

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 85 dwellings. It follows the granting of an outline planning permission in May 2018 for a residential development of up to 85 dwellings (17/00515/DEEM4). Details of access from the highway network were approved as part of the outline consent.

The application site lies within the major urban area, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 2.56 hectares.

**The 13 week period for the determination of this application expired on the 10<sup>th</sup> August 2021 but the applicant has agreed an extension of time to the determination period to the 31<sup>st</sup> March 2022.**

### **RECOMMENDATIONS**

The Head of Planning be given the delegated authority to determine the application subject to any comments that are received from Lead Local Flood Authority not raising any significant objections that cannot be overcome through the imposition of conditions, **PERMIT** the application subject to the following conditions:

1. Link to outline planning permission and conditions;
2. Approved plans;
3. Facing and roofing materials;
4. Boundary treatments;
5. Hardstandings;
6. Soft landscaping;
7. Ecology enhancements;
8. Provision of internal roads, private drives and parking areas;
9. Provision of visibility splays;
10. Prior approval of surfacing materials and surface water drainage for the driveways and private drives;
11. Garages retained for the parking of motor vehicles;
12. Prior approval of secure cycle storage for plots without a garage;
13. Prior approval of bin storage and collection arrangements for Plots 40 – 44 and plots 82 – 85;
14. Trees and hedgerows shown as retained shall be retained and protected throughout construction;
15. Surface water drainage;
16. Approval does not constitute the LPA's approval pursuant subject to other conditions of the outline planning permission, these needing to be subject of separate application

### **Reason for Recommendation**

The proposed development represents a good quality design that would not harm the visual amenity of the area which would be suitable for the site and the character of the area. The development for 85 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.

### **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 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 85 dwellings. It follows the granting of an outline planning permission in May 2018 for a residential development of up to 85 dwellings (17/00515/DEEM4). Details of access from the highway network were approved as part of the outline consent.

1.2 The application site lies within the major urban area, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 2.56 hectares. The site adjoins the A34 which is a primary road on the highway network.

1.3 Access was approved under the outline permission with a separate access (left in only) at the northern end of the site and a separate egress (left out) at the southern end of the site. The layout of the internal access roads and parking are still reserved for approval.

1.4 The principle of residential development on the site has been established by the granting of outline planning permission 17/00515/DEEM4, following the completion of a Section 106 agreement which secured 25% Affordable Housing onsite and financial contributions of £5,579 per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 towards primary education places at Sun Primary Academy.

1.5 The outline planning permission was subject to a number of planning conditions, including conditions which required information to be submitted as part of the reserved matters submission, namely; details of a surface water management scheme; access arrangements/ improvements to the site for cyclists travelling from the south and replacement tree planting for any existing trees that are proposed to be lost.

1.6 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 trees;
- The impact on the residential amenity and living conditions of neighbouring and future occupiers;
- Access, parking and highway safety matters;
- Ecology impacts;
- Sustainable drainage considerations;
- Reducing Inequalities.

### **2.0 The design of the scheme and the impact on the form and character of the area, including loss of trees**

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 fronts the A34 and is dominated by a linear group of trees that runs the length of the front boundary to the site. The approved access arrangements will result in tree loss on the site frontage but the application is supported by a comprehensive design and access statement, along with arboricultural information and a landscaping scheme.

2.5 The proposed development is for 85 dwellings which will be a mix of apartments, mews, semi-detached and detached dwellings that would front an internal road network.

2.6 The design of existing dwellings in the surrounding area is varied, as is the character and form of the area.

2.7 The layout of the scheme is similar to the indicative layout presented at the outline stage but the applicant has set out that the proposed development has sought to achieve, amongst other things, a high quality sustainable residential neighbourhood, which maintains and enhances the key, existing landscape features, integrating the site into the wider area. The design also seeks to provide a range of house types to create a balanced mixed community.

2.8 The design of the house types is acceptable and the mix and quality of the facing materials will add interest to the street scenes. The location and type of boundary treatments would also add interest to the street scenes. These aspects would contribute to the acceptable design of the development and the proposed soft landscaping will enhance the appearance of the development, in particular landscaping on the sites boundaries.

2.9 A number of objections have been received raising concerns about tree loss to accommodate the proposed development and the associated impacts on the visual amenity of the area and wildlife.

