

LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH
MR CHRIS ANDREWS

21/00593/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 34 dwellings.

This application for the approval of reserved matters follows the granting of an outline planning permission in August 2018 for a residential development of up to 35 dwellings (17/00514/OUT). Details of access from the highway network were approved as part of the outline consent.

The applicant also wishes to modify the terms of the secured S106 Agreement following part of the site, which formed part of the outline planning application, being sold since the decision. The applicant has also advised that the scheme cannot support the secured level of S106 Obligations

The application site lies on the southern side of Honeywall Lane, outside the village envelope of Madeley Heath, within the open countryside and on land designated as an Area of Landscape Restoration all as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt. The site extends to approximately 1.75 hectares in area.

Honeywall Lane connects to Ridge Hill Drive which in turn connects to the A525.

The 13 week period for the determination of this application expires on the 10th September 2021.

RECOMMENDATIONS

- A) That the application to modify the S106 agreement, to change the red edge site boundary and to secure a financial contribution of £83,110 towards secondary school places at Madeley High School, Madeley and a review mechanism of the scheme's ability to make a more or fully policy compliant contribution to education places, off site public open space and/ or affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution if then found financially viable, be approved.**
- B) Permit the reserved matters application, subject to conditions relating to the following matters:-**
- 1. Link to outline planning permission and conditions;**
 - 2. Approved plans;**
 - 3. Facing and roofing materials;**
 - 4. Prior approval of finished ground and floor levels.**
 - 5. Boundary treatments;**
 - 6. 1.8 metre high acoustic barrier on the southern boundary;**
 - 7. Provision of roads, footways, parking, servicing and turning areas;**
 - 8. Parking areas surfaced in a porous bound material;**
 - 9. Construction Management Plan;**
 - 10. Provision of soft and hard landscaping scheme/ strategy;**
 - 11. Landscape and highways management and maintenance plan;**
 - 12. Trees and hedgerows shown as retained shall be retained and protected throughout construction;**
 - 13. Prior approval of crime prevention and security measures;**
 - 14. Prior approval of overheating assessment/ or overheating mitigation for plots 1 & 2;**
 - 15. Surface water drainage;**
 - 16. Sustainable drainage management and maintenance plan;**
 - 17. Waste and recycling storage and collection arrangements;**
 - 18. Approval does not constitute the LPA's approval pursuant subject of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for Recommendation

The proposed development represents a high quality design that would enhance the landscape and would be suitable for the site and the character of the area. The development for 34 dwellings would also provide acceptable living conditions for future occupiers and protect the residential amenity levels of neighbouring occupiers. Any issues can be addressed by suitably worded conditions and on this basis the scheme is acceptable and meets development plan policies and the requirements of the National Planning Policy Framework.

It is accepted, following the obtaining of independent financial advice, that a policy compliant scheme is not viable and that the scheme can only sustain reduced contributions but the benefits of the development are considered to outweigh the harm caused by the additional demand created by the development on education places and public open space in the area. A Section 106 agreement is required to secure those policy compliant contributions which can be afforded and a viability review mechanism should substantial commencement not be achieved promptly, along with the amendments to the red edge development site

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

The LPA and applicant have engaged in extensive pre application enquiry discussions and the LPA has requested further information during the consideration of the application to address concerns. Following the submission of further information the proposed development is now considered to be a sustainable form of development and so complies 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 34 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 17/00514/OUT in August 2018, following the completion of a Section 106 agreement which secured 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley

1.2 The application site lies on the southern side of Honeywall Lane, outside the village envelope of Madeley Heath, within the open countryside and on land designated as an Area of Landscape Restoration all as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt. The site extends to approximately 1.75 hectares in area.

1.3 Honeywall Lane connects to Ridge Hill Drive which in turn connects to the A525

1.4 The applicant also wishes to modify the terms of the secured S106 Agreement following part of the site, which formed part of the outline planning application, being sold since the decision. The applicant has also advised that the scheme cannot support the secured level of S106 Obligations.

1.5 The reserved matters application is an appropriate point to reconsider and secure any modifications to the S106 Agreement. The outline planning permission remains extant and given that this is a reserved matters application the key issues for consideration now are limited to:-

- The design of the scheme and the impact on the form and character of the area, including loss of hedgerows;
- The impact on the residential amenity and living conditions of neighbouring and future occupiers;
- Access, parking and highway safety matters;
- Sustainable drainage considerations and
- Planning obligations and financial viability.

