

This application seeks to vary Condition 2 of permission 20/00201/REM which granted reserved matters consent (internal access arrangements, layout, scale, appearance and landscaping) in respect of a residential development of 128 dwellings. Condition 2 lists the approved drawings and the variations sought are to allow changes to the approved site layout and housetype plans.

The application site lies outside the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. The site area is approximately 5.83 hectares.

This application was reported to Committee on the 1st March but a decision was deferred to enable consideration and response to late comments from the Waste Management Service.

The 13 week period for the determination of this application expired on 21st January 2022 but the applicant has agreed an extension to the statutory period until 1st April.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

- 1. Variation of condition 2 to list the revised plans**
- 2. Any other conditions attached to planning permission 21/00975/REM that remain relevant at this time.**

Reason for Recommendation

The proposed amendments to the layout and elevations would be acceptable in terms of impact on the form and character of the area. There would be no adverse impact on highway safety or trees and it is considered that appropriate waste collection arrangements can be achieved throughout the development.

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

Additional and amended information has been sought from the applicant where necessary and obtained and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the development plan and the National Planning Policy Framework.

Key Issues

This application seeks to vary Condition 2 of permission 20/00201/REM which granted reserved matters consent (internal access arrangements, layout, scale, appearance and landscaping) in respect of a residential development of 128 dwellings. Condition 2 lists the approved drawings and the variations sought are to allow changes to the approved site layout and house type plans.

In considering an application to vary a condition, the Authority has to consider only the question of the conditions that are the subject of the application, it is not a complete reconsideration of the application. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied or removed it should refuse the application.

There is a Grade II Listed milepost on Eccleshall Road to the south-west corner of the site but it was concluded in relation to the outline application, that the development would not adversely affect its setting. The revised application raises no residential amenity issues and the number, mix and

distribution of affordable units across the site is acceptable. Therefore, the issues for consideration now are:-

- Is the proposal acceptable in terms of its design, housing mix and impact on the form and character of the area?
- Is the internal road layout and parking provision acceptable in highway safety terms?
- Is the impact on trees acceptable?
- Other matters

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.

Since the approval of the reserved matters consent, Wainhomes has been appointed as the developer for the site. This application therefore seeks approval for Wainhomes' house type range.

The proposed layout of the site is very similar to that of the approved scheme and the proposals would provide a similar range of house types as previously approved, but with the addition of 12 no. 1-bed apartments. A mix of 1, 2, 3, 4 and 5-bed dwellings are proposed with a mix of detached, semi-detached, terraced and bungalows. The dwellings would be a maximum of 2-storeys in height. The internal street layout would remain largely unchanged and the house types now proposed would sit roughly on the same building line and footprint as the dwellings already approved. Given the variety of dwelling size, density and style currently in Loggerheads, it is considered that the layout proposed would respect local character.

The proposals provide a total of 36 no. 1 & 2-bed properties, which includes 4 no. 2-bed bungalows for the elderly. A further 3 no. 3-bed bungalows would be provided which could be suitable for the elderly, increasing the total provision of smaller properties and bungalows to 30.5%. Although this is marginally below the recommended proportion of one third of the dwellings referred to in Policy LNPG2 of the Neighbourhood Plan, it is comparable to that provided in the approved scheme and it is considered sufficient in providing a mix of accommodation types to create a mixed and balanced community.

The proposed dwellings would comprise a traditional form, have gable features, and would be constructed primarily with red brick and tiled pitched roofs. The dwellings would have brick detailing to windows and door cills and lintels and some would also have bay windows. Rendered elements would be provided in part to add variety to the street scene and provide legibility across the development. The materials and details are consistent with those previously approved and the appearance of the proposed dwellings would be broadly similar.

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

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. Regarding the internal access and parking, the Highway Authority requested amendments and further clarification. The information has been received and the Highway Authority now has no objections subject to the imposition of conditions. It is considered therefore that the scheme is acceptable in terms of impact on highway safety.