2.10 The application is supported by an arboricultural impact assessment and method statement which indicates that a large number of trees on the front boundary will need to be removed, either due to their poor condition or to accommodate the development. A number of moderate quality trees can be retained and supplementary replacement tree planting is proposed on the landscaping plans. This approach ensures that the front boundary will have significant tree planting and soft landscaping. This will mitigate the loss of trees and the associated impact on the visual amenity of the area.

2.11 The Landscape Development Section (LDS) have made comments on the development proposals and they are content with the proposals subject to conditions.

2.12 Subject to conditions which secure the details set out within the application regarding facing materials, boundary treatments and soft landscaping plans, it is considered that the proposed development represents a good quality design and accords with 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 outline planning permission secured noise mitigation conditions and this application is supported by an up-to-date Noise Impact Assessment (NIA) which recognises that the proposed dwellings closest to the A34 will be affected by road traffic noise. It further acknowledges that the calculated noise levels for proposed dwellings closest to the A34 are such that noise mitigation measures are appropriate to protect the living conditions of future occupiers of certain plots. The mitigation consists of sound insulated windows, along with specialist powered acoustic ventilators. In

terms of any rear gardens that could be unacceptably affected by road traffic noise, a 2.0m high acoustic barrier is recommended.

3.3 The rear of the site shares a boundary with the neighbouring primary school play areas and noise impact is likely during weekdays. Therefore the submitted NIA suggests that a 1.8m high acoustic barrier is installed along the boundary with the school to mitigate the impact on future occupiers of the dwellings. The plots affected by noise mitigation measures are set out at figure 3 of the NIA.

3.4 The noise mitigation measures set out in the NIA are acceptable and the Environmental Health Division (EHD) has raised no objections. The noise mitigation conditions of the outline planning permission are still binding and no additional conditions are necessary. The conditions include a restriction on construction hours and the submission and approval of a construction management plan. These conditions will also address concerns raised in representations received from neighbouring occupiers.

3.5 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.

3.6 Objections have been received from neighbouring properties about the potential loss of privacy due to overlooking from the proposed dwellings. The proposed layout of the scheme has demonstrated that the required separation distances, set out in the SPG, between existing dwellings on Knype Way and the proposed dwellings will be exceeded. Therefore, acceptable living conditions for existing neighbouring properties and future residents of the development will be achieved. Acceptable separation distances between plots that directly face one another is also achieved.

3.7 The orientation and design of the proposed plot 1, near the front of the site, will ensure that no adverse impact would be caused to the occupiers of existing house at No. 6 Talke Road.

3.8 All proposed plots would have an acceptable level of private amenity space.

3.9 Overall, the proposal is considered to meet the guidance and requirements of the NPPF and the living conditions and quality of life of existing and future residents will be protected to an appropriate and acceptable standard.

#### 4.0 Access, parking and highway safety matters

4.1 As discussed, details of the access to the site were approved when outline planning permission was granted, which secured a separate access (left in only) at the northern end of the site and a separate egress (left out) at the southern end of the site. The layout of the internal access roads and parking are still reserved for approval.

4.2 The outline permission sought, via conditions 8 & 9, the detailed access works to include details of construction, surface water drainage, street lighting, signing, road markings and a stage 2 safety audit, along with a Traffic Regulation Order to prohibit U turns at the A34 Talke Road / Bradwell Lane traffic signal junction. The outline planning permission also secured a footpath link to, and through, the eastern boundary of the site to allow a direct pedestrian access from the development to the Sun Primary Academy at school opening and closing times.

4.3 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.

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

4.5 The proposed dwellings would be a mix a 1, 2, 3 and 4 bedroom properties. The one bedroom properties will have one space, the 2 and 3 bedrooms properties will each have two spaces, and the 4 bedroom properties would have 3 spaces. This is in full accordance with the maximum standards set out in policy T16 of the local plan. This is considered acceptable for this location.

4.6 The Highways Authority has raised no objections subject to conditions which will secure acceptable access and car parking arrangements, along with measures to promote sustainable development objectives. However, the requested condition for a Residential Travel Plan is not required because this is secured by condition 10 of the outline planning permission.

4.7 The Council's waste management section have not commented on the application but the proposed layout demonstrates an acceptable internal road network and suitable waste and recycling storage and collection arrangements.

