the time of writing, but this item is placed on the agenda to avoid any further unnecessary delay.

**The 13 week period for the determination of this application expired on the 20<sup>th</sup> June 2018 but the applicant has agreed an extension to the statutory period until 20th July 2018**

## **RECOMMENDATIONS**

**Refuse** for the following reason:-

1. The proposed development by virtue of its design and layout is likely to result in the loss of visually significant and protected trees, which is a fundamental characteristic of this site, which would not enhance the character and quality of the landscape and area in general. It would therefore not be a sustainable form of development of the site and would accordingly be contrary to policies N12, N17 and N20 of the Newcastle-under-Lyme Local Plan 2011, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, along with policies in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document and the requirements and guidance of the National Planning Policy Framework 2012.

### **Reason for Recommendation**

The proposed development for 32 dwellings provides an acceptable level of off street car parking, pedestrian connectivity and relationship with neighbouring properties and whilst the applicant has submitted amended plans to seek to address concerns regarding the loss of visually significant and protected trees, your officers cannot be satisfied that an acceptable layout can be achieved until comments are received from the Landscape Development Section. The loss of trees would be to the detriment of the character and quality of the landscape and visual amenity of the area.

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

The applicant has been given a number of opportunities to address concerns of the proposals however they have been unable to overcome the principle concern with the scheme proposed.

### **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 32 dwellings. The principle of the residential development of the site has been established by the granting of outline

planning permission 14/00930/OUT in April 2015. Details of the access from the highway network were approved as part of the outline consent.

1.2 The applicant has sought to address concerns raised by your officers and the objections of the Landscape Development Section (LDS) and amended plans were received prior to the 19<sup>th</sup> June planning committee. The Parish Council and a number of consultees, including LDS, have been given a further opportunity to make comments on the amended plans.

1.3 The key issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?
- Would there be any material adverse impact on residential amenity?
- Is the internal road layout, pedestrian connectivity and parking provision acceptable in highway safety terms?
- Sustainable development considerations, and
- Is the affordable housing layout acceptable?

2.0 Is the proposal acceptable in terms of its design and impact on the form and character of the area, including impact on protected trees within and adjoining the site?

2.1 The current 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. The draft revised NPPF, at section 12, also sets out policy which aims to achieve well-designed places.

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the 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 Section 7 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:-

- To respond to the unique character and setting of each settlement
- Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location
- 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 Section 10.5 of the Urban Design SPD referring to new development in the rural area indicates (RE1) that new development in the rural area should retain and enhance features that contribute to the landscape character and ecological diversity of the area, including trees and at RE3 that development must respond to and should not harm the setting of the village in the landscape.

2.6 R14 states that developments must provide an appropriate balance of variety and consistency.

2.7 The key characteristics of the site are its edge of village location, which slopes from north to south, and the natural hedgerows and mature trees on the site boundaries. The trees are covered by a TPO and are proposed (within the application) to be retained as part of the development.

2.8 The layout of the scheme has been amended in an attempt to address objections from LDS in terms of the impact of the design and layout of the scheme on visually significant and protected trees which are a fundamental characteristic of this edge of village location. The amended layout remains similar to the indicative site layout presented during the outline planning application with houses fronting New Road. Amended streetscene plans have been submitted and whilst the amended scheme results in the frontage to New Road not being as attractive as the original scheme submitted with this application it still demonstrates that an attractive frontage could be achieved (with a range of attractive house types). Therefore, if it can be shown that the amended scheme can retain existing hedgerows and mature trees, along with additional new planting then the scheme proposed would maintain the character of the area.

2.9 The proposal responds well to the topography of the land, but the scale of plots 1-12 (on the southern part of the site) and the relationship with existing properties on Woodside will be assessed in section 3 of this report.

2.10 As discussed, a fundamental characteristic of this edge of village location are the natural hedgerows and mature trees on the site boundaries that would need to be retained and supplemented by additional landscaping before a development of this nature could be considered acceptable.