2.0 The design of the scheme and the impact on the form and character of the area, including loss of hedgerows

2.1 Paragraph 126 of the recently published revised National Planning Policy Framework 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. Furthermore, paragraph 130 of the revised framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

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 revised 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. In particular, Policy R14 states that developments must provide an appropriate balance of variety and consistency.

2.4 The application site adjoins the village envelope of Madeley Heath to the north with Marley Eternit Building Materials site to the south and existing residential dwellings that front Ridge Hill Drive to the west.

2.5 The layout of the scheme is similar to the indicative layout presented at the outline stage but the proposed development seeks to create a community ethos and the application sets out that a key design driver for the scheme is the creation of three character areas; "The Lane", "The Yards" and "The Common". These character areas will have subtle differences in architectural styles but will be a mix of two storey terrace, semi-detached and detached house types.

2.6 The proposed dwellings will be enhanced by use of high quality bricks, with feature brick detailing and roof tiles. The development has also been varied by the roof tile selection and rotated roof pitches which will add further interest. The proposed scheme will also be enhanced by a high quality hard and soft landscaping scheme which will further supplement the design of the proposed scheme.

2.7 The scheme is also supported by a landscape strategy, which incorporate sustainable drainage features towards the south of the application site whereby a communal landscaped area and swale (attenuation pond) is to be located. This area acts as a landscape buffer between the industrial/commercial uses towards the south and the proposed residential development. The principle of this landscaped buffer is supported, as is the communal use of the area and the swale but a condition is considered necessary to ensure that these areas are appropriately managed by future residents.

2.8 Additional to the landscape buffer the application seeks to retain trees and hedgerows on Honeywall Lane and the Landscape Development Section (LDS) has requested further information to satisfy concerns regarding the impact of the development on these features. This has resulted in the applicant submitting further information and the comments of LDS are awaited. However, suitably worded planning conditions can secure acceptable details if necessary.

2.9 The Crime Prevention Design Advisor (CPDA) has commented on the design of the scheme with particular attention to security and crime prevention. In particular, concerns are raised about the height of boundary fences and the landscaped buffer/ communal area to the south of the application site.

2.10 The applicant has considered the comments and advice of the CPDA, in particular those associated with the height of boundary fences. However, due to their design philosophy for the development, which specifically intends to provide a sense of openness, promote social interaction and create a mixed community, the applicant is reluctant to increase the height of rear boundary features/ treatments from 1.2 metres to 1.8 metres. The applicant is keen to emphasise that the scheme has been specifically designed to enhance passive surveillance and increase the sense of community, providing opportunities for neighbours to engage with one another where possible. They believe that future residents will be attracted to live at the site due to its community-led nature which forms an intrinsic part of the design and sets it apart from other similar developments.

2.11 The CPDA has further considered these comments with scepticism and whilst your officers share this scepticism, it is considered that, on balance, the design philosophy of the scheme can be supported, subject to a condition which secures other security measures, as opposed to insisting on 1.8 metre high rear boundary treatments. These improvements can be secured in consultation with the CPDA.

2.12 The scheme has been presented to a design review panel, as encouraged by your officers and paragraph 133 of the NPPF, and it is accepted that the scheme has been well considered and whilst it would contrast with the vernacular of the immediate area it is accepted that the site represents a suitable opportunity to exploit a contrasting design. It is considered that the proposed design is a high quality design and is in accordance with the principles of the urban design guidance, policy CSP1 of the CSS and the guidance and requirements of the NPPF.

3.0 The impact on the residential amenity and living conditions of neighbouring and future occupiers

3.1 Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It further sets out at paragraph 185 that decisions should also ensure that new development reduces potential

adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and quality of life.

3.2 The application site is within close proximity to the Marley Eternit tile works/ factory to the south, Chantler Timber yard to the east and Keele Quarry to the southeast.

3.3 The principle of residential development on the site was established when the outline planning application was permitted. The application was supported by a noise assessment report (NAR) which concluded that road traffic sound can be mitigated by design measures to ensure that internal noise levels within the proposed dwellings can be achieved. A 2.2 metres high acoustic barrier on the southern boundary was also recommended to mitigate the impact from the neighbouring commercial/ industrial uses on future occupiers of the residential dwellings on the site.

3.4 This application is supported by an updated NAR, dated 25 June 2020, to reflect the layout and design of the scheme. The NAR concludes that an acoustic barrier on the southern boundary is required to the rear of plots 13 to 22 and design measures for plots 1, 2, 13 to 24 & 34 are required to minimise traffic and commercial noise on future occupiers. The NAR advises that the proposed barrier needs to be a minimum of 1.8 metres in height and the submitted plans show a 1.8 metre high timber fence on the southern boundary, which is at the rear of plots 13-22.

