

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 44 bungalows.

This application for the approval of reserved matters follows the granting of an outline planning permission in April 2018 for residential development for up to 55 homes with associated landscaping and infrastructure (16/00866/DEEM4). Details of the access from the highway network were approved as part of the outline consent.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site area is approximately 2.25 hectares.

The 13 week period for the determination of this application expired on 28th May 2020 but the applicant has agreed an extension to the statutory period until 21st August.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Provision of access, parking and turning areas for each dwelling**
- **Retention of garages for parking**
- **Provision of cycle storage for dwellings with no garage**
- **Adoption plan**
- **Details of traffic calming measures on internal road layout**
- **Detailed tree protection plan**
- **Site specific Arboricultural Method Statement**
- **Landscaping scheme**
- **Details of paths, seating and planting within public open space**
- **Details of linkages from public open space to woodland**
- **Details of management of public open space**
- **Details of materials**
- **Drainage details**

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 nature conservation interests, 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 been 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

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 44 bungalows. The principle of the residential development of the site was established by the granting of outline planning permission 16/00866/DEEM4 in April 2018 and details of the access from the highway network were approved as part of that outline consent.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site is surrounded to the north, south and west by Burnt Wood ancient woodland, parts of which are designated as a Site of Special Scientific Interest.

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 WYG. Your Officer has considered the application against those principles and is satisfied that it accords with that condition of the outline consent.

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 significant impact upon any nature conservation interests?
- 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?

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

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.

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.

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.

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.

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.

Policy LNPG2 of the Loggerheads Neighbourhood Plan states that to be supported, proposals for ten or more houses must include a mix of types of accommodation to meet requirements identified in the latest assessment of local housing needs including accommodation suitable for first time buyers and the elderly. At least a third of new homes, unless it can be demonstrated there is not a need for this level of provision must comprise a combination of one or two bedroomed properties and one or two bedroomed properties suitable to provide independent living for the elderly.

Policy LNPP1 states that to be supported, new development must demonstrate high standards of design. A number of requirements are listed, the most relevant of which are as follows:

- Complementing the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces.
- Creating attractive, safe and convenient environments for pedestrians.
Providing a mix of overlooked parking provision, as an integral part of layout, so that parking does not dominate streets and space.
- Include high quality materials, to complement those used in the surrounding context.
- Designing residential garages so that they do not obscure or dominate frontages and are in or behind the building line.

The proposed development would comprise 33 detached 2-bed and 3-bed bungalows and a mix of 11 1-bed and 2-bed semi-detached and terraced bungalows. The surrounding area comprises a mix of properties including two-storey dwellings and bungalows adjacent to the site on the opposite side of Eccleshall Road. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

Although all the properties are to be bungalows, a mix of sizes are proposed and therefore it is considered that the scheme complies with Policy LNPG2 of the Neighbourhood Plan in terms of providing a mix of types of accommodation. Loggerheads Parish Council welcomes the proposal to build bungalows stating that it supports the Neighbourhood Plan.

The materials would comprise red brick and grey roof tiles. Detailing would be simple and unfussy with hipped roofs, gable features and brick soldier courses. Properties would generally be set back from the pavement to allow for limited frontage landscaping. Many of the dwellings would have an integral garage with additional parking provided in front of the dwellings.

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 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.

The site is surrounded on 3 sides by Burnt Wood. It is a well-contained site and therefore views of the site are limited. 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 there be any significant impact upon any nature conservation interests?

The site is surrounded to the north, south and west by Burnt Wood ancient woodland, parts of which are designated as a Site of Special Scientific Interest (SSSI). Paragraph 175 of the NPPF states that development on land within or outside a SSSI likely to have an adverse effect on it should not normally be permitted. Paragraph 175 goes on to state that planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

In considering the outline application in 2017, the matter of impact on the ancient woodland and SSSI was assessed fully. The outline application was accompanied by an Extended Phase 1 Habitat

Survey which recommended a number of mitigation measures including a requirement for a 5m buffer around the site to protect the integrity of the woodland. The application was also accompanied by a Tree Survey Report which recommended that an Arboricultural Impact Assessment and a Tree Protection Plan are produced once the detailed design of the scheme is finalised. Subject to a condition requiring the developer to fund signs at the main entrance points to Burnt Wood and provide information about the SSSI in homeowners' packs, Natural England raised no objections to the principle of the development.

Both the Tree Survey and Habitat Survey submitted with the outline application concluded that subject to mitigation, there would be no significant adverse impact upon either the trees or the habitats within the woodland. Although the Woodland Trust recommended a buffer zone around the site of at least 30m, Natural England's Standing Advice on Ancient Woodland and Veteran Trees states that mitigation measures will depend on the development but could include a number of measures including leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland. It states that depending on the size of the development, a minimum buffer should be at least 15 metres. The Phase 1 Habitat Survey that accompanied the outline application recommended a 5m buffer around the site to protect the integrity of the woodland. It stated that the buffer can be planted with native woody species and will reduce the risk of development directly impacting woodland edge habitats. In approving the outline application, the Council was satisfied that a 5m buffer in addition to the other mitigation measures recommended in the Phase 1 Habitat Survey and conditions regarding tree protection measures would provide sufficient protection for the woodland.

