

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 60 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 for residential development of up to 65 dwellings (13/00974/OUT). Details of access from the highway network were approved as part of the outline consent.

The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

The 13 week period for the determination of this application expired on 11th April but the applicant has agreed an extension to the statutory period until 17th August.

RECOMMENDATION

Refuse for the following reasons:

- i. The proposed development would, by virtue of the scale and design of the bund and acoustic fence and the inward-facing dwellings fronting Watermills Road, have a significant adverse impact on the character and appearance of the area.**
- ii. The footpath proposed through the site, by virtue of it being enclosed and not overlooked, would be unsafe and unattractive to users being likely to be prone to anti-social behaviour.**

Reason for Recommendation

The development would, by virtue of the scale and design of the bund and acoustic fence and the inward-facing dwellings fronting Watermills Road, have a significant adverse impact on the character and appearance of the area. The footpath proposed through the site, by virtue of it being enclosed and not overlooked, would be unsafe and unattractive to users being likely to be prone to anti-social behaviour.

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

Amendments and additional information have been sought where necessary to progress the determination of the application but it is considered that the proposals are unsustainable and do not conform to the National Planning Policy Framework (NPPF).

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 60 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00974/OUT in January 2015. Details of the access from the highway network were approved as part of the outline consent.

1.2 The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would the level of residential amenity achieved be acceptable?

- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the proposed landscaping and open space within the site acceptable?
- Is the affordable housing layout acceptable?

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

2.1 Section 12 of the NPPF sets out policy which aims to achieve well-designed places. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. 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.

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

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

2.4 R12 of that same document (in the section dealing with residential design) 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.

2.5 R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

2.6 2 and 3-bed dwellings are proposed comprising a mix of detached, semi-detached and townhouses. All the dwellings would be 2-storey. The site is separated from Audley Road by a substantial landscaped bund but the dwellings on the north eastern side of Audley Road are the closest reference and they are predominantly semi-detached or terraced and it is considered that the layout proposed would respect local character in terms of housing type and density.

2.7 The materials would comprise red brick and plain clay roof tiles with elements of render. Detailing would be simple and unfussy with gable features, brick soldier courses and canopies. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of the majority of dwellings. The design of the properties is considered acceptable.

2.8 The site is opposite Ibstock Brickworks and to provide appropriate mitigation against noise, in accordance with the recommendations of a Noise Assessment, a 2 metre high acoustic fence is proposed to be sited on top of a 2 metre high landscape bund along the frontage of the site on Watermills Road. The dwellings fronting Watermills Road have also been turned so that their rear elevations are facing the highway. A bund and boundary fence totalling 4m in height would be a very significant feature that would appear very prominent in the streetscene, particularly as the bunding would at certain points be steeply sided, insufficient room having been left for it. There is an existing substantial landscaped bund to the north of the site and therefore the bund proposed to the north of the access point would tie into that and would appear less prominent. However, the bund to the south of the access, which Environmental Health have advised would need to extend further south than indicated on the plan, along the side garden of Plot 60, would be a very significant and prominent feature. For this reason, it is considered that the proposal would have a harmful and unacceptable impact on the form and character of the area.

3. Would the level of residential amenity achieved be acceptable?

3.1 Sufficient distances are proposed between dwellings to ensure an acceptable level of privacy for the occupiers and the amount of private amenity space proposed for the dwellings would be sufficient for the small family dwellings proposed.

3.2 As referred to above, the site is opposite Ibstock Brickworks and the nearest plots are proposed approximately 50m from the clay loading operation. A Noise Assessment has been submitted which assesses the existing background sound climate and potential impact of the adjacent brickworks operations. Received noise has taken account of a 2 metre high landscape bund topped by a 2 metre high fence to protect properties adjacent to the Watermills Road boundary. The Report concludes that subject to mitigation, appropriate noise levels would be achieved. The Environmental Health Division has no objections to the proposal subject to conditions and therefore, subject to acceptance of the appropriateness of the bund and fence, it is not considered that an objection could be sustained on the grounds of noise impact.

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

4.1 The means of vehicular access to the site was determined at outline stage. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 The Landscape Development Section (LDS) is satisfied that subject to conditions, the site can be developed without harm to any existing trees.

5.2 An area of Public Open Space ("Village Green") is proposed in the southern corner of the site. Originally, the dwellings adjacent to the Village Green had their rear gardens facing the open space but they have been turned to overlook the space which is considered more appropriate. Although not centrally located within the site, the overlooking of the open space will help to ensure that it is integrated into the development.

