

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 42 dwellings.

This application follows the granting of an outline planning permission in April 2015 for residential development of up to 42 dwellings (13/00990/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 Moss Lane and, except for its access point onto Moss Lane, outside the village envelope of Madeley and within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site area is approximately 1.65 hectares. There are trees subject of a Tree Preservation Order (TPO) on and adjoining the site.

This application was reported to Committee on 17th July when it was resolved that a site visit should take place before any decision is made. The site visit has been scheduled for 9th August.

The 13 week period for the determination of this application expired on 3rd April but the applicant has agreed an extension to the statutory period until 21st August 2018.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Development to be carried out in accordance with the approved plans (to be listed within the condition) unless otherwise required by condition of the permission.**
- 2. Prior approval of precise details of the following, and implementation of the approved details:**
 - Existing and proposed levels, and finished floor levels of the dwellings.**
 - All external facing materials and hard surfacing materials.**
 - Boundary treatment taking into consideration the comments of the Crime Prevention Design Advisor.**
- 3. Revised Tree Protection Plan**
- 4. Detailed Arboricultural Method Statement**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and obtained and the proposal is considered now to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 42 dwellings.

The principle of the residential development of the site has been established by the granting of outline planning permission 13/00990/OUT for up to 42 dwellings in April 2015. Details of the access from the highway network were approved as part of the outline consent and a non-material amendment to the position of the access was subsequently approved in July 2015 (13/00990/NMA).

1.2 The outline consent for the site was granted subject to a condition that required the submission of a revised Design and Access Statement that takes into account the recommendations of Urban Vision to be submitted as part of any reserved matters applications for the site. Such a Design and Access Statement has been included as part of the application.

1.3 Discussions have been ongoing between the applicant and Staffordshire County Council Flood Risk Team (LLFA) during the application process. Additional information has been provided by the applicant in response to the comments of the LLFA and further information is expected. To date, however, the LLFA has not been able to confirm that the proposed layout is compatible with an acceptable drainage strategy and it cannot be guaranteed that they will have done so by the date of the Committee despite the applicant's endeavours to resolve this issue. It should be noted, however, that the absence of such confirmation from the LLFA that the layout is compatible with an acceptable drainage strategy does not prevent a decision being reached on this reserved matters application. Whilst drainage details need to be agreed to satisfy condition 26 of the outline planning permission they are not required to be submitted as part of the determination of this application for reserved matters. It will be necessary, however, for the applicant to seek approval of any revisions to the layout if permitted should it be necessary to make amendments to that layout to accommodate a suitable drainage scheme.

1.4 It should be noted that one of the recommendations of Urban Vision was that a comprehensive sustainable drainage solution should be provided to deal with the tendency of the site to retain standing water, including the provision of a central feature with amenity and biodiversity benefits. The information submitted does acknowledge this recommendation however the applicant argues that a central water feature is not necessary and would conflict with the design concept. If it is accepted by the LLFA that such a water feature is not a necessary component of a drainage strategy for this development it is not considered that the absence of such a feature would justify refusal of the application, notwithstanding the recommendation of Urban Vision.

1.5 The Key issues now for consideration, taking into consideration the above, are:-

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

2.1 Paragraph 124 of the NPPF states that 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 130 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

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 that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

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

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

2.5 RE2 of that document states that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

2.6 RE5 states that new development in the rural area should respond to the typical forms of buildings in the village or locality. RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed. At RE7 it states new buildings should respond to the materials, details and colours that may be distinctive to a locality.

2.7 The proposed layout comprises 28 detached dwellings (11 four and 13 five bed); 16 semi-detached dwellings (8 three bed and 8 two bed); and a pair of 2 bed semi-detached bungalows. The dwellings are predominantly two storeys, although there are a number of dwellings with three storey front elevations and two storey rear elevations (14 in total) all with pitched roofs and gable and bay window features. The two bungalows are single storey with similar design details to the dwellings. The dwellings predominantly front onto a looped access route through the site with just six dwellings accessed off short private drives. The parking spaces are located at the front of the houses resulting in limited opportunity for landscaping.

2.8 The site is largely to the rear of existing dwellings on Moss Lane and The Bridle Path and has only a relatively narrow site frontage onto Moss Lane. As a consequence the nearest dwelling to Moss Lane is more than 40m from Moss Lane beyond the first stretch of the access which is set within a landscaped area containing existing trees, including a TPO protected Sycamore. Whilst the design and layout of the proposed dwellings are more suburban than is ideal in this village location it could not be argued that it is not harmful to the appearance of the village given that it will not be prominent in views from any public vantage point.

