

**LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD
AND NORTH WEST OF LOWER ROAD, HOOK GATE
COUNTY TOWN HOMES – HARPREET RAYET**

17/01001/FUL

The Application is for full planning permission for the erection of 22 houses and bungalows with associated access roads and drainage.

The application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It comprises three fields and is approximately 1.1 hectares in total.

The 13 week period for the determination of this application expired on 9th April 2018 but the applicant has agreed to extend the statutory period until 20th July.

RECOMMENDATION

A) Subject to the receipt and consideration of independent advice as to what financial contributions this development could support, and a supplementary report to the Committee on this aspect, and, in the absence of a demonstrated viability case, the applicant (providing they first agree in writing to extend the statutory determination period to the 17th August 2018) entering into a Section 106 obligation by agreement by 14th August 2018 to require:

- a. A contribution of £80,562 for the improvement and development of the Burntwood View/Hugo Way play area and open space**
- b. A contribution of £33,244 towards the provision of education places at Madeley High School**
- c. In perpetuity, provision of 25% of the dwellings as affordable units**

PERMIT subject to conditions relating to the following matters:

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Construction environmental management plan**
- 5. Artificial lighting**
- 6. Acoustic screening**
- 7. Glazing and mechanical ventilation**
- 8. Waste storage and collection arrangements**
- 9. Details of retaining structures**
- 10. Arboricultural Method Statement**
- 11. Schedule of works for retained trees**
- 12. Details of hedgerow retention**
- 13. Revisions to patio area of Plot 10**
- 14. Boundary treatments**
- 15. Provision of visibility splays**
- 16. Provision of accesses, internal site roads, parking and turning areas**
- 17. Submission of details of surface water drainage and surfacing materials**
- 18. Details of off-site highway works**
- 19. Retention of garages for parking of vehicles and cycles**
- 20. Surface water drainage scheme**
- 21. Protected species mitigation**
- 22. Approval of the design of the acoustic fence**
- 23. Retention of the existing boundary hedgerow at a height greater than that of the acoustic fence**

B) Failing completion by the date referred to of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities, and an appropriate level of affordable housing; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The adverse impact of the development - principally some limited local impact on the character and appearance of the area – do not significantly and demonstrably outweigh the benefits of this relatively sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough and the provision of some affordable housing in the rural area. Outline planning permission has previously been granted for housing development on this site, albeit for lower numbers of units, and is extant. The details of the scheme now submitted are acceptable. Accordingly permission

should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

The applicant has submitted financial information to substantiate their claim that a policy compliant scheme would be financially unviable. The draft report of an independent valuer setting out his appraisal of the development's viability is being considered and a further report will be brought to members on this issue.

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

Additional information has been requested and provided where necessary to progress the determination of the application. Amended plans have been requested and received and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for the erection of 22 houses and bungalows with associated access roads and drainage. The application site, of approximately 1.1 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads.

Outline planning permission was granted in 2015 for the erection of up to 16 dwellings on this site (Ref. 15/00448/OUT). That permission remains extant.

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

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- 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?
- Would there be any issue of flood risk?
- Would there be any significant impact upon any protected species?
- Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?
- What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?
- 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, outside of the village envelope of Loggerheads, in the open countryside.

This site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan.

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.

As stated above, outline planning permission was granted in 2015 for the erection of up to 16 dwellings on this site (Ref. 15/00448/OUT). At that time the Local Planning Authority accepted that the site was in a suitable location for residential development (in terms of access to services and facilities). Since the consideration of the previous application, a draft revised NPPF has been published. Whilst the draft revised NPPF is only a consultation document, it can be given some weight as it is indicative of the Government's direction of travel, and where there are differences (with the current NPPF) it is indicative that a policy is under review and the circumstances which have led to that review may need to be taken into account. There is nothing in the draft revised NPPF on this matter to suggest that there is a basis for the Local Planning Authority to reconsider its position on this issue and therefore, noting the acceptance in 2015 that the development is in a sustainable location (in terms of access to services and facilities), there is no substantive basis for coming to a different view on this point now.

