

**LAND SOUTH-WEST OF MUCKLESTONE ROAD AND WEST OF PRICE CLOSE,  
LOGGERHEADS  
ELAN HOMES (MIDLANDS) LTD**

**18/00315/REM**

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 73 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in September 2015 on a wider site for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). Details of the accesses from the highway network were approved as part of the outline consent.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

**The 13 week period for the determination of this application expired on 23<sup>rd</sup> July 2018 but the applicant has agreed an extension to the statutory period until 17<sup>th</sup> August 2018.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following:**

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of internal roads, parking and turning areas in accordance with the approved plans**
- **Completion of vehicular and pedestrian access point onto Mucklestone Road and the footpaths along the development frontage**
- **Materials (facing, roofing and surfacing)**
- **Landscaping and tree protection conditions**
- **Approval of Elevations of substation**

**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 and to be 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 SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and subject to conditions, the proposed landscaping and open space within the site is considered acceptable. 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**

Additional information has sought from the applicant where necessary and obtained and the proposal is considered 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 73 dwellings. The principle of the residential development of the site was established by the granting of outline planning permission 15/00202/OUT in September 2015 and details of the accesses from the highway network were approved as part of that outline consent. An earlier reserved matters approval for 78 dwellings was granted in May last year (Ref. 16/00784/REM). Both applications related to a larger area of land than the current application site. The larger area is subdivided into two parcels by a stream and landscape corridor.

1.2 This application relates to the larger of the two parcels of land. A full application for five dwellings on the smaller parcel of land is considered next on this agenda (Ref. 18/00314/FUL).

1.3 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement prepared by Hallett Environmental and Muller. Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

1.4 Although Loggerheads Parish Council raise concerns regarding the attenuation basins and the safety of children, express guidance exists for consideration of health and safety principles for such features which seeks to demonstrate how, with good design, the risks should be extremely low. It is the case that other than in extreme rainfall, the basins would be dry.

1.5 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 there be any adverse impact on residential amenity?
- 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 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

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

RE5 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.

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 In the previous reserved matters scheme, 69 dwellings were proposed on this part of the site whereas 73 dwellings are now proposed. 2, 3, 4 and 5-bed dwellings are proposed comprising a mix of detached, semi-detached and townhouses. All the dwellings would be 2-storey. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character. Although Loggerheads Parish Council express concern that there is a reduction (from what has been previously approved) in the number of 2-bed and 3-bed houses and that this is not what the area needs as evidenced by the Loggerheads Housing Needs Assessment prepared as part of the Neighbourhood Plan, the mix of dwelling types is similar to that approved under Ref. 16/00784/REM and is considered to provide an appropriate mix.

2.7 The materials would comprise red brick and grey concrete roof tiles with elements of render and vertical tile hangings to some dwellings. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

2.8 The proposed layout is similar to both that shown on the illustrative layout plan submitted with the outline application and to the previous reserved matters scheme. Your Officer's view is that the design of the dwellings and the materials palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

### 3. Would there be any adverse impact on residential amenity?

3.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development. The NPPF states at paragraph 127 that planning decisions should ensure that developments 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.

#### *Existing occupiers' amenity*

3.2 Many of the dwellings proposed along the eastern boundary of the site would have a gable end and therefore no principal windows (as defined in the SPG), facing towards those in Price Close. Where the rear elevations of the proposed dwellings face Price Close, the distance between the principal windows of the existing and proposed dwellings exceeds the distance of 21m recommended in the Council's Space around Dwellings SPG. Loggerheads Parish Council expresses concern that the proposed house at Plot 46 appears too close to No. 22 Price Close. The SPG recommends a distance of 13.5m between principal windows and a gable wall that contains no windows. In this case the distance is 12m and whilst this is slightly less than the recommended distance, the dwellings are not directly facing each other and the ground level of the bungalows on Price Close is approximately 3m higher than the ground level of Plot 46. It is considered therefore that sufficient distance exists to ensure that there would be no significant adverse impact on the amenity of the occupiers of the existing dwelling on Price Close.

#### *Amenity of future occupiers of the development*

3.3 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for family dwellings.