4.8 Condition 11 of the outline consent sought to secure access arrangements/ improvements to the site for cyclists travelling from the south. This condition has been removed by the approval of application, reference 17/00515/NMA as there are no obvious improvements that could be implemented that would improve connectivity of the site for cyclists travelling from the south, that aren't already achieved.

4.9 All other conditions of the outline planning permission are still binding and, subject to the further conditions advised by the Highways Authority, the proposed development is considered unlikely to lead to significant highway safety and on street car parking implications within the development site. The development would therefore meet the relevant policy and guidance and requirements of the NPPF.

## 5.0 Ecology Impacts

5.1 "Policy CSP4 of the Core Strategy states that "the quality and quantity of the plan area's natural assets will be protected, maintained and enhanced through the following measures ... ensuring that the location, scale and nature of all development planned and delivered through this Core Spatial Strategy avoids and mitigates adverse impacts, and wherever possible enhances, the plan area's distinctive natural assets, landscape character".

5.2 Paragraphs 174 & 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. If development cannot avoid significant harm to biodiversity by adequate mitigation then planning permission should be refused.

5.3 As discussed, the principle of residential development on the site has been established by the granting of outline planning permission 17/00515/DEEM4 for up to 85 dwellings. The outline planning application was supported by an Extended Phase 1 Ecology Report, dated January 2016, which set out that the planted trees and rough grassland borders around the edge of the site are likely to be the areas of most value to wildlife and a number of recommendations were made.

5.4 This application is now supported by a Preliminary Ecological Appraisal, dated April 2021, which again sets out that woodland, trees and vegetation are its key features. These features support amphibians, bats or badgers, birds and reptiles but surveys indicate that there is no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development but mitigation measures are proposed.

5.5 A significant number of objections have been received to the loss of trees and the impact on wildlife on the site. Staffordshire Wildlife Trust (SWT) have also objected on the grounds of net loss of biodiversity, insufficient information on protected species and surface water drainage. In particular they advise that in order to determine the measures and compensation necessary to achieve net biodiversity gain, the easiest and clearest method is to carry out an assessment using the Defra 3.0 biodiversity metric. This will quantify the effect of the current proposal, help inform design and establish compensatory measures where necessary.

5.6 The proposal has outline planning permission and the principle of residential development of up to 85 dwellings on the land and the associated impacts on, and potential loss of, biodiversity has been accepted. However, it is considered that Biodiversity mitigation and enhancements can be secured. In this respect, it is accepted that woodland, trees and vegetation should be retained where possible and supplemented through replacement planting via a soft landscaping scheme.

5.7 The application includes mitigation and enhancements and the Preliminary Ecological Appraisal sets out a number of mitigation measures. These include amongst other things, in addition to supplemental planting, rear garden fences to include gaps at the base to allow the passage of hedgehogs; bat boxes and sparrow terraces. These can be secured by a planning condition.

5.8 Following consideration of the layout of the site and the provision of the proposed enhancements and mitigation and acknowledging that the principle of the development of the site has been accepted it is concluded that the proposal is acceptable in respect of its impact to biodiversity.

## 6.0 Sustainable drainage considerations

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

6.2 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”.

6.3 The outline permission was supported by an indicative sustainable urban drainage scheme (SuDS) which included a surface water pumping station, pervious pavements and attenuation tanks into the scheme. On this basis, condition 6 of the outline permission required that any application for the approval of reserved matters shall include a detailed surface water management scheme which shall include a scheme for the provision and implementation of the method of working and maintenance of the surface water drainage system.

6.4 The application has been supported by a Flood Risk Assessment & Drainage Assessment but the County Council acting as the Lead Local Flood Authority (LLFA) has advised that the assessments have a number of shortfalls and they have requested further information to ensure that an acceptable final sustainable urban drainage scheme is secured.

6.5 Since the LLFA consultation response, there have been ongoing discussions between the applicant and the LLFA. This has resulted in a revised Flood Risk Assessment & Drainage Assessment being submitted and your officers are content that an acceptable final sustainable urban drainage scheme can be secured but the further comments of the LLFA are awaited. These are likely to be received prior to the committee meeting.