Conditions were attached to the outline consent including a requirement for the development to be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey which included a requirement for a 5m wide buffer around the site. In accordance with the condition of the outline consent, the development now proposed includes a 5m buffer around the site.

Natural England raises no objections to the proposal subject to appropriate mitigation being secured in the form of an appropriate buffer zone to mitigate for the effects of the increasing amount of air pollution from the development on the interest features of Burnt Wood SSSI. The Woodland Trust objects to the proposal stating that the buffer zone should be at least 30m in order to avoid root damage and to allow for the effect of pollution from the development.

Objections have been received from residents and Loggerheads Parish Council stating that the proposed width of the buffer zone between the development and the ancient or semi-natural woodland (ASNW) is less than the Woodland Trust standard of 30m.

The Council has granted outline planning permission for the principle of up to 55 dwellings on the site subject to conditions that include a requirement for a 5m buffer. There has been no change in guidance since and therefore your Officer's view is that it is not now necessary at this reserved matters stage to revisit the matter and require a wider buffer.

Would there be any adverse impact on residential amenity?

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

There are two existing dwellings on Eccleshall Road immediately adjacent to the site and dwellings on the opposite side of Eccleshall Road. The distance between the existing and proposed properties would exceed the distances recommended in the Council's Space Around Dwellings SPG. The proposed dwellings would be bungalows which would further minimise any potential overlooking and it is considered therefore that there would be no significant adverse impact on the amenity of the occupiers of the existing dwellings.

Amenity of future occupiers of the development

The distance between the proposed dwellings would comply with the recommendations of the Council's Space Around Dwellings SPG. A number of the proposed dwellings would have a garden length of less than the recommended 10.7m and a very small number would have a garden area marginally less than the recommended 65 square metres. Notwithstanding this, an acceptable level of outdoor space would be available for drying washing, sitting out and gardening and it is considered that the level of private amenity space would be sufficient for the bungalows proposed.

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

The means of access to the site was determined at the outline stage and therefore although objections have been received from both residents and the Parish Council on the grounds of increased traffic and highway safety concerns, the site benefits from outline consent, and an objection to the principle of the development in terms of its impact upon the highway network could not now be sustained.

The Highway Authority has no objections to the detail of the proposal subject to conditions. A number of their recommended conditions are already included on the outline consent and it is not necessary to repeat them now.

The proposal is considered acceptable in terms of impact on highway safety.

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

The Landscape Development Section (LDS) has some concerns regarding the submitted tree protection detail and recommends that permission should be subject to the submission of additional detail.

An area of Public Open Space (POS) is proposed in the southern corner of the site. The LDS states that the area should not be left as an isolated space and queries whether the existing site boundary fence would be retained or whether linkages would be made with the adjacent woodland. Play provision is requested in accordance with the Council's Open Space Strategy (OSS) and paths, seating and amenity planting should be included within the POS.

The amount of POS proposed accords with the requirement as set out in the OSS and is therefore acceptable. In terms of its location, although it would be sited at one end of the site rather than more centrally, given that it would connect into the network of footpaths in the adjacent woodland, it is considered to be appropriately located. The LDS recommends that play provision is required in accordance with the OSS, however this is an application for the approval of reserved matters and the outline consent was granted in accordance with the now superseded Green Space Strategy which did not require play provision on a site of this size. It would not be reasonable therefore to require play provision now.

The LDS raises concerns regarding the relationship of many of the dwellings to the woodland, particularly that the proximity of trees to the small rear gardens could lead to post development resentment of the trees by occupiers due to shading or damage to property and pressure for the felling or pruning of the trees. In response, shading diagrams have been submitted to give an idea of potential shading on the site. Although the diagrams show shading of the dwellings on the south-eastern boundary during the winter, during the summer there is no shade for the majority of the day. Although the concerns of the LDS are acknowledged, it is not considered that the impact would be so significant that a refusal could be justified on such grounds.

In conclusion, it is considered 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.

Is the affordable housing layout acceptable?

In accordance with the outline consent, 25% of the bungalows, all 1-bed and 2-bed units, would be affordable. The Housing Strategy Section is satisfied that the number and mix of affordable housing

units are compliant with policy and that the units have been sufficiently distributed across the site. Your Officer agrees that the layout achieves an acceptable level of integration and is satisfactory with regard to affordable housing.

Other matters

Detailed drainage information has been submitted in accordance with the requirements of the outline consent. Staffordshire County Council Flood Risk Team requires additional details regarding soakaways and microdrainage calculations but it is considered that an acceptable drainage scheme can be secured by condition.