5.3 The LDS raised concerns regarding the original layout on the grounds of lack of footpaths and accessibility. The "Coppice Walk" footpath was proposed to be right up against boundaries and the roadside and not integrated into the landscape design. Amended plans have been submitted showing the Coppice Walk extending through the site linking the road and the Village Green. However it would run along the side and rear gardens of the proposed dwellings and therefore would be enclosed by high fences resulting in no overlooking of the footpath. Both the Police Crime Prevention Design Advisor and the LDS have expressed concern that such an enclosed footpath would be unsafe and unattractive to users being likely to be prone to anti-social behaviour. Your Officer agrees with these concerns and considers that such an enclosed pathway is unacceptable.

6. Is the affordable housing layout acceptable?

6.1 The outline consent for this site was subject to a Unilateral Undertaking which included a requirement for not less than 25% of the total number of dwellings to be affordable housing dwellings. The layout proposes 16 affordable units which equates to approximately 27% of the 60 units now proposed.

6.2 The dwellings will be 2-bedroomed terraced and semi-detached homes and in terms of the nature of the affordable housing, 10 would be affordable/discounted rent and 6 would be shared ownership. This accords with the requirements of both the Section 106 and the Council's Affordable Housing SPD.

6.3 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.

6.4 The affordable units are proposed in several small groups across the site and your Officer's view is that they are sufficiently distributed across the site to ensure that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing provision.

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 C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (July 2018)

[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)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

13/00974/OUT Residential development of up to 65 dwellings including means of access – Allowed at appeal January 2015

Views of Consultees

Staffordshire County Council as **Minerals and Waste Planning Authority** has no comments on the application.

Staffordshire County Council Flood Risk Team states that the drainage details submitted appear to be consistent with those specified in the outline application and therefore no objection is raised.

The **Highway Authority** has no objections subject to conditions regarding details of footways, driveways and means of surface water drainage, provision of internal site roads, parking and turning areas, submission of a Travel Plan and submission of a Construction Method Statement.

The **Environmental Health Division** queries whether there is space to install the bund. Conditions are recommended requiring details of the location of the acoustic treatment to the boundary accompanied by cross section drawings and path difference calculations, and the standard noise condition.

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 Unilateral Undertaking was concluded prior to the grant of the outline permission and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** states that the latest revision includes an enclosed pathway which would introduce unnecessary vulnerability in terms of burglary, anti-social behaviour and community safety. The remainder of the layout is generally acceptable in terms of crime and disorder although the properties bordering Watermills Road should have their rear gardens reinforced by hedge planting and the principle of defensive hedge planting should be considered throughout the development for any side or rear garden boundary that will be publically accessible. Gable end windows should be included for plots 51 and 52 to provide natural surveillance.

The **Landscape Development Section** states that it is unfortunate that the implementation of the 2m high mound and 2m fence has meant that the adjusted orientation of properties to front Watermills Road has been reverted. Concerns are raised about the appearance of the barrier from Watermills Road and the method by which it is planted/maintained. The footpath running along the side and rear gardens of new properties will have the appearance of an alleyway and will be bounded by high fences with poor internal visibility and subject to antisocial behaviour. The proposed perimeter hedgerow appears to have been removed from the proposals and the bark mulch path should have a more permanent paving solution. Conditions are proposed requiring tree protection proposals, landscaping proposals, a landscape maintenance schedule and construction details for the retaining wall.

The **Housing Strategy Section** states that the revised plan has correctly stated that 16 units will be affordable and they have been apportioned as 10 affordable/discounted rent units and 10 shared ownership units in accordance with the Unilateral undertaking. The units are sufficiently pepper-potted and the types of properties that are being suggested as affordable, which are terraced and semi-detached properties, are considered to be acceptable as they will meet the need for starter families and smaller one and two person households.

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

The **Waste Management Section** states that in locations where properties do not face directly onto the highway, containers are frequently left out between collections causing long term visual blight and leading to complaints and neighbourhood disputes. The layout also designs in two sets of reverses at cul-de-sac ends and the Health and Safety Executive requires these to be designed out wherever possible in favour of safer circulatory designs.

Representations

One letter of representation has been received on behalf of Ibstock Brick Limited expressing concern regarding deficiencies in the Noise Assessment that accompanies the application. It is requested that it is revised to consider the potential impact on the proposed residential development of noise from the adjacent industrial premises.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Drainage Design Report
- Noise Report

These documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00017/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st August 2018