3.5 The Environmental Health Department (EHD) has advised that the recommended mitigation measures set out in the NAR are appropriate but a further overheating assessment/or overheating mitigation for plots 1 & 2 will need to be secured by planning condition. They also advise that all other issues of concern are covered by conditions secured by the outline planning permission.

3.6 The Council's Supplementary Planning Guidance (SPG) - Space Around Dwelling provides more detailed guidance on privacy and daylight standards including separation distances between proposed dwellings and new development in relation to existing dwellings.

3.7 In terms of the proposed layout of the scheme, it is considered that acceptable separation distances between existing dwellings on Ridge Hill Drive/ Honeywall Lane and the proposed dwellings is achieved to ensure acceptable living conditions for existing neighbouring properties and future residents of the development. It is also considered that each proposed dwelling would have an acceptable level of private amenity space. Additionally, the scheme will include generous communal areas which are designed to encourage community engagement. This will include an orchard, allotments, picnic areas, and a woodland trail together with semi-shared character areas.

3.8 Overall, the proposal is considered to meet the guidance and requirements of the NPPF.

4.0 Access, parking and highway safety matters

4.1 Details of the access to the site were approved when outline planning permission was granted, which proposed two access points off Honeywall Lane with the main access point serving an indicative layout of 34 dwellings. The other access point, located further along Honeywall Lane, was to serve a detached dwelling only. This part of the site has been sold separately and no longer forms part of this development. Therefore the single access point off Honeywall Lane is the only access point and would continue to serve 34 dwellings.

4.2 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3 The outline permission secured, via conditions 10 & 11, a number of highway improvements to Honeywall Lane and its junction with Ridge Hill Drive. These works are still required to ensure acceptable access arrangements.

4.4 The internal access roads, parking and turning arrangements are now submitted for approval.

4.5 The proposed dwellings would be a mix a 2 and 3 bedroom properties and each dwelling would have two off street car parking spaces. This is considered acceptable for this location.

4.6 The Highways Authority has raised no objections subject to conditions which secure the parking and surfacing materials, along with a construction management plan. However, the Councils Waste Management Section has raised concerns about the un-adopted status of the road layout, along with concerns about whether a 26 tonne refuse freighter can turn within the site.

4.7 The applicant has advised that the road layout can accommodate a 30 tonne refuse freighter and that the road would be un-adopted but would be maintained by a private management company who would be responsible for all repairs/damage to the road. The applicant accepts that this would need to be secured by a suitably worded planning condition. In all other respects, the waste storage and collection arrangements for the proposed development are considered acceptable.

4.8 Subject to the advised conditions, the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site or on neighbouring roads. The development would therefore meet the guidance and requirements of the NPPF.

5.0 Sustainable drainage considerations

5.1 Policy CSP3 of the CSS indicates that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

5.2 Paragraph 152 of the revised NPPF also recognises that “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”.

5.3 The outline permission required the submission of specific details of the surface water drainage scheme as part of the reserved matters application. This information has now been submitted and the LLFA are content with the surface water drainage scheme but a condition to secure its implementation, as well as specific mitigation measures, is necessary.

5.4 The scheme has incorporated an acceptable sustainable drainage strategy and therefore accords with local and national planning policy.

6.0 Planning obligations and financial viability

6.1 A Section 106 planning obligation, entered into when outline planning permission was granted, requires the provision of 25% Affordable Housing onsite, a financial contribution of £5,579 per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath and £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

6.2 As discussed, the applicant now wishes to modify the terms of the secured S106 Agreement following part of the site, which formed part of the outline planning application, being sold since the decision. The applicant has also advised that the scheme cannot support the secured level of S106 Obligations, on the basis that the secured obligations would render the scheme unviable.

6.3 Independent financial advice has been sought and has now been received by the Authority. The report of Butters John Bee (BJB) confirms that the scheme cannot support the policy compliant contributions but that there is a possibility that the scheme could support a financial contribution of £83,110.