2.11 LDS have not made comments on the amended plans and information submitted. Comments are expected in advance of the Committee meeting and their views will be reported but in the absence of their comments there is no certainty that the amended scheme and information demonstrates that existing visually and protected trees would not be lost. Therefore, whilst the design of the dwellings are considered acceptable the layout is likely to result in significant harm and loss to visually significant and protected trees and your officers consider that the loss of these trees would not enhance the character and quality of the landscape and visual amenity of the area – this would be contrary to saved policies N12, N17 and N20 of the Local Plan, policy CSP1 of the CSS, along with the requirements and guidance of the Urban Design SPD and the National Planning Policy Framework.

### 3.0 Would there be any material adverse impact on residential amenity?

3.1 Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

3.2 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.3 As discussed, the layout proposed is similar to the indicative site layout presented during the outline planning application. It was acknowledged in the determination of the outline application that the relationship between proposed dwellings towards the southern boundary of the site and existing properties on the neighbouring Woodside would be a fundamental consideration of any reserved matters application due to the topography of the site with properties on Woodside being at a lower ground level.

3.4 The proposed scheme has six detached properties and a block of six flats adjacent to the southern boundary of the site. These would be split level properties with the front elevations appearing as two storey properties and the rear elevations (facing that boundary) being three storey.

3.5 The rear elevations of the proposed dwellings would have principal windows that would face towards the rear elevations of properties on Woodside which are also likely to have principal windows. The Council's SPG advises that at least 21 metres should be maintained between dwellings where the facing walls contain windows of principal rooms. However, the SPG also advises that where one or both facing dwellings are over two storeys high the distance between principal windows will be 21m

plus an additional set back of 3 metres for each additional storey. Any difference in ground levels should also be taken into consideration.

3.6 The application is supported by ground level details and site sections which show the separation distances and the difference in ground levels. The separation distances between proposed and existing dwellings varies from 21 to 25 metres. Amended plans have also been received which change the internal layouts of the houses on plots 1 and 2 so that no principal windows are now located above the second storey on the rear elevation. The internal layouts for the houses on plots 3-6 also show no principal windows above the second storey on each of the rear elevations of the proposed dwellings. Therefore, the separation distances between principal windows of the proposed and existing properties should be 21 metres, subject to the difference in ground levels also being considered.

3.7 The submitted site sections show the ground levels and the relationship between proposed and existing properties. In particular, the relationship of the proposed first floor principal windows of plots 1 and 2 and the existing principal windows at ground floor of existing properties at 2 & 4 Woodside need to be considered. It is acknowledged that there would be some loss of privacy to the existing properties on Woodside due to the relationship between proposed first floor windows and the existing ground floor windows of properties on Woodside, owing to a difference in ground levels between them. However, the applicant has submitted cross sections which show the separation distances, along with the ground levels differences between the dwellings and on this basis it is not considered that the resultant relationship would be so severe that the living conditions and residential amenity levels, in terms of privacy, loss of light or overbearing impact, of properties on Woodside would be significantly harmed to the extent that a reason for refusal could be justified.

3.8 In respect of the block of six flats, which are again on of a split level design and would have principal windows at first and second floor, they would not directly face principal windows of neighbouring properties.

3.9 The application has demonstrated that the proposed scheme for 32 dwellings can achieve acceptable residential amenity levels for future occupiers of the dwellings and maintain an acceptable level of living conditions for existing neighbouring properties. Boundary treatments and soft landscaping would also help to secure acceptable privacy levels which could be secured by conditions.

#### 4.0 Is the internal road layout, pedestrian connectivity and parking provision acceptable in highway safety terms?

4.1 The details of the access onto New Road was accepted as part of the outline consent but the internal access arrangement, disposition of buildings and car parking provision is now for approval.

4.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

4.3 The Highways Authority has raised no objections to the application subject to conditions. In doing so they accept the proposed parking levels but on the basis that garages are retained for parking of a vehicle with the applicant confirming the internal dimensions of the garages that would be large enough for a vehicle to park comfortably. Conditions are requested by the Highway Authority regarding road and driveway gradients, surfacing, surface water drainage, minimum driveway lengths and the dwellings not being occupied until the access, internal roads, private drives and parking areas have been provided in accordance with the approved details.