In the previous scheme, a number of dwellings were accessed via short private driveways and given that the refuse vehicle would be unable to access the front of those properties, occupiers of 15 dwellings would have had to move their bins for collection a distance of between 10 and 15m. For this scheme, a Refuse Strategy Plan has been submitted and whilst a similar number of properties would be accessed via private driveways, the occupiers of some would be greater distances from bin collection points.

The applicant considers that there are no adopted development plan policies which set out policy / guidance in terms of appropriate distances for the collection of waste receptacles and makes reference to Part H of the Building Regulations 2010 and relevant provisions of Manual for Streets. This confirms that waste containers should be sited so that the distance householders are required to carry refuse does not exceed 30 metres (excluding any vertical distance) and that containers should be within 25m of the waste collection point specified by the waste collection authority.

The applicant considers that the proposed development provides a mix of road layouts, the majority of which would be constructed to adoptable standards, with the remainder towards the periphery of the

site / adjacent to proposed areas of public open space comprising shared private driveways in order to provide a less engineered development in these locations and a better urban design response which allows for more soft landscaping.

The applicant also confirms that the approach adopted is recognised in Manual for Streets, relating to quality of place and that this will be significantly affected by the type of waste collection and management systems used. The applicant draws attention to the fact that Manual for Streets recognises the operation of waste collection services to be an integral part of street design, but should be achieved in ways that do not compromise quality of place.

In this case, a mixed approach has been taken in relation to the storage and collection of waste. Each of the proposed dwellings would have a location within the curtilage of their dwellings for the storage of receptacles. Dwellings with a direct frontage onto the adoptable highway would leave receptacles on the kerbside for collection on waste collection days.

For dwellings accessed off private driveways, a hard surfaced shared collection point would be provided where residents would leave their receptacles on collection day. All of the shared collection points for the private driveways shown on the submitted Refuse Strategy Plan (drawing reference 2041/WHB/TQL/RS01 Revision E) would be located within 25 metres of the adoptable highway in accordance with the guidance contained within Manual for Streets and Part H of the Building Regulations.

In terms of the 30 metre distance for residents moving bins from their homes to a collection point, the applicant considers that all of the proposed dwellings would be within 30 metres of a collection point (kerbside or communal), except for plots 1, 56 and 128 which would be marginally above the recommended 30 metre distance. In the instances of dwellings accessed by shared private driveways, the applicant proposes shared collection points in locations to ensure compliance with the 30m requirement. The applicant considers that while this may not be ideal, this needs to be balanced with the fact that the overall design approach seeks to create quality of place.

There is commentary in the application submissions that there are no adopted policies of the development plan which would justify a refusal of the proposal on the basis of the distance that a prospective occupier may have to drag their bins, nor are there any adopted policies or standards which depart from the guidance contained in the Building Regulations or Manual for Streets. They reaffirm that out of 128 dwellings, only three dwellings fall outside of these standards, albeit marginally, and it would be unreasonable to refuse the proposed development on this basis.

The Council's Waste Management Section (WMS) has raised some concerns relating to the submission, particularly the bin store proposals at both apartment blocks. It is stated that the pulling distance required for operatives needs to be no more than 10m and the stores need to be at the front of the development, and readily accessible, with a minimised pulling distance and safe parking for collection vehicles on the highway. In response to these concerns, amended plans have been secured from the applicant which show the bin stores relocated to be adjacent to the adopted highway. Although this would result in the stores being more visible in the streetscene, landscaping proposals have been submitted which would provide screening to them. The WMS also expresses concern that, in a number of locations, the development layout is likely to lead to bins being left out between collections which is building in future complaints.

Your Officer's view is that the distance that occupiers would be required to move their bins for collection would generally accord with recommended distances and it is considered that appropriate bin collection arrangements can be achieved throughout the development taking account of the original submissions as updated by amended plans that have been submitted following the receipt and consideration of comments from consultees.

Is the impact on trees acceptable?

The Landscape Development Section (LDS) is concerned regarding the impact of the access point onto Mucklestone Road and the footpath through the open space on visually important roadside trees. A footpath on the site side of Mucklestone Road would require additional assessment of its impact on roadside trees. Concerns are also raised about some of the points in the additional information,

including the application of the 20% calculation and the term 'minimal dig'. The position of the access is as approved in the outline application and previous reserved matters scheme and therefore it would not be reasonable to raise concerns at this stage.

