

LAND OFF ECCLESHALL ROAD, LOGGERHEADS
MR EHTSHAM UL-HAQ

21/00677/FUL

The application seeks full planning permission for the redevelopment of a former petrol station to form 12 apartments.

The application site lies within the village envelope of Loggerheads as indicated on the Local Development Framework Proposals Map.

The statutory 13 week determination period for this application expired on 7th October 2021 and an extension of time has been agreed to 21st July 2023.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 obligation by 1st September 2023 to secure a financial contribution of £46,124 towards secondary education provision and £64,364 towards off-site public open space,

PERMIT subject to conditions relating to the following:

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscaping scheme**
- 5. Surfacing of the car park and circulation areas**
- 6. Cycle parking provision**
- 7. Construction hours**
- 8. Electric Vehicle Charging Points**
- 9. Contaminated land**
- 10. Contamination of controlled waters**
- 11. Ventilation**

B. Failing completion of the above planning obligation by the date referred to, that the Head of Planning either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for secondary education and off-site public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendation

The redevelopment of this prominent site within a sustainable urban location, accords with local and national planning policy. The scheme represents a good quality design that would enhance the appearance of the area and it has been demonstrated that the proposed development would not cause highway safety concerns or impact residential amenity. Subject to conditions, the development represents a sustainable form of development and should be supported.

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

Amended/additional information has been sought and received and the proposal is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the redevelopment of a former petrol station to form 12 apartments; 8 no. 2-bed and 4 no 1-bed. The application site lies within the village envelope of Loggerheads as indicated on the Local Development Framework Proposals Map.

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Although concerns have been expressed regarding rights of access over part of the site, this is a civil matter that is not relevant to the determination of the planning application.

The key planning matters in the determination of the application are:

- Principle of the proposed development
- Design of the development and its impact on the surrounding area
- Highway safety
- Residential amenity
- Planning obligations

Principle of the proposed residential development

The site comprises brownfield land located within the village envelope of Loggerheads.

Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

Policy SP3 of the CSS seeks to maximise the accessibility of new residential development by walking, cycling and public transport.

CSS Policy ASP6 states that in the Rural Area there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Newcastle Local Plan (NLP) seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

Policy LNPG1 of the Loggerheads Neighbourhood Plan states that new housing development will be supported within the village envelope of Loggerheads village as defined in this Neighbourhood Plan.

Paragraph 11 of the NPPF states that Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(Para 11(d))

Footnote 7 which relates to paragraph 11(d) states that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Although the Council's current published position is that it is able to demonstrate a five year supply of specific deliverable housing sites, with the appropriate buffer, with a supply of 7.3 years as at the 1st April 2021, work as part of the emerging Local Plan and a recent appeal has resulted in the Council identifying that its current position as at 1st April 2022 is 4.84 years.

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On this basis, the test in paragraph 11(d) of the NPPF has to be applied and an assessment of whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole is required.

In sustainability terms, the site is centrally located within the village envelope of Loggerheads, close to shops and services. There is a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. It is considered therefore that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location.

The proposed development is considered an acceptable and sustainable form of development, in terms of its location and proposed use.

The design of the residential development and its impact on the surrounding area

Paragraph 126 of the 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 framework lists 6 criteria, 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.

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 R3 states that new housing must relate well to its surroundings.

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.

Policy LNPP1 of the Loggerheads Neighbourhood Plan states that to be supported, new development must demonstrate high standards of design. In particular it states that development should complement the established character of the surrounding context in terms of scale, density, massing, height and degree of set-back from streets and spaces. It also includes the following:

- Designing buildings, streets, spaces, landscaping and planting to create attractive, safe and well-functioning environments, with a sense of place.
- Comprising site-specific design solutions to complement, but not necessarily imitate, the surrounding context.
- Include high quality materials, to complement those used in the surrounding context.