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

4.1 The internal road layout is very similar to that illustrated in the outline application and approved in the previous reserved matters consent but with some minor changes due to the rearrangement of plots. 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) has concerns regarding the loss and impact on trees affected by Tree Preservation Order 147 which covers the woodland between this site and the smaller site to the north. It is stated that the protected woodland has been divided and a significant section will no longer be protected. In addition they raise concerns that service connections and easements are unclear, the impact of access alterations on retained trees is unclear and the impact on the boundary hedge should be assessed as should the impact of any levels alteration on trees. The applicant's agent has responded as follows regarding the trees:

- The split is due to the separate applications but the whole woodland would still be protected.
- Any service connections and easements through the woodland are associated with existing adopted drains and any proposed connections will be kept outside of the tree protection fencing areas as shown on the Tree protection Plan.
- Impacts on trees are all addressed by the submitted Arboricultural Impact Assessment and Tree Protection Plan.

The LDS also raises concerns about the layout of the open space. It is stated that there is no longer the opportunity to walk the length of the open space without using the roadside path, the substation will have a visual impact within the open space and confirmation is needed that the amount of remaining open space would be sufficient. They also comment that the entrance/exit to the play area is now directly off the roadside path, the connectivity of the play area to the open space is reduced and the LEAP layout on the masterplan does not match the detailed drawing. Woodland management proposals are requested. The applicant's agent has responded as follows:

- There is a footpath link through the Public Open Space (POS) and the roadside path is adjacent to the POS.
- The substation is located in the optimum position to service the site and the visual impact is mitigated by the proposals shown on the landscaping layout.
- The Council's Open Space Strategy has been considered and the development provides 0.84ha of POS which comfortably exceeds the requirements and provides a LEAP.
- The LEAP is accessed via the 2m wide footpath adjacent to the highway which is common practice.
- The amount and type of equipment is the same and the applicant would accept a condition requiring a detailed play area scheme to be submitted if required.
- It is proposed that the requested woodland management proposals are conditioned as it was on the previously approved reserved matters approval.

Regarding the impact on trees, although the LDS states that a significant section of the woodland will no longer be protected, this is not the case. As referred to above a separate application has been submitted for five dwellings on the smaller parcel of land to the north-west (Ref. 18/00314/FUL) and that includes tree protection proposals for that part of the woodland not considered in this application. The applicant has confirmed that any service connections and easements will be kept out of the tree protection areas and although concerns are raised that the impact of access alterations on retained trees is unclear, no alterations to the access point approved at the outline stage are proposed.

Regarding the open space, the LDS raises concerns that the footpath in the previous scheme linking the two areas of the site with a bridge across the stream has been omitted. The applicant has advised that the bridge would need to have a span of approximately 30m due to the steep sides of the ravine and to tie in with the requirement for ramps on the upper parts of the slope and that such a significant structure would have implications for the use and the visual appearance of the area as well as potentially trees in the stream corridor. A footpath exists along the road which links the two parts of the site. Your Officer's view is that whilst the loss of the link is disappointing in that it would have added interest to the overall scheme, and created the opportunity for a circular walk along Muckleston Road including a section that is not adjacent to the highway, given the potential impact of the scale of the bridge that would be required (both on the trees and the visual amenity of the area) and given that the roadside footpath would involve residents wishing to get from one part of the site to the other walking only a short additional distance, on balance it is considered acceptable.

If members are of a different view notwithstanding the points made above the provision of the path and bridge as per the previously approved REM scheme could be secured by a condition notwithstanding that it is not shown in the current layout. A similar approach would need to be taken to the following application and a mechanism found to secure the full link, but that would be reasonable only were both sites developed.

Subject to appropriate landscaping to achieve some screening, the substation is considered acceptable and subject to a condition requiring approval of the details of the play area, no objection is raised to the size and accessibility of the LEAP.

In conclusion, it would appear that the concerns of the LDS could be dealt with by the application of conditions. Subject to the approval of the details required by those conditions, the proposed landscaping and open space within the site is considered acceptable.

#### 6. Is the affordable housing layout acceptable?

6.1 Loggerheads Parish Council expresses concern that the affordable houses are located to the rear of the site in groups and should be pepper-potted across the site especially towards the front near the access. The affordable housing units are in very similar locations to those in the previous reserved matters scheme and given that it was accepted then that the affordable housing was sufficiently distributed across the site, it would not be reasonable to object to the layout now. Your Officer is satisfied that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.