As stated above, in terms of sustainability, it is considered that the site is in a relatively sustainable location. As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

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 both the NPPF and the draft revised 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*

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.

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.

Paragraph 58 of the NPPF states that decisions should aim to ensure that developments optimise the potential of the site to accommodate development and respond to local character and reflect the identity of local surroundings.

A mix of 2, 3, 4 and 5-bed dwellings are proposed comprising detached and terraced 2-storey dwellings and detached bungalows. Detailing would be simple and unfussy and the materials would comprise brickwork, render and smooth grey roof tiles. The density of the proposed scheme would be 20 dwellings per hectare. This compares with 17.7 dwellings per hectare in the approved scheme (Ref. 15/00448/OUT).

There is a mix of dwelling size and style in the area. There are primarily detached bungalows to the north on Heathcote Avenue and Birch Rise, relatively modern detached two-storey properties to the south-west on the opposite side of Eccleshall Road as well as some more traditional two-storey cottages in the vicinity.

Although objections have been raised on the grounds that the density of 20 dwellings per hectare would be unacceptably high, it is the case that there is a variety of density currently in Ashley Heath. Although the density would be higher than in the previous scheme, it remains relatively low and it is considered that the scheme would strike an acceptable balance between reflecting the character of the village housing and optimising the potential of the site to accommodate development.

The layout as originally proposed was considered by Urban Vision Design Review Panel. That scheme included a balancing pond to the rear of dwellings adjacent to Lower Road and an equipped play area in the southern corner of the site adjacent to Eccleshall Road. A summary of the Panel's comments is as follows:

- The ambition to retain the existing hedgerows was influencing the design layout to its detriment and the complete retention of the hedgerow around the site was not necessary.
- The layout was inward looking and out of keeping with the character of the village. The houses adjacent to Eccleshall Road were unnecessarily orientated side on and turning some to face the road frontages would be a positive move to provide a more attractive, outward facing and in keeping development.
- If some of the houses could front onto the roads, it would be acceptable for the hedgerow to be broken through.
- The introduction of the extensive 2.4m high timber fence would be unsightly and needed reconsidering.
- The play area is poorly located, not well connected to its surroundings and not likely to be well used. The policy (of seeking on-site provision) should be reconsidered.
- A completely enclosed pool at the back of rear gardens could be more of a potential danger than an asset. The need for the balancing pond and its necessity in terms of drainage was questioned. An alternative sustainable drainage system should be considered and the pool omitted from the scheme.
- The Panel queried whether the number of units could be reduced along with a review of the building types/footprints and site layout. This could take advantage of additional land generated by the omission of the play area and balancing pond, maximise the housing mix and provision and create a more attractive and useable residential environment.
- The elevations were overly simplistic and the appearance of the houses lacked differentiation. There should be more variety in terms of materials and detailing.

In response, the applicant has revised the scheme to omit both the play area and the balancing pond. Areas of render have been introduced to selected plots and the dwellings on Plots 16-21 have been turned to face Lower Road and the hedgerow lowered to create a more open effect. The houses along the northern boundary have been brought forward to increase the garden sizes.

Although your Officer agrees with Urban Vision that it would be preferable for the dwellings to front Eccleshall Road, the applicant's agent states that it would mean not achieving the required privacy distances or would result in the loss of plots which is not economically sustainable. The dwellings adjacent to Lower Road have been turned to front the highway and given that the boundary hedgerow would be retained, on balance it is considered that the proposed layout is acceptable.

The application is accompanied by a Noise Assessment which concludes that an acoustic fence of 1.5 to 1.8m in height is required around the rear gardens of those plots which are adjacent to or close to Eccleshall Road because of traffic noise. Subject to the approval of the design of the fence and subject to the retention of the existing boundary hedgerow at a height greater than that of the fence, it is not considered that the acoustic fence would have a significant adverse impact on the visual amenity 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.