2.9 Overall it is considered that the house types and design as proposed are acceptable and in accordance with condition 5 of the outline planning permission which specifies that the development shall include a range of house types including bungalows.

2.10 One of the recommendations of Urban Vision was that good connectivity with the village centre should be secured and a good quality environment setting for all dwellings in the development, including the affordable houses, with the more urban forms of development nearest to the village and the lower density parts nearest to the open countryside. The outline planning permission was granted with one point of access onto Moss Lane and there are no opportunities to provide any further pedestrian routes from the site. The density of the layout is consistent across the site and the affordable houses are integrated into the layout and as such have the same quality of environment as the remainder of the proposed houses. This recommendation of Urban Vision has only been complied with in part, therefore, but the development is nevertheless acceptable.

2.11 There are a number of protected trees that are located within and adjoining the site. The access as approved does encroach into the root protection area (RPA) of a protected Sycamore and it was initially proposed within this application that this tree should be removed. The removal of the tree is not, however, considered acceptable or necessary provided the construction methodology for the construction of the access, as previously agreed, is implemented. In light of this the applicant has now confirmed that the tree will be retained and has repositioned parking spaces that would have been in the RPA of that tree so that is no longer the case. The Landscape Development Section (LDS) has confirmed that this is acceptable.

4.12 A further three protected Oak trees are located close to the boundary of the site to the rear of properties on The Bridle Path. In response to concerns expressed by the LDS the development has been amended so that no levels changes are proposed in the RPAs of such trees. In addition the concerns initially expressed by the LDS about the proximity of the siting of two of the proposed dwellings to a tree has been addressed by a reconfiguration of the layout removing a dwelling from the north east corner where TPO 3 (as named on the submitted layout plan) is located providing a greater separation distance from the tree. LDS have confirmed that this is acceptable.

4.13 More recently the LDS has advised that measurements have been taken of the diameter of trees within/adjoining the site which demonstrates that the information submitted by the applicant is inaccurate. The consequence is that the Root Protection Area (RPA) for trees that are identified on the submitted site plan as TPO1 and TPO2 are larger than shown within the submitted supporting information and the dwellings on plots 28 and 29 fall within the RPA of TPO2.

4.14 This information was conveyed to the applicant and amended plans were received. The amendments site the dwellings further forward in the plots and moving the parking spaces to the side. This results in the dwellings being outside of the RPA.

4.15 The LDS have confirmed that they have no objections to the revised layout and note that residents measurements have been used for the RPA of TPO3 and that this should be checked as part of the conditioned revised tree protection plan. In addition, whilst the dwellings on plots 28 and 29 will be sited forward of the other properties within that stretch of the internal access road, as they are sited on the end of the row and on a bend of the access the amended layout will it is considered be acceptable in appearance.

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

3.1 The NPPF states within paragraph 127 that planning decisions should ensure that developments, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

3.2 Supplementary Planning Guidance (SPG) Space around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

3.3 A number of the proposed dwellings (six in total) back onto the rear of properties on The Bridle Path and a further two are either "side on" or angled towards such existing properties. One of these dwellings, within plot 30, has been amended from one which is has a three storey front elevation and two storey rear elevation, to a standard two storey dwelling.

3.4 The guidance set out in the SPG indicates that the minimum separation distance where rear elevations containing principal windows, as defined in the SPG, face each other is 21m. This separation distance is exceeded even when rear extensions on properties on The Bridle Path, which are not shown on the plans, are taken into consideration.

3.5 The guidance set out in the SPG which applies where principal windows do not directly overlook each other, but are not otherwise obscured, where dwellings are angled indicates that the 21m distance may be reduced to 17m. This is achieved taking into consideration rear extensions not shown on the plan.

3.6 Where principal windows face the wall of a two storeys dwelling that contains no windows or obscure glazed windows then the required separation distance as set out in the SPG is 13.5m and this is more than achieved in respect of the proposed dwelling that has a side elevation facing the rear elevation of dwellings on The Bridle Path.

3.7 Greater separation distances are achieved between the proposed dwellings and the adjoining properties on Moss Lane and this relationship is also acceptable.

3.8 In conclusion the layout achieves an acceptable relationship between the proposed dwellings and suitable private garden space. The attention of members is drawn to the sectional drawings that have

been provided that assist an understanding of the difference in ground levels that there is between the houses on The Bridle Path and those within the new development. This is an important material consideration in this case.

4.0 Is the internal road layout and parking provision acceptable in highway safety terms?

4.1 The means of access to the site was determined at outline stage, with vehicular access provided off Moss Lane. The principle of a development of this scale in terms of its impact upon the highway network has therefore been agreed.