4.4 A pedestrian link in the form of a crossing point of New Road is proposed outside of plots 29 and 30 which would provide a link from the development to the footpath on the east side of New Road

which would provide connectivity to the village centre. It would have been preferable for a footpath to be proposed on the western side of New Road which could link to the existing footway near to Woodside. But it is acknowledged that trees and ground levels/ gradients may have made this more problematic and the proposed pedestrian link is accepted. Although concerns have been raised by other parties about the location of the crossing, the Highway Authority do not share such concerns. The link should be provided before plots 20, 21, 22, 23, 28, 29 and 30 are occupied and this can be secured via condition.

4.5 Subject to the above conditions the proposed development is unlikely to lead to significant highway safety implications and an acceptable level of off street car parking is proposed. The development would therefore meet the guidance and requirements of the NPPF.

#### 5.0 Sustainable development considerations

5.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

5.2 Paragraph 93 of the NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 The outline permission secured a sustainable drainage strategy and the reserved matters submission reflects this with the LLFA raising no objections.

5.4 Environmental Health and the Parish Council both encourage the provision of facilities within the development for the charging of electric vehicles for each plot and shared parking areas. EHD indicate that this can easily be achieved by installing appropriate cabling and ducting during the build process. This will help facilitate the installation of EV charging facilities by the future occupiers. The applicant has confirmed that they will provide the necessary infrastructure and this is to be encouraged. However there is at present no specific Local Planning policy requirement for this type of provision in residential developments (that is a matter than can and indeed should be addressed within the emerging Joint Local Plan) or specific reason to single out this particular development, so it would be inappropriate to require such provision by condition. The provision of SuDS and the pedestrian link to the development are positive sustainable development features to be taken into account.

#### 6.0 Is the affordable housing layout acceptable?

6.1 A Section 106 planning obligation, entered into when outline planning permission was granted, requires the provision of affordable housing within this development. The proposal includes the provision of 8 affordable units, which is 25% of the total number of dwellings proposed and as such accords with policy. The 8 units comprise of 6 flats and 2 three bedroom houses.

6.2 Whilst the views of Housing Strategy have not been received in writing it has been verbally confirmed that the locations, number and type of the dwellings that are proposed to be affordable houses are acceptable to them.

## 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 T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N20: Areas of Landscape Enhancement  
Policy C4: Open Space in New Housing Areas

### **Other Material Considerations include:**

#### National Planning Policy

#### [National Planning Policy Framework](#) (March 2012)

#### [Planning Practice Guidance](#) (March 2014)

#### [Draft revised National Planning Policy Framework](#)

#### Supplementary Planning Guidance/Documents

#### [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)

#### Relevant Planning History

14/00930/OUT Outline planning application for the erection of up to 32 dwellings (including details of access) Permit

#### Views of Consultees

**Madeley Parish Council (MPC)** have not yet responded to the latest amended plans. Their objections as previously stated are were;

- The development is outside of the village envelope,
- Whether there is a need for four bedroomed “executive” homes,
- New Road and Heighley Castle Way already struggle to cope with the volume of traffic at peak times: it is narrow and has several blind bends,
- Notes the financial contribution towards education places but questions, in the case of The Meadows Primary School, where additional buildings could be sited,
- There are still issues with the capacity of local health provision to take on more patients,
- The pedestrian crossing is too close to the busy Heighley Castle Way/ Junction where vehicles frequently “rat run” and break speed limits,
- Level of parking is not to Local Plan standards, and

- Electric car charging points should be installed to encourage a more environmentally friendly approach to vehicle transport.

Any further comments received from MPC will be reported to the Committee.

