

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 35 dwellings.

It follows the approval of a hybrid application, reference 20/00369/FUL, comprising the demolition of all buildings within the site and the following:

- Full planning permission for the construction of 9 bungalows, with associated car parking, landscaping and amenity space (Phase 1) on land off Gibson Grove, adjoining Cross Street and Audley Road.
- Outline planning permission, with all matters reserved except access, for
 - (i) 43 dwellings (Phase 2a and 2b)
 - (ii) 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space (Phase 3).

The site is within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for this application expired on the 8th April and a subsequent extension of time to the statutory determination period has been agreed to the 18th October 2022.

RECOMMENDATIONS

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. Hard and soft landscaping, including semi-mature tree planting and associated method statement and management proposals;**
- 6. Waste storage and collection arrangements;**
- 7. Provision of access and parking arrangements;**
- 8. The relocation of existing bus stop on Church Street and the relocation of existing street lighting and telegraph pole columns;**
- 9. Approval does not constitute the LPA's approval of other conditions of the outline planning permission, these needing to be subject of separate application**

Reason for recommendations

The proposed development represents a good quality design that would be suitable for the site and the character of the area. The level of tree loss within the site is supported following the submission of arboricultural information and it has been demonstrated that an appropriate number and type of replacement trees are now proposed. The development would provide acceptable living conditions for future occupiers and protect the 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 this 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 This is an application for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 35 dwellings. It follows the approval of a hybrid application, reference 20/00369/FUL, comprising the demolition of all buildings within the site and the following:

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 - (i) 43 dwellings (Phase 2a and 2b)
 - (ii) 73 supported living apartments for the over 55's and associated communal facilities along with additional car parking, landscaping and amenity space.

1.2 The application relates to Phase 2b of the wider re-development.

1.3 The principle of residential development on the site has been established by the granting of outline planning permission, following the completion of a Section 106 agreement which secured a financial contributions of £5,579 for each family dwelling on the site towards the maintenance and improvement of public open space nearby.

1.4 The outline planning permission was subject to a number of planning conditions including the requirement for a surface water drainage scheme to be approved prior to commencement of development. While it is noted that Staffs County Council Flood Authority has commented that there is insufficient information to demonstrate that an acceptable drainage strategy is proposed, there is no requirement for this information to be submitted as part of any reserved matters applications. The application can therefore be determined in the absence of such information.

1.5 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
- The impact on the residential amenity and living conditions of neighbouring and future occupiers;
- Parking and highway safety matters.

2.0 Design and impact on the character and appearance of the area

2.1 Paragraph 126 of the NPPF 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 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 NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Saved Policy N12 of the adopted Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are

to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

2.5 The proposed development forms part of the wider redevelopment works for this part of Chesterton. Therefore, the design for the 35 dwellings needs to be viewed in the context of the wider redevelopment works.

2.6 The proposal is for a mix of two storey semi-detached and terraced dwellings that would front Audley Road, Church Street and High Street.

2.7 While five different house types are proposed, the dwellings would all have a similar appearance with facing brick to all elevations and pitched tiled roofs. The dwellings would also have a pitched roof canopy porch feature.

2.8 Two different tones of facing brick are proposed with slate effect roof tiles and reconstituted stone cills to reflect the existing local character. The two tones of facing bricks would add variety and design interest to the street scene.

2.9 The applicant has submitted amended plans to address observations made by the Police Crime Prevention Design Advisor (SPCPDA). These primarily include proposed hedge planting around plots 1, 8/9, 16/25, 17 & 20-22; increased timber fencing around gate access; secondary gate access provided to plots 32 and 33; and railings included along central woodland walkthrough. The introduction of these design features will further improve the security for residents and the community.

2.10 It is acknowledged that frontage car parking is proposed for large elements of the scheme but on balance it is not considered that car parking would dominate the street scene, particularly on Audley Road and Church Street. However, soft landscaping is an important factor in breaking up the hard appearance of the parking areas.