## **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 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 N21	Areas of Landscape Restoration
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](#) (2011)

### Relevant Planning History

15/00202/OUT Residential development of up to 78 units including affordable housing, public open space and vehicular and pedestrian accesses - Approved 3<sup>rd</sup> Sept 2015, following completion of legal agreement 28<sup>th</sup> August 2015

16/00784/REM Application for the approval of the details for layout, internal access arrangements, scale, appearance and landscaping details relating to outline planning permission 15/00202/OUT for residential development of up to 78 units - Approved

### Views of Consultees

The **Environmental Health Division** has no objections.

The **Highway Authority** has no objections subject to conditions regarding the provision of internal roads, parking and turning areas in accordance with the approved plans, provision of drainage interceptors, private drives to have a minimum length of 6m, submission of Construction Method Statement and garages to be retained for the parking of motor vehicles and cycles.

The **Crime Prevention Design Advisor** commends the scheme which demonstrates that designing out crime and designing in community safety principles have been considered and are incorporated within the proposals. These include very good natural surveillance over the road network and public spaces and appropriate boundary treatments. A supplementary crime benefit of the layout is that the existing rear gardens of Price Close will back onto the rear gardens of the new development providing mutual security. The only improvements that could be considered would be to reinforce the rear garden boundaries which border the sewage works access road.

The **Landscape Development Section** has concerns regarding the loss and impact on trees affected by Tree Preservation Order 147. The protected woodland has been divided and a significant section will no longer be protected, service connections and easements are unclear, the impact of access alteration on retained trees is unclear and the impact on the boundary hedge should be assessed as should the impact of any levels alteration on trees. Concerns are also raised about the layout of the open space. There is no longer the opportunity to walk the length of the open space without using the roadside, the substation will have a visual impact within the open space and confirmation is needed that the amount of remaining open space would be sufficient, the entrance/exit to the play area is now directly off the roadside, the connectivity of the play area to the open space is reduced and the LEAP layout on the masterplan does not match the detailed drawing. The layout of the open space and landscaping is much less favourable than the previous approved scheme and woodland management proposals are requested.

**Staffordshire County Council Flood Risk Team** states that the plans show areas set aside for above-ground SUDs and surface water attenuation so the proposed layout is acceptable in principle.

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

The **Environment Agency** has no objections.

The **Waste Management Section** has concerns about the properties accessed across unadopted surfaces as these properties will need to present their containers on the nearest adopted highway sometimes leading to residents leaving their containers at collection points between collections, causing a negative visual effect on the development and leading to complaints.

The **Housing Strategy Section** states that the number and mix of affordable housing units are compliant with policy and is satisfied that the units are sufficiently pepper-potted across the development.

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

- This is an increase in housing density on this part of the site compared to the previous reserved matters application that was permitted.
- This is a reduction in the number of 2 bed and 3 bed houses and this is not what the area needs as evidenced by the Loggerheads Housing Needs Assessment prepared as part of the Neighbourhood Plan.
- The affordable houses are located to the rear of the site in groups and should be pepper-potted across the site especially towards the front near the access.
- The proposed house at Plot 46 appears too close to No. 22 Price Close.
- When the attenuation basins fill with water there is concern that they may be unsafe for children.
- It is queried how the grassed area will be maintained.
- It is queried how the Section 106 agreement will be negotiated.

### Representations

Three letters of representation have been received. One letter of support states that there is a desperate need for more housing. Two letters of objection have been received stating that the Neighbourhood Plan highlights a need for smaller more affordable homes yet this application is now for less of the smaller and more of the bigger houses, and that the applicant now seems to have recognised and is seeking to address the major flaw with the previous application due to the topography and resultant unacceptable/impractical street scene.

### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Supporting Statement
- Tree Survey
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Site Investigation Report
- Ecology Report

All of these documents are available for inspection at Castle House and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/18/00315/REM>

### Background papers

Planning files referred to  
 Planning Documents referred to

### Date report prepared

27<sup>th</sup> July 2018