The **Highways Authority** in consideration of the amended layout maintain their no objections to the application subject to conditions relating to the following:

- No occupation until access from New Road is completed, and internal site roads, parking and private drives provided,
- Submission and approval of access gradient, surfacing details and surface water drainage of private drives, parking and turning areas,
- The garages retained for the parking of motor vehicles and cycles,
- The private drives shall have a minimum length of 6m,
- The private drives shall have a gradient not exceeding 1:10 for a minimum distance of 5m.

The **Environmental Health Division** offers detailed advice on information required to satisfy conditions of the outline planning permission. They also recommend the provision of vehicle charging facilities for all plots.

**United Utilities (UU)** advises that they have previously commented on the Outline Application (Planning Ref: 14/00930/OUT to which the above application relates

The **Landscape Development Section's** current position is that they object on the following grounds;

- Proposals for surfacing exceed the 20% permissible of existing unsurfaced ground (BS5837:2012 para 7.4.2.3),
- The applicant intends to install surfacing that traverses sloping ground within Root Protection Areas, which would not be possible without earthworks and/or retaining structures,
- The retention of protected trees in the long term is likely to be compromised due to pressure for removal/pruning from future occupiers, due to screening/overshadowing/nuisance effects, and real/perceived concerns about the safety of tall trees in the wind,
- Pruning to important retained trees to reduce shading into rear gardens for future occupiers would not be supported,
- There should be no encroachment of retaining walls into RPAs.

Their views on the information received on 19<sup>th</sup> June have yet to be received.

**Waste Management Section**, in consideration of additional information, now have no objections.

**Crime Prevention Design Advisor** says that in general the layout appears well conceived with good natural surveillance. Building on the strong layout, the applicant is advised that from the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents, it would be highly desirable for the properties to meet the minimum physical security standards contained within the Secured by Design Homes 2016 document.

**Staffordshire County Council Flood Risk Team (LLFA)** have no objections on the basis that the submitted drainage plan and layout appears to be consistent with the details submitted with the outline planning permission. However, further details and supporting calculations for discharge of the drainage are still required.

**Natural England (NE)** advises that they have no comments to make on this application.

The **Education Authority** states that a Section 106 Agreement was signed when the outline application was granted, and the education contribution amount and terms should be calculated in line with this.

The **Mineral and Waste Planning Authority** indicate that they have no comments on this application as the site is not within or near to any permitted waste management facility; and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015 – 2030 (site is within the village boundary).

The views of the **Environment Agency** and the **Housing Strategy Section** have been sought but no response has been received and as such it is assumed that they have no comment on the proposal.

### Representations

3 letters of objection have been received including one from Madeley Conservation Group. -

**Madeley Conservation Group** specifically raises the following concerns;

- Site is outside of the village envelope,
- Brownfield land is not given priority,
- Removing one of the last white land sites so little room for future needs,
- There is no proven need for new housing in Madeley,
- Awkward extension to the village would harm the open countryside,
- The development is not sustainable – use of private cars to access services,
- The adjacent roads are not wide enough and future residents will use the same rat run to avoid Monument junction,
- The houses are all four bed with token two bed apartments that offer limited design benefits,
- Further investigations regarding drainage and land stability are required, and
- Highways matter and danger should be considered again,

**Other representations** received raise the following objections;

- The pedestrian crossing is an unsuitable and dangerous location for cars and pedestrians near to a junction,
- The plans do not appear to account for the significant elevation of the land resulting in loss of privacy and light to neighbouring properties,
- Potential for flooding at the bottom of the south boundary of the site,
- Construction traffic will come through the village which has unsuitable roads,
- Loss of green rural countryside, potential harm to protected large trees and hedgerows, and loss of the wildlife we see using this site, including herons, bats, owls, shrews, garden birds,
- Added pressure upon an already over-stretched and struggling GP practice,
- Increased demand upon local schools, particularly the Meadows Primary School,
- Concerns about noise disturbance and vibration during the development of the site, and
- Additional traffic using Heighley Castle Way as a 'rat run' to access the A531.

### Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00225/REM>

### Background papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

4<sup>th</sup> July 2018