2.11 Condition B7 of the hybrid permission requires details of replacement tree planting for trees lost or damaged during the construction phase of the development, which shall include at least the same number of replacement trees as the number of trees to be removed. The replacement trees need to be semi-mature and the Landscape Development Section (LDS) initially raised concerns about the proposed replacement trees and whether they constitute semi-mature or not. They also set out that a method statement and management plan for planting semi-mature trees is required because they are more vulnerable to poor ground conditions.

2.12 The applicant has submitted a revised soft landscaping scheme, which includes 51 trees. The applicant has also set out that the improved landscaping will include 51 trees, 223 Ornamental Shrubs, 151 Native Shrub mix species, 131 Ornamental Hedging, 62 Climbers, 731.867m² of Woodland Edge Perennial Meadow Mix, which will improve the site's wildlife and habitat value, as required by condition B12 of the outline planning permission.

2.13 LDS are now content with the number and type of replacement trees proposed. On this basis, it is considered that the proposed development represents an acceptable design which would help to support the design philosophy of the wider redevelopment works, subject to conditions.

3.0 Residential amenity matters

3.1 Paragraph 127 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.

3.2 Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on new dwellings, including the need for privacy, daylight standards, and environmental considerations.

3.3 The separation distances between the proposed dwellings would comply with the Council's SPG and on this basis it is considered that an acceptable standard of amenity would be achieved. All of the dwellings would have an acceptable amount of amenity space also.

3.4 Acceptable separation distances are also achieved between proposed dwellings and existing neighbouring properties which will ensure that the living conditions of existing residents would be protected.

3.5 A Noise Impact Assessment (NIA) has been submitted with the application in order to comply with condition B11 of the outline planning permission which required the submission of an assessment of the impacts of noise arising from the use of the Red Lion public house, which is located adjacent to the application site on Church Street.

3.6 The NIA sets out that predicted noise levels from amplified music and external patron noise will need to be mitigated against, in order to minimise the impact on future residents of the proposed dwellings. The NIA therefore concludes that mitigation measures are required to minimise the impact on future residents. These include minimum glazing and ventilation technical specifications for the proposed dwellings.

3.7 The Council's Environmental Health Division has raised no objections subject to the mitigation measures identified and set out in Section 5 of the NIA. This can be secured by an appropriately worded planning condition.

3.8 Subject to conditions the development accords with the Council's SPG and the NPPF.

4.0 Parking and highway safety

4.1 Policy T16 of the Local Plan states that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. The policy goes on to specify that development which provides significantly less parking than the maximum specified standards will not be permitted if this would create or aggravate a local on street parking or traffic problem. Such a policy is however of limited weight as it not in accordance with the Framework. The Framework indicates at paragraph 106 that maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport. In a Ministerial Statement of March 2015 the then Secretary of State indicated that the government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

4.2 The NPPF, at paragraph 111, 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 of development would be severe.

4.3 The proposed development will be a mix of semi-detached and terraced properties, each with either 2 or 3 bedrooms. Saved policy T16 of the local plan sets out that for 2 and 3 bedroom properties there should be a maximum of 2 off street car parking spaces for each dwelling. In this instance each 2 and 3 bed property would have 2 car parking spaces and this is therefore considered acceptable for this sustainable urban area which is within easy walking distance of amenities, services, education provision and employment opportunities. There is a regular bus service within close proximity to the site.

4.4 The Highways Authority (HA) has raised no objections subject to conditions to secure the accesses for each dwelling, lighting design and a bus stop on Church Street.

4.5 The Waste Management Section (WMS) has raised concerns about bin collection arrangements and in particular bin stores being located between parked cars. However, the bin stores appear to provide free access for a waste vehicle to collect them. The roads would allow a refuse vehicle to access the properties and bin storage and collection arrangements can be secured by condition.

4.6 Electric vehicle charging provision has been secured as part of the previous application and a further condition is not therefore required.

4.7 Subject to conditions, the proposed development would not lead to significant highway or car parking implications and accords with policy T16 of the local plan and the requirements of the NPPF.

5.0 Reducing Inequalities

5.1 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.