Other matters

At its previous meeting, the Committee requested information on the remedial works required following ground investigation. Conditions of the outline consent required further investigation and risk assessment to be agreed by the local planning authority to assess the nature and extent of any contamination on the site and a detailed remediation scheme to bring the site to a condition suitable for the intended use. Significantly elevated concentrations of lead and nickel were recorded in the central and northern sectors of the site as well as elevated concentrations of cadmium. As a result, various mitigation measures are to be incorporated in the development of the site. These measures comprise the following:

- All works to be undertaken in strict accordance with UK Environmental Permitting and Local Planning Authority Requirements.
- Excavation and processing of all surface materials in the south-eastern sector of the site.
- Excavation and careful storage of any site won top-soil within the southeast section of the site.
- Supplemental ground investigation in the central sector of the site and in the area of the suspected Underground Storage Tank to confirm ground conditions within proposed garden areas.
- Validation sampling to confirm all material retained on-site poses no risk to human health or the wider environment.
- Removal and/or treatment of any previously unidentified contamination hotspots.
- Provision of a 600 mm clean cover system to all plots in Area B.
- If required, importation of chemically and geotechnically suitable materials to build levels below the proposed residential areas.
- Placement of materials in accordance with enabling specification and engineering requirements.
- Validation of materials placement to confirm suitability.
- Post remediation ground gas monitoring within areas of newly placed material to include an initial period of six visits over a three month period.

The Council's Contaminated Land Officer is satisfied with the proposed mitigation measures and therefore the details required by the conditions of the outline consent have been approved.

Reducing Inequalities

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.

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.

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

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

With regard to this proposal it is 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 CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP6	Affordable Housing

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B5	Control of Development Affecting the Setting of a Listed Building
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 N19	Landscape Maintenance Areas
Policy T16	Development – General Parking Requirements

[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](#) (2021)

[Planning Practice Guidance](#) (2018)

[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

15/00015/OUT	Outline planning application for the erection of up to 128 dwellings (including details of access) – Allowed at appeal
16/00202/OUT	Outline planning application for the erection of up to 128 dwellings (including details of access) – Refused
20/00201/REM	Approval of appearance, landscaping, scale and layout for the erection of up to 128 dwellings as approved under planning application 15/00015/OUT – Approved

21/00536/FUL

Application for variation of conditions 20 and 21 of planning permission 15/00015/OUT to include the wording "other than that required to undertake remedial works" – resolution to approve subject to S106

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding provision and retention of internal roads, private drives and parking areas, submission of details of surfacing materials and means of surface water drainage for private drives and parking areas, provision of visibility splays, secure cycle storage for dwellings without a garage, retention of garages for parking of motor vehicles and cycles and length and gradient of private drives.

The **Conservation Officer** has no observations.

The **Landscape Development Section** is concerned regarding the impact of the access point onto Mucklestone Road and the footpath through the open space on visually important roadside trees. A footpath on the site side of Mucklestone Road would require additional assessment of its impact on roadside trees. Concerns are also raised about some of the points in the additional information, including the application of the 20% calculation and the term 'minimal dig'. Construction within RPAs in accordance with BS5837:2012 requires 'no dig'.

The **Waste Section** objects on the following grounds:

- All of the shared bin collection points require the service to collect across unadopted land which is against their policy, and unacceptable.
- The bin store proposals at both apartment blocks are unacceptable. The pulling distance required for operatives needs to be no more than 10m and the stores need to be at the front of the development, and readily accessible, with a minimised pulling distance and safe parking for collection vehicles on the highway.
- The bin stores for these buildings will need to accommodate shared containers.
- In a number of locations the development layout is likely to lead to bins being left out between collections which is building in future complaints.
- The vehicle weight is not given in the swept path analysis.

No comments have been received from **Loggerheads Parish Council** and therefore it must be assumed that they have no comments to make.

Representations

None received.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Arboricultural Impact 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/21/00975/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th March 2022