This site is within an Area of Active Landscape Conservation and NLP Policy N18 states that development that will harm the quality and character of the landscape will not be permitted. Within these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

Due to the topography of the surrounding area, and the existing hedgerows, views of the site would be limited to those gained in the short distance. Although the development would encroach into the open countryside, it would not extend beyond the built development that currently exists on the opposite side of Eccleshall Road. It is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

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

The site is bounded by Lower Road to the south-east, Pinewood Road to the north-west and the B5026 Eccleshall Road to the south-west. In the previous scheme (Ref. 15/00448/OUT) vehicular access to the development was at three points: from Eccleshall Road approximately midway along that frontage; via a private driveway off Pinewood Road; and a further private driveway onto Lower Road. Details of the means of vehicular access from highway network were part of that outline planning permission. In the current scheme, vehicular access is proposed to the site from two points off Eccleshall Road, with no access off either Pinewood Road or Lower Road.

Highway safety concerns have been raised by residents on the grounds of excessive vehicle speeds and restricted visibility. It is asserted that although Eccleshall Road has a speed limit of 30mph, the majority of vehicles still speed.

A Transport Statement that accompanies the application states that the increase in traffic will be imperceptible and will not have a material impact on the highway network and concludes that there is no highway-related reason to withhold planning permission.

The Highway Authority has no objections to the application subject to the imposition of various conditions.

The NPPF indicates (in paragraph 32) that decisions should take account of whether, inter alia, safe and suitable access can be achieved. That it can be in this case is the view of the Highway Authority

who will have applied the appropriate visibility and junction spacing standards and it is not considered that a refusal on the grounds of highway safety could be substantiated with evidence.

Would there be any issue of flood risk?

Concerns have been raised by residents regarding drainage and potential flood risk. A Flood Risk Assessment (FRA) has been submitted to accompany the application which has been revised following discussions with Staffordshire County Council as Lead Local Flood Authority (LLFA). It states that the site will drain via the existing culvert on the site with storage in the 1 in 100 year event plus climate change held within oversized pipes.

The LLFA is satisfied that the revised FRA is sufficient to demonstrate that an acceptable drainage design can be achieved within the proposed development and has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk therefore.

Would there be any significant impact upon any protected species?

Representations have been received stating that the development will have an adverse impact on wildlife. Particular reference is made to the location of the site adjacent to the Turner Hodgkiss nature reserve.

An Ecological Survey was submitted to accompany the previous application (Ref. 15/00448OUT). An update to that report has now been submitted which concludes that although the site habitat is sub optimal from an ecological perspective, the adjacent nature reserve and the periphery of the site has potential protected species. Mitigation is therefore considered necessary.

Subject to the imposition of a condition requiring the agreement of mitigation measures, it is not considered that a refusal could be sustained on the grounds of adverse impact on protected species.

Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?

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 6 affordable dwellings which equates to 27% of the total. The dwellings will be 2 and 3 bedroom homes and the applicant asserts that this is in line with the 2012 Housing Needs Survey referred to in the Loggerheads Housing Needs Assessment which identified that the greatest requirement was for 2 and 3 bedroom dwellings.

In terms of the nature of the affordable housing, the Council's Affordable Housing SPD states that the affordable units should be split 60:40, i.e. 60% of the total units as affordable or social rented and 40% as shared ownership. It also recommends that the rented units are social rented unless there are reasons to justify changing the tenure to affordable rented. The units proposed in this scheme are proposed to be split 50:50, i.e. 3 units as affordable rented and 3 units as shared ownership. Given the small numbers involved, no objection is raised to the 50:50 split. Regards the tenure, the applicant has advised that the reason for the affordable rented is to ensure their eligibility for grant funding. Your Officer is advised that Homes England (HE) will only accept bids for grant funding for shared ownership or affordable rented units and not for social rented units. Given the importance of the HE grant funding to ensure the deliverability of this scheme, the provision of affordable rented rather than social rented is considered acceptable in this instance. A further point to be borne in mind is that the NPPF definition of affordable housing includes affordable rented units.

In terms of design and layout requirements, the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable

from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and sustainable communities whilst also taking into account housing management and overall site development issues.

