

The application is for full planning permission for the erection of five residential dwellings, access and associated works.

The site forms part of a wider site that was granted outline consent in September 2015 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 8 week period for the determination of this application expired on 18<sup>th</sup> June 2018 but the applicant has agreed an extension to the statutory period until 17<sup>th</sup> August 2018.**

### **RECOMMENDATIONS**

**A) Subject to the securing by the 14<sup>th</sup> September 2018 of a mechanism that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/00202/OUT, (with details of this mechanism being the subject of a supplementary report), PERMIT subject to the following conditions:**

- 1. Time limit**
- 2. Approved plans**
- 3. Materials**
- 4. Landscaping scheme for public open space**
- 5. Revised access details**
- 6. Provision of private drive, parking and turning areas**
- 7. Surfacing materials for private driveway, parking and turning areas**
- 8. Off-site highway works**
- 9. Vehicular access to remain ungated**
- 10. Construction Method Statement**
- 11. Noise levels**
- 12. Construction hours**
- 13. Report of unexpected contamination**
- 14. Importation of soil/material**

**B) Failing the securing by the date referred to in the above resolution (A) of the above mechanism,, 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 mechanism the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

### **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 SPD. There would be no material adverse impact upon highway safety, trees or residential amenity and there are no other material considerations which would justify a refusal of this application. However the Council needs to

consider the possibility that this scheme may proceed and that on the site referred to in 18/00314/REM does not, which would mean that appropriate policy compliant contributions would not be obtained and further consideration is being given to how this could be addressed.

### **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 promptly sought from the applicant 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 Full planning permission is sought for the erection of 5 dwellings. The site forms part of a wider site that was granted outline consent in September 2015 for residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses (15/00202/OUT). An application for the approval of the reserved matters for 73 dwellings on the land to the south is considered elsewhere on this agenda (Ref. 18/00315/REM).

1.2 Due to changes to the access approved under the outline consent, this proposal could not be considered as an application for the approval of reserved matters and therefore a full planning application has been submitted.

1.3 The principle of the residential development of the site was established by the granting of the outline planning permission. 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, the revised NPPF has been published which brings with it a new approach to the assessment of whether an area has a five year housing land supply.

1.4 Whilst your officers are seeking to bring a report on the five year housing land supply position to the Committee (following the publication of the revised NPPF on the 24<sup>th</sup> July) the position at the time of writing is that the Borough Council has yet to determine that it is able to demonstrate a supply of deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against its local housing need (the appropriate test given its adopted strategic policies are more than 5 years old, the Council having accepted that the Core Spatial Strategy requires updating).

1.5 Even if the Council were to determine that it does have such a supply, and policies on the supply of housing are therefore not "out of date", a critical factor in this case is that there is already an extant permission for residential development on this site and thus a clear fallback position. On this basis opposing the principle of residential development (on the basis that the site lies outside the village envelope) would serve no purpose.

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

- 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?
- Is the impact on trees and the proposed landscaping acceptable?
- What, if any, planning obligations are necessary to make the development policy compliant?

### **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 The illustrative layout in the outline application and the approved layout in the previous reserved matters application (Ref. 16/00784/REM) showed 9 dwellings on this part of the site but just 5 are now proposed. As a result, the density of this part of the site is reducing whilst on the larger part of the site it is increasing. It is considered that on the edge of the village, a lower density on this part of the site, with dwellings set with larger more spacious plots with more opportunity for planting, is appropriate. A mix of 4 and 5-bed detached dwellings are proposed all of which 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.

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. Each dwelling would be provided with a garage.

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

3.1 In the outline planning consent and the previous reserved matters approval, this part of the site was served by two access points – one to serve plots 1-3 and another to serve plots 4-9. In the current proposal just one access is proposed which would be in a very similar location to that previously approved to serve plots 1-3.

3.2 The Highway Authority has no objections subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

### 4. Is the impact on trees and the proposed landscaping within the site acceptable?

4.1 The Landscape Development Section (LDS) initially had a number of concerns regarding the scheme but following the submission of revised plans and additional information, no objections are raised subject to the imposition of conditions. Although the LDS recommends footpath links to the open space on the larger site to the south, this would require a very substantial bridge over the brook that would have implications for the visual appearance of the area as well as potentially trees in the stream corridor. A footpath is proposed along the road which links the two parts of the site and as

indicated in more detail in the report on 18/00315/REM which precedes this item your Officer's view is that given the potential impact of the scale of the bridge that would be required and given that the roadside footpath would involve residents walking only a short additional distance, on balance a link is not considered necessary. As that report indicates if members are of a different view notwithstanding the points made, 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 preceding application and a mechanism found to secure the full link, but that would be reasonable only were both sites developed

4.2 The proposal is considered acceptable in terms of its impact on trees and the proposed landscaping.

5. What, if any, planning obligations are necessary to make the development policy compliant?

5.1 The outline consent for the wider site (Ref. 15/00202/OUT) was subject to a Section 106 agreement that secured obligations relating to the provision of affordable housing, an open space maintenance scheme, an education contribution and a travel plan sum. Given that this is a full planning application rather than a reserved matters application, that Section 106 agreement would not ordinarily apply to this consent. Bearing in mind that both sites are in the same ownership their separation is artificial and two separate applications are only required because of the terms of the original outline permission, and they should for the purposes of calculating appropriate contributions be considered as a single unit. Therefore a Section 106 agreement or undertaking or some other mechanism is required to ensure that there is no diminution of the secured contributions and to address the issue of what would happen if only this consent were to be taken up. This issue will be addressed in a supplementary report.

## 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 subject to conditions regarding noise levels, hours of construction and contaminated land.

The **Highway Authority** has no objections subject to conditions regarding revised access details, provision of private drive, parking and turning areas in accordance with approved plans, details of surfacing materials and means of surface water drainage for the private driveway, parking and turning areas, off-site highway works, garages to be retained for the parking of motor vehicles and cycles, vehicular access to remain ungated and submission of Construction Method Statement.

The **Landscape Development Section** states that the native hedge planting that has been added to the front of the majority of the proposed retaining wall adjacent to the public open space will help to soften impact of the structure but does not fully resolve the poor relationship of the development to the open space. If permission is granted it should be subject to a condition requiring a landscaping scheme for the public open space to include footpath links to the proposed open space on the southern part of the site, additional planting to visually soften the proposed dwellings and their gardens and appropriate planting for the attenuation basin.

**Loggerheads Parish Council** has no material objection to this application and supports the reduction from two to a single access. The previous application included a Section 106 agreement for the total of 78 dwellings. Clarification is needed about how this will be dealt with under the new proposal for two separate applications.

#### Representations

One letter of representation have been received stating 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 Report
- 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/18/00314/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

28<sup>th</sup> July 2018