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 N18	Areas of Active Landscape Conservation
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

[Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPG2:	Housing Mix
Policy LNPP1:	Urban Design and Environment
Policy LNPP2:	Local Character & Heritage
Policy LNPT1:	Sustainable Transport

Other Material Considerations include:

National Planning Policy

[National Planning Policy Framework](#) (2019)

[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

16/00866/DEEM4	Residential development for up to 55 homes, with associated landscaping and infrastructure	Approved
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Views of Consultees

The **Environmental Health Division** has no observations to make.

The **Highway Authority** has no objections subject to conditions regarding the completion of the access, provision of visibility splays, provision of access, parking and turning areas for each dwelling, garages to be retained for the parking of motor vehicles and cycles, provision of secure cycle storage, provision of pedestrian links into the site, provision of a pedestrian crossing on Eccleshall Road,

provision of adoption plan, securing of a highway works agreement for the main site access and off site highway works, details of traffic calming measures and submission of Construction Method Statement.

Natural England raises no objections subject to appropriate mitigation being secured in the form of an appropriate buffer zone to mitigate for the effects of the increasing amount of air pollution from the development on the interest features of Burnt Wood SSSI.

The **Woodland Trust** objects on the basis of damage and loss of Burnt/Bishops Wood, a Plantation of Ancient Woodland Site as designated on Natural England's Ancient Woodland Inventory (AWI).

The **Crime Prevention Design Advisor** states that the central portion of the site looks to very secure with outward facing properties overlooking the internal road and rear gardens backing onto one another to provide a degree of mutual security. Parking throughout the development would be well overlooked from the properties. Unfortunately, plots 1-5, SH6-7, 13-15 and 19-26 will have rear garden boundaries which will abut public space and which will consequently render them potentially more vulnerable and therefore the intruder-resistance of those side/rear garden boundaries will need to be suitably robust to compensate. The provision of a small number of well overlooked linkages from the site into the surrounding woodland and reinforcing the remainder of the woodland boundary in some suitable way might be worth considering. Recommendations are made for the physical security of the bungalows.

The **Landscape Development Section** make the following comments:

- Supports the replacement hedgerow on the frontage.
- Insufficient detail has been provided regarding tree protection.
- Sufficient public open space is proposed but it should not be left as an isolated space.
- Queries whether the existing site boundary fence would be retained or whether linkages would be made with the adjacent woodland.
- Play provision is requested in accordance with the Council's Open Space Strategy (OSS).
- Paths, seating and amenity planting should be included within the POS.
- No objections to the proposed landscaping subject to the inclusion of boundary planting.
- Concerns regarding the relationship of many of the dwellings to the woodland and potential post development resentment due to shading or damage to property.

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.

Staffordshire County Council Flood Risk Team requires additional information regarding soakaways and microdrainage calculations.

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 comments to make.

The **Waste Management Section** has concerns about two locations indicated on the plans. Plots 13, 14 and 15 and the 5 properties marked 1B (between plots 18 and 19) would all need to present containers for collection on the highway which may present safety issues regarding visibility and lead to complaints about containers being left out between collections.

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 welcomes the proposal to build bungalows which supports the Neighbourhood Plan but raises concerns regarding the following:

- Road safety of children both crossing the busy Eccleshall Road and the likelihood that with no restrictions parents who drop children off at the nearby Hugo Meynell School will use this new estate for pre and post school parking as there are parking restrictions on Eccleshall Road. A condition that restricts parking on this site to residents only would be welcome.
- The proposed width of the buffer zone between the development and the ancient or semi-natural woodland (ASNW) is less than the Woodland Trust standard of 30m. The developer has not taken into consideration the Government Planning Policy Guidance (PPG) which states that a 15-metre buffer should be created.
- Neither the Tree Survey nor the Extended Phase 1 Habitat Survey make any reference to the Burntwood being ancient woodland and no recommendations.

No comments have been received by the due date from **United Utilities** or **National Grid Plant Protection** and therefore it must be assumed that they have no comments to make.

Representations

Nineteen letters of representation have been received. Objections are made on the following grounds:

- The Burntwood is very special ancient woodland and the proposed 5m buffer is not sufficient. A 30m buffer is required.
- The hedge has been severely cut back and although netting has been applied to prevent birds nesting, it has been done in an unsatisfactory manner.
- Properties so close to the woodland are at a higher risk from wildfires.
- Highway safety issues with additional traffic in close proximity to Hugo Meynell Primary School.
- Undue demand will be placed on the poor infrastructure and limited amenities available in Loggerheads.
- Impact on wildlife.
- Overdevelopment of the site.
- Some properties will experience undue shading from the trees.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Tree Shading Diagram
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Infiltration Rate Report

All of the application documents can be viewed on the Council's website using the following link: <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00158/REM>

Background papers

Planning files referred to

Planning Documents referred to

Date report prepared

31st July 2020