6.4 The NPPF indicates that where up-to-date policies have set out the contributions expected from the development, planning applications that comply with them should be assumed to be viable, and it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policies about contributions and the level of affordable housing need however to be realistic and not undermine the deliverability of the Plan. In the Borough it is not

presently the case that up-to-date development plan policies, which have been subject of a viability appraisal at plan-making stage, have set out the contributions expected from development, so the presumption against viability appraisals at application stage does not apply. That will not be the case until the Local Plan is finalised. The scheme does provide benefits, most notably the provision of 34 dwellings in a sustainable rural location. The development would also contribute to housing supply in the Borough and the financial viability appraisal concludes that the scheme can support a financial contribution. Therefore, in this instance the committee will need to decide which of the previously secured obligations is the most necessary to make the development acceptable.

6.5 In terms of the preference for affordable housing, POS improvements or school places the Council has no agreed formal "hierarchy of need" in its Developer Contributions SPD. The NPPF also offers no such preference.

6.6 34 dwellings would trigger a need for 9 affordable units on the site and a financial contribution of £189,686 (index linked) towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath, along with a financial contribution of £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley.

6.7 In this case, your Officer would suggest that the provision of school places is the priority in this instance and the County Council, as the Education Authority, has advised that the preference is for the entire financial contribution to be allocated to the provision of secondary school places which will suitably mitigate the impact of the proposed development. On this basis the financial contribution should be secured for secondary school provision, instead of providing affordable housing, public open space improvements and primary school provision.

6.8 That said, market conditions, and thus viability, can change. On this basis it would be quite reasonable and necessary for the Local Planning Authority to require the independent financial assessment of the scheme to be reviewed if the development has not been substantially commenced within 12 months of the grant of the permission, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would need to be also secured via the Section 106 agreement, as would the revision of the red edge application site to reflect the changes to the ownership of the land.

7.0 Reducing Inequalities

7.1 The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The **public sector equality duty** requires **public authorities** to consider or think about how their policies or decisions affect people who are **protected** under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

7.2 The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

7.3 People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

7.4 When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

7.5 With regard to this proposal it is noted that access to all dwellings will be level and compliant with Part M of Building Regulations. It is therefore considered that it will not have a differential impact on those with protected characteristics.

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 N3 Development and Nature Conservation – Protection and Enhancement Measures
Policy N4 Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework](#) (July 2021)

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

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD](#) (September 2007)

[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)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Relevant Planning History](#)

17/00514/OUT Up to 35 dwellings including associated infrastructure Permitted

[Views of Consultees](#)

Madeley Parish Council has reservations regarding highway access and parking, but accepts that these matters will be considered during the application process.

The **Highways Authority** raises no objections subject to conditions which secure the access, footways parking, servicing and turning areas; surfacing of parking to be a porous bound material; and the prior approval of a highways construction management plan.

The **Waste Management Section** raises concerns about the un-adopted status of the road layout, along with concerns about whether a 26 tonne refuse freighter can turn within the site.

Additional concerns are raised about access to a single property on Honeywall Lane but this property is no longer included within the red edge application site.

The **Environmental Health Officer** raises no objections to the proposals and advises that Marley no longer tip fired waste at night time and on this basis the recommendations of the acoustic assessment are acceptable but an over-heating assessment/or overheating mitigation for plots one and two will need to be secured by condition. All other issues of concern are covered by conditions within the outline permission.

The **Landscape Development Section** raises concerns regarding the proximity of the development to retained trees and the loss of hedgerow to accommodate appropriate visibility splays.

The **Housing Strategy Officer** draws attention to the previously approved outline consent which secured 25% onsite affordable housing provision (60% social rented houses and 40% shared ownership) which was secured through a S106 agreement.

The **Crime Prevention Design Advisor** refers to the good level of natural surveillance throughout the site but draws attention to some areas of concerns relating to the security of private gardens, proximity to publically accessible spaces, lighting and home security.

The **County Flood Authority** raises no objections following the submission of additional information, as requested by the LLFA. A condition which secures the implementation of the surface water drainage scheme and mitigation measures is necessary.

United Utilities advise that the proposed drainage arrangement as shown on Dwg No. 0001, Rev. P04 Dated 31.07.20 are acceptable in principle and so raise no objections to the application subject to conditions relating to management and maintenance of the systems.

In the absence of any comments from the **Public Rights of Way Officer** by the due date it must be assumed that they have no observations to make upon the application.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Planning Statement;
- Design and Access Statement;
- Arboricultural Report
- Noise Impact assessment;
- Landscape Strategy;
- Preliminary Risk Assessment – land contamination;
- Geo-Environmental Assessment - land contamination;
- Written Scheme of Investigation (WSI) for a programme of archaeological evaluation works;
and
- Surface water flows

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/21/00593/REM>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st September 2021