5.2 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.

5.3 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

5.4 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

5.5 The development 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 N12	Development and the Protection of Trees

Other material considerations include:

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

[Planning Practice Guidance \(March 2014, as updated\)](#)

[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

20/00369/FUL	Demolition of all existing buildings and a) full planning permission for the development of 9 bungalows (C3 Use Class) along with car parking, landscaping and associated amenity space; and b) outline planning permission with all matters reserved except access for (i) the development of 43 dwellings (C3 Use Class) and (ii) an older persons scheme comprising 73 supported living apartments for the over 55's and associated communal facilities, along with additional car parking, landscaping and amenity space	Permitted
22/00011/FUL	Full planning permission for the development of 8no. dwellings, with associated car parking, landscaping and amenity space	Permitted

Views of Consultees

The **Waste Management Section** states that it appears that plots 25-29 and 30-35 have shared bin stores and that if this is the case, then containers will be provided in the form of a shared 1100ltr household rubbish bin, a shared 660ltr bin for mixed paper and card, and a shared 660ltr bin for paper, glass and cans. Forthcoming legislation is likely to make food waste collection provision mandatory, so a 140ltr wheeled bin will need to be accommodated for this.

These bin stores appear to be accessed between parked cars. Assurance is required that the access cannot be parked on and obstructed, and that it is of sufficient width for containers to reach the highway. The access between the cars could be fenced, or the bin store located between the parked cars, for example.

The **Highway Authority** have no objections subject to conditions relating to the following:

- No occupation of dwellings until vehicular access provided
- Approval of lighting design
- Submission of revised plan showing bus stop on Church Street.

The **Landscape Development Section** advises that the revised soft landscaping scheme now shows a general increase in the sizes of trees, which includes 3 no. semi-mature Hornbeam trees. They advise that the ground where the semi-mature trees are to be planted should be protected throughout the construction period to ensure that trees are given the best chance of survival in soil that has not been heavily compacted (semi mature trees can be more vulnerable to poor ground conditions than younger/smaller trees) or that decompaction and soil amelioration techniques are used before trees are planted. Therefore it is suggested that the developer provides a method statement and management proposals for planting semi-matures including proposals for replacement trees should these trees fail. Furthermore, landscaping proposals for the initial scheme (phase 1) showed a conflict between services and new planting. Therefore, a services plan should be submitted so that tree planting in the positions shown is achievable.

The **Environmental Health Division** has advised that the submitted Noise Assessment has identified that windows need to be kept shut in the apartment facing the Red Lion to ensure that appropriate noise levels are achieved internally and the noise from the premises does not cause complaint which could result in enforcement action against the premises. Given the policies in the NPPF, it is appropriate to discharge this condition subject to the mitigation measures identified being installed and in addition appropriate informative for future tenants being installed in the flats to advise that windows are intended to be kept shut on health and nuisance grounds. Alternative ventilation provision will be necessary and any concerns about overheating and ventilation with windows closed will be addressed via the Building Regulations Parts F and O.

Staffordshire County Council Flood Risk Team (LLFA) advises that insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** is generally supportive of the layout proposals, albeit there are a number of aspects where recommendations are made as follows:

- Consideration should be given to the use of defensive external hedge planting up against rear garden boundaries which border publicly accessible land to provide additional security and reduce opportunities for criminal and anti-social behaviour.
- There are locations where a 0.9m boundary treatment meet higher rear garden boundary treatments providing a convenient climbing aid for anyone looking to gain entry to a rear garden.
- The benefits of retaining the two groups of trees and providing a formalised connection between High Street and Church Street is acknowledged. The lack of enclosure at either end of this open space appears to be a missed opportunity to encourage people to use the proposed path.
- The accessible gap between plots 32 and 33 should be eliminated if possible.
- It is recommended that the dwellings meeting Secured by Design Homes 2019 design guide.

Comments were also invited from the **Greater Chesterton Locality Action Partnership** and 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

None received.

Applicant/agent's submission

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement

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/22/00012/REM>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

27th September 2022