4.2 The level of parking spaces proposed has been increased in response to concerns expressed by the Highway Authority. All the four and five bed dwellings now have three parking spaces with the remainder having two. Such a level of parking is considered to be acceptable.

4.3 Further information has also been submitted demonstrating that a refuse lorry can manoeuvre within the proposed access roads and that the visibility splays and radii at a junction within the development are of adequate dimensions which the Highway Authority has confirmed is acceptable. In addition a storage area has been provided in the revised layout where waste and recycling receptacles can be stored on collection days for those dwellings that are served off a private drive to address the concerns expressed by Waste Management.

4.4 Overall there proposal does not raise any highway safety issues and is acceptable in this regard.

5.0 Is the affordable housing layout acceptable?

5.1 A Section 106 planning obligation that was entered into when outline planning permission was granted requires the provision of affordable housing within this development. The proposal includes the provision of 11 affordable houses, which is 25% of the total number of dwellings proposed and as such accords with policy. The 11 dwellings which have been identified as being affordable are one 3 bed semi, all 8 two bed semis, and the two bungalows.

Whilst the views of Housing Strategy have not been received in writing it has been confirmed verbally 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](#) (July 2018)

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

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

13/00990/OUT	Residential development of up to 42 dwellings including means of access – Permitted.
13/00990/NMA	Slight variation in the approved access for both horizontal alignment and method of construction to pass TPO trees - Permitted

Views of Consultees

The **Highway Authority**, following consideration of additional information, has no objections subject to conditions relating to the following:

- No occupation until access from Moss Lane is completed, and internal site roads, parking and turning areas provided.
- No commencement until details of surfacing materials for the private driveways, parking and turning areas and means of surface water drainage for such areas have been approved and implemented.
- Prior approval of a Construction Method Statement.

The **Environmental Health Division** has no comments to make and requests that the applicant is reminded of the conditions on the outline planning permission.

Staffordshire County Council as the **Rights of Way Authority** states that no Public Rights of Way cross the application site and that no application has been received to add or modify the Definitive Map of Public Rights of Way which affects the land in question.

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 **Crime Prevention Design Advisor** says that the proposed layout has much to commend it as follows:

- Single access/egress point and no through route is ideal in terms of crime prevention. The self-contained development should enable a strong sense of community to form.
- The position of the properties is very sound. The properties are outward facing and a certain proportion will have rear gardens backing onto each other or existing properties. The properties that will be closest to Bower End Lane will be protected to some extent by the existing hedgerow/undergrowth and the drop in levels. Natural surveillance throughout the site should be good.

The most vulnerable portion of the site is likely to be the corner where the SUDS is proposed. Appropriate measures should be put in place to substantially reinforce the site boundary to prevent unwanted intrusion into the site at this point. The plots with side gardens should have their boundary treatments inset slightly and hedge planting added externally to reinforce these boundaries.

It is noted that the parking provision does not appear overly generous, notably only two parking spaces for both four and five-bedroom houses, which make up the bulk of the site. Along with an absence of visitor parking, this could result in on-street parking and possibly a rather congested site. On occasion, parking issues can result in ill-feeling between residents and conflict arising.

The **Landscape Development Section** initially objected to the application but in response to the revised plans the LDS has confirmed that they have no objections subject to a revised Tree Protection Plan and detail Arboricultural Method Statement being conditioned.

Madeley Parish Council objects on the following grounds:

- The amount of 5 and 4 bedroom houses is disproportionately higher than affordable houses and bungalows, namely 28 of the 42 houses and with only 2 bungalows stated.
- The larger 4 bedroom and 5 bedroom houses are planned along the boundary with properties on The Bridle Path and given the size and height of these this will cause a disruption to the outlook of the already existing properties on The Bridle Path. In particular plot number 29 and plots 23 to 28.
- Tree screening, the developers are still vague about what trees might be planted and where. Given the proximity of The Bridle Path and other existing dwellings it is important the detail is given and found to be the most effective to mitigate the effects of the development.
- Sewage and surface water disposal - there still remains considerable concern over the ability to effectively remove both the above given the nature and flow of the ground and standing water/drainage issues. This needs to be effectively mitigated to a professional's satisfaction by the developer and proposer. It is relevant that the proposed development area was part of "The Moss" in medieval times and not used as agricultural or settlement land.
- The development is outside of the village envelope.
- It objects to the use of the Greenfield site when there are Brownfield sites in neighbouring Stoke-on-Trent that have been identified as part of the joint plan with that authority.
- The Council would question the proven need for such housing in this semi rural area.
- The Council would question the need to construct yet more four and five bed roomed "executive" homes and is disappointed at the low numbers of planned two bed roomed semi detached properties (8) and only two 2-bedroomed bungalows.