The affordable units are proposed in one group to the south-east of the site. The applicant has advised that the preference of the Registered Social Landlord is for new build affordable housing to be clustered in groups of 6-18 units due to the management and future repairs of the dwellings. It is stated that they have delivered over 445 new affordable homes during the past 2 years and this has been implemented across all of their developments.

The affordable units are a mix of 2 and 3 bed dwelling types which is considered appropriate. The appearance, levels of amenity space, privacy and materials of the affordable units would be comparable with the market housing although they are of a terraced rather than detached or semi-detached form. Whilst the dwellings are not spread across the site, this is a small site and therefore one single group is considered appropriate in this instance. The Housing Strategy Section raises no objections and it is considered that the type and siting of the affordable units is acceptable.

What, if any, planning obligations are necessary to make the development policy compliant and would some lesser or nil contributions be justified given issues of viability?

Section 122 of the Community Infrastructure Levy Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

Staffordshire County Council as the Education Authority has requested a sum of £33,244 for high school places at Madeley and the Landscape Development Section (LDS) has requested a contribution of £122,738 (£5,579 per dwelling) towards Public Open Space improvements at the Burntwood View/Hugo Way play area and open space. In this case, there is an extant planning permission for 16 dwellings (Ref. 15/00448/OUT) in which a Public Open Space contribution of £2,943 per dwelling was secured (based upon the then current North Staffordshire Green Space Strategy). It is considered reasonable therefore and is consistent with the approach of Officers in other similar situations, to seek the lower figure of £2,943 per dwelling for 16 of the dwellings and then the higher figure of £5,579 per dwelling for the additional 6 dwellings. This gives a total figure of £80,562.

The original scheme as submitted included a play area which has since been omitted. Loggerheads Parish Council has objected to its removal. For developments of between 10 and 200 dwellings the Council's Open Space Strategy recommends the provision onsite of a Locally Equipped Area for Play (LEAP). However, the applicant has advised that although it was originally included at the request of the Parish Council, it is considered to be an inappropriate location for a play area due to the distance from the village and therefore the likelihood that it would be little used other than by children who live on the site. Urban Vision considered that it was poorly located, not well connected to its surroundings and consequently not likely to be well used. It is the case that the site is on the periphery of Loggerheads and there is an existing play area some 1 km away. Given that in relation to the previous scheme for this site (Ref. 15/00448/OUT) the Council accepted the appropriateness of a financial contribution to that play area at Burntwood View/Hugo Way, it is not considered that an objection could be sustained now to such an arrangement.

The financial contributions sought are therefore considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

It is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations. 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.

As indicated above Staffordshire County Council has requested an education contribution towards the provision of high school spaces at Madeley High School. 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 particular project. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above so compliance with Regulation 123 would be achieved.

A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable.

The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a 'site by site' basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to an independent valuer who has the skills required to assess financial information in connection with development proposals for further advice. A draft report has been received and is being considered, and a further report will be brought to Members on this issue.

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 consideration of the above points, the development would result in some limited local impact on the character and appearance of the area. However, the proposal represents sustainable development and would make a not insignificant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area, albeit relatively few in number. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

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 N18:	Areas of Active Landscape Conservation
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)

[Draft revised National Planning Policy Framework](#) (March 2018)

[Planning Practice Guidance](#)

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

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[Affordable Housing SPD](#) (2009)

[Space Around Dwellings SPG](#) (SAD) (July 2004)

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

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

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

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

Relevant Planning History

15/00448/OUT Erection of up to 16 dwellings Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding a construction environmental management plan, control of dust and mud on the highway, artificial lighting, acoustic screening and glazing and mechanical ventilation.

The **Landscape Development Section** has no objection subject to conditions requiring the submission of the layout and details of all retaining structures, submission of a more detailed Arboricultural Method Statement taking into account final site levels and details of special engineering in the vicinity of trees, a schedule of works for retained trees, further information regarding the retention of hedgerow H1 and the redesign of the patio area of Plot 10. A financial contribution of £5,579 per dwelling is required for improvement and development of the Burntwood View/Hugo Way play area and open space.