6.6 Severn Trent Water have raised no objections to the proposals and subject to no objections being received from the LLFA the proposed development has demonstrated an acceptable sustainable urban drainage scheme, in accordance with CSP3 of the NPPF and the guidance and requirements of the NPPF

## 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 The scheme has been developed embracing the Building for Life 12 criteria developed by CABI and the Home Builders Federation. 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

#### [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

### **Other Material Considerations include:**

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

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

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

#### [Supplementary Planning Guidance/Documents](#)

#### [Space Around Dwellings SPG](#) (SAD) (July 2004)

#### [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document](#) (2010)

#### [Relevant Planning History](#)

17/00515/DEEM4 Development of up to 85 dwellings and associated access arrangements Permitted

17/00515/NMA Non-material amendment to application reference 17/00515/DEEM4 to remove Condition 11 Permitted

#### [Views of Consultees](#)

The **Highways Authority** raises no objections subject to conditions which secure internal roads, private drives and parking areas; the footpath link to the Sun Academy primary school; visibility splays; surfacing materials and means of surface water drainage for the driveways and private drives; garages retained for the parking of vehicles; bin storage and collection arrangements for Plots 40 – 44 and plots 82 – 85; secure cycle storage provision for plots without a garage; and the implementation of the Residential Travel Plan.

The **Environmental Health Officer** raises no objections.

The **Landscape Development Section** initially raised objections to the substantial loss of trees from the frontage with Talke Road to accommodate the new vehicular access points. They also raised concerns about the impact on retained trees. They advised that trees are an important feature to the locality and there appears to be the opportunity to retain additional trees north of the new access road in the north-western corner of the site. Additionally, they advise that it is also unclear from the information submitted whether the trees are within the site or not. Therefore they have requested information of existing and proposed levels, an Arboricultural Impact Assessment, Tree Removal/Retention Plan, Schedule of Work for Retained Trees and details of special engineering within RPAs.



Following the submission of a series of tree reports, protection plans and landscaping proposals there are no objections to the scheme but up to date comments are awaited.

Additionally, they request a contribution by the developer for capital development/improvement of offsite open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £5,579 per dwelling. This will be used for improvements to Bradwell Dingle which is approximately 700m away.

The **Crime Prevention Design Advisor** are supportive of the scheme and advises that references within the Design and Access Statement and particularly the very comprehensive Crime impact Statement ably demonstrate that the applicant has sought to provide a development where designing out crime and designing in community safety are central considerations. The layout proposals would seem to bear this out and positive comments are made on a number of design measures to reduce crime and disorder. However, one matter of concern identified is the pedestrian connection to the neighbouring school but design advice is given regarding gate type and security measures.

The **County Flood Authority** has raised a number of concerns in relation to the submitted surface water drainage strategy set out within the flood risk assessment. However, their comments on a revised surface water drainage strategy, set out in a revised flood risk assessment, are now awaited.

**Severn Trent Water** raises no objections.

**Staffordshire Wildlife Trust** has submitted a holding objection on the grounds of net loss of biodiversity, insufficient information on protected species and surface water drainage. Therefore they request further information on biodiversity net gain, sustainable drainage and bats, along with amendments to the layout to retain more trees, reduce hard surfaces and provide more green space.

In order to determine the measures and compensation necessary to achieve net biodiversity gain, the easiest and clearest method is to carry out an assessment using the Defra 3.0 biodiversity metric. This will quantify the effect of the current proposal, help inform design and establish compensatory measures where necessary.

Comments were also invited from the **Councils Housing Strategy Section, Waste Management Section** and the **Greater Chesterton Locality Action Partnership (LAP)** but in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

#### Representations

**Twenty Two (22)** representations have been received raising the following objections;

- Loss of privacy to neighbouring properties;
- Adverse impact of noise from construction activities;
- Lack of traffic and access considerations;
- Loss of trees will impact bat and bird populations;
- Loss of wildlife;
- The woodland and tree line should be retained, protected, and enhanced;
- Impact on root protection areas;
- Loss of a view;
- Loss of open (green) space;
- Green spaces should be protected to improve our mental or physical wellbeing;
- Flooding and climate change issues; and
- The Council have a clear legal duty to protect the environment;

#### Applicant's/Agent's submission

The application is accompanied by the following key documents;

- Planning Statement;
- Design and Access Statement;
- Arboricultural Report
- Tree Protection Plans;
- Noise Impact assessment;
- Soft Landscaping Plans;
- Flood Risk Assessment & Drainage Assessment;
- Preliminary Ecological Appraisal; and
- Air Quality Assessment.

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/21/00470/REM>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

17<sup>th</sup> February 2022