- The site is totally unsuitable as regards ground conditions. The area is boggy and will be prone to flooding. The suggestion that the new occupants of the properties would be expected to maintain the drainage system themselves is impracticable and will cause long term flooding problems in the area.

Whilst recognising that outline permission has already been granted, Madeley Parish Council still have grave concerns re the lack of sustainability for such a major development in Madeley i.e. Increase in traffic on already narrow country roads also causing an increase in air pollution in the locale, and capacity in the local schools, and health providers.

The **Waste Management Section**, in response to the revised plans, welcomes the loop design of the development on safety grounds. The addition of the bin store should assist in deterring residents from these properties being tempted to leave their containers out between collections, and thus should improve the appearance of the location and prevent complaints. It is noted that the use of the bin store as the method of storage for these properties is to be incorporated into the deeds for these properties, hopefully making use of the store easy to maintain.

Network Rail indicate that the initial holding objection has been withdrawn subject to a condition being included requiring agreement of the design and location of the proposed attenuation pond which will avoid water infiltration draining towards the direction of the railway and that it doesn't affect the stability of the cutting. In response to an approach from the developer, Network Rail have indicated that it has no objections in principle to developments, the potential to impact upon the existing operational railway must be considered and mitigation measures provided by outside parties.

The NPPF states that, "103. *When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.*" They recognise that councils are looking to proposals that are sustainable, however, they would remind the council in regards to this proposal that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land.

Network Rail further advises that it is aware that the area around the development is problematic and that the geology is not favourable. Infiltration of surface waters could result in the failure of the cutting slope. Network Rail would need to review the outside parties final design, where apart from fulfilling the hydraulic requirements, they will need to demonstrate that the lining is non-porous, its lifespan, maintenance regime, pumping system. *A condition within the planning consent (if approved) stating the above would be requested in order to ensure the continued safe operation of the railway infrastructure (both during construction works and as a permanent arrangement).*

Given the geology of the area and the nature of the layout and works they believe that a holding objection was fair.

Staffordshire County Council Flood Risk Team states that they are not able to confirm that the proposed layout is compatible with an acceptable drainage strategy as there are a number of outstanding issues.

The views of **United Utilities** 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

79 letters of objection, including one from **Cllr Simon White** and one from **Cllr Gary White**, have been received raising concerns regarding the following:

- When outline planning permission was granted it was agreed that the properties built alongside The Bridle Path would be bungalows which is not the case in this submission.
- The five bedroom, 3 floor houses are too tall and do not fit into the local area.
- The dwellings adjoin The Bridle Path will result in loss of privacy and light.
- The outlook from rear of the dwellings on The Bridle Path will be adversely affected by development that is out of keeping with this rural village.

- The relationship of the dwelling on plot 29 and dwellings on The Bridle Path is not acceptable, given that it is a 3 storey dwelling, and will result in the loss of sunlight.
- Only two bungalows are proposed.
- The submission is vague about what tree planting is to take place
- The site is prone to flooding and given that the street drains from Moss Lane and Bower End Lane deposition onto the site it makes the proposed build too risky without an appropriate and revises SUDS plan in place.
- The submitted amended plans result in more parking and less garden increasing issues with surface water runoff
- Two sewage pumping stations are needed but only one is shown on the plan.
- The doctor's surgery is already at capacity and does not have any room for extra patients or extra car parking resulting in parking on The Bridle Path and traffic problems.
- It is an unsustainable location for new dwellings due to lack of employment opportunities and lack of capacity in local schools.
- The proposed development was originally passed on the grounds that it would provide affordable housing, however given the number of 4 and 5 bedroom dwellings that are proposed this is clearly not the case.
- There are land instability issues.
- Only one access could present problems in an emergency.
- The development is going to cause dust, pollen and will raise air pollution levels which is potentially damaging to health.
- The site is an ideal environment for newts.
- There remains inaccuracies on the plans as extensions of adjoining properties are not shown, boundaries at the rear of The Bridle Path are not correct and the position of trees are not correctly shown.
- Has consideration been given to the suitability of the internal access roads for fire emergency vehicles?

Further comments relate to the issue of the principle of this development which is not a consideration in the determination of this application.

Applicant's/Agent's submission

The application is accompanied by a Design and Access Statement, Flood Risk Assessment and Arboricultural Report.

All of the application documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/01004/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

25th July 2018