The **Highway Authority** has no objections to the proposal subject to conditions regarding visibility splays, provision of accesses, internal site roads, parking and turning areas, submission of details of surface water drainage and surfacing materials, details of off-site highway works, retention of garages for parking of vehicles and cycles and submission of a Construction Method Statement.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 22 dwellings could add 5 primary-aged pupils and 2 of secondary age. Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development but Madeley High School is projected to be full for the foreseeable future. Therefore a contribution of £33,244 (2 x £16,622) is requested towards Secondary places provision.

The **Housing Strategy Section** states 6 units of affordable housing which is policy compliant. The houses will be 2 and 3 bed and the tenure split proposed is 3 affordable rented units and 3 shared ownership (i.e 50:50). The Supplementary Planning Document recommends that the rented units are social rented unless there are reasons to justify changing the tenure to affordable rented. With the shared ownership products within the rural location, it has previously been advocated that they remain affordable in perpetuity by restricting staircasing to 90%. Whilst it is understood that there is an ambition for households to become owners, this has to be balanced with ensuring that affordable housing remains affordable for those in need and does not disappear.

The **Crime Prevention Design Advisor** has no objections to the proposals although it is recommended that vulnerable rear garden boundaries which are those which border Eccleshall Road and Pinewood Road are reinforced with internal fencing to improve security.

The **Lead Local Flood Authority** has no objections subject to a condition requiring submission and approval of a detailed surface water drainage design.

The **Waste Management Section** state that a number of properties do not front directly onto the highway and in locations where this is the case containers are frequently left out at collection points between collections. This causes long term visual blight and leads to complaints and neighbourhood disputes. The layout also designs in a set of reverses at the cul-de-sac ends. Although the swept path looks acceptable, reversing can lead to health and safety issues. Each property will need to accommodate 3 recycling boxes, a food waste caddy and 2 bins.

Staffordshire County Council as **Minerals and Waste Planning Authority** states that the site lies within a Mineral Safeguarding Area for bedrock sand as defined in the new Minerals Local Plan. Given the size of the site and its location, it is unlikely that any underlying minerals could be viably extracted. Therefore, no objection is raised.

Loggerheads Parish Council objects on the following grounds:

- An additional access is proposed onto Eccleshall Road. Speedwatch data shows that this stretch of road has a high percentage of drivers exceeding the speed limit and so there should be just a single access.
- There should be a play area on site as there are 96 dwellings within 100m of the site.

Representations

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

- Unacceptably high density
- Modern style is not in keeping with the village
- Highway safety issues due to speeding and overtaking on Eccleshall Road.
- Pinewood Road and Lower Road are becoming unsafe for cyclists and pedestrians as they are becoming busier
- Traffic calming measures are required on Eccleshall Rd
- Unsuitable location for housing due to lack of services, employment and public transport links.
- Impact of noise and dust during construction phase
- Impact on views
- Non-compliance with Council's Space Around Dwellings Supplementary Planning Guidance
- Adverse impact on trees
- Potential groundwater issues
- Impact on privacy
- Impact on enjoyment of the Turner Hodgkiss community nature reserve.
- Light pollution
- Impact on wildlife
- Exacerbation of problems experienced during snow.
- Increase in anti-social behaviour
- Increased surface water runoff will make an existing problem with surface water worse
- The site is outside the village envelope and does not accord with the development plan in force for this area
- No infrastructure to support the development – doctors and school are full
- There is no demand for housing in this bracket and there are many houses in the area already on the market
- The Noise Report recommends a 2m high noise barrier along the frontage with Eccleshall Road. This would be out of keeping with the area.
- The hedges and communal areas should be managed under a Management Agreement
- Impact on already overloaded sewage system
- The play area is too far away
- 2 accesses onto Eccleshall Road is unacceptable
- The proposed development is not in accordance with the Parish Council's Development Plan.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement
- Tree Survey
- Arboricultural Impact Assessment and Method Statement
- Transport Statement
- Ground Investigation Report
- Ecological Report
- Noise Assessment
- Flood Risk Assessment
- Urban Vision Design Review Report
- Open Space Assessment
- Affordable Housing Statement

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/01001/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2018