The scheme as originally submitted comprised a 3-storey building but further to your officer's concerns regarding the bulk and massing of the building and the potential for it to be overly dominant and out of keeping with the area, amended plans were submitted. The revised scheme comprises a 2-storey building sited facing west towards Market Drayton Road with parking to the rear. The building would have a pitched roof and the materials would comprise facing bricks with projecting gables in a contrasting cladding material. The scale and massing of the building is considered appropriate in this location and there would be sufficient articulation in the elevations and variation in the materials to ensure interest in the design.

To conclude, the proposal would remove what is currently an eyesore in a prominent location in the centre of Loggerheads and replace it with a development which would integrate well with its surroundings. It is therefore considered that the design of the proposed development would be acceptable and subject to conditions, it would comply with policies of the development plan and the guidance and requirements of the NPPF.

Highway safety

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Paragraph 111 of the NPPF advises 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.

Saved Policy T16 of the Newcastle-under-Lyme Local Plan (NLP) states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Such a policy is, however, of limited weight as it is not in full consistency with the Framework given its reference to maximum parking levels.

Currently the site operates as a car wash with access only from Newcastle Road and egress onto Eccleshall Road. The sole access to the proposed development would be from Newcastle Road with the closure of the Eccleshall Road access. 18 no. car parking spaces would be provided to the rear of the building.

Further to a request from the Highway Authority (HA), a Stage 1 Road Safety Audit of the proposed access has been submitted. A topographical survey has also been provided to demonstrate that appropriate visibility splays can be achieved. A layby initially proposed on the site's frontage onto Newcastle Road for use by refuse vehicles has been omitted.

On the basis of the information provided, the HA has no objections to the proposal. They consider that the layby would have created highway safety issues with a large vehicle manoeuvring into and out of it and that it would be difficult to prevent the use of the layby by other vehicles. Given that refuse collection from the site would be for a short period of time just once a week, the HA is content that collection could be carried out satisfactorily from the highway.

It is considered that a safe and suitable access to the site would be achieved and that given the sustainable location of the site in the centre of the village, the number of parking spaces proposed would be sufficient.

For the reasons outlined above, the proposal is considered to accord with development plan policy and the guidance set out within the NPPF.

Acceptable standards of residential amenity

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.

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

Sufficient distance exists between the proposed building and existing properties to ensure that there would be no potential impact on privacy. Some small areas of private amenity space are proposed within the site.

A Noise Impact Assessment and an Odour Assessment have been submitted. No comments have been received from the Environmental Health Division regarding noise or odour, but given the conclusions of the submitted reports, it is considered that subject to conditions requiring appropriate odour mitigation, there would be no adverse impact on the future occupiers of the development.

The proposed development is unlikely to result in significant impacts on the living conditions of neighbouring properties or the future occupiers and on this basis it accords with the guidance and requirements of the NPPF.

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Planning obligations

The Landscape Development Section (LDS) has requested a financial contribution of £5,579 per dwelling for improvements to off-site public open space. To be consistent with other schemes, it is considered that for the single bedroom units, the figure should be reduced to omit the play area element of the total. In accordance with the Open Space Strategy, that would give a reduced amount of £4,933 per 1-bed unit. The total for 8 no. 2-bed units and 4 no. 1-bed units would be £64,364.

The Education Authority advises that a financial contribution of £46,124 is required to mitigate the impact of the development at secondary phase of education.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

The financial contributions sought are considered to meet the tests and to comply with relevant policies.

Conclusions

In conclusion, subject to the imposition of suitable conditions, it is not considered that there would be any adverse impacts that would significantly and demonstrably outweigh the benefits of this scheme which comprise the contribution of housing on a previously developed land within a sustainable location and the removal of what is currently an eyesore in a prominent location.

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

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With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

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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 SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP10	Planning Obligations

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

Policy H1	Residential Development - Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

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

Policy LNPG1	New Housing Growth
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](#)

Supplementary Planning Guidance/Documents

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

[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)

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

Relevant Planning History

07/00663/FUL Retention of use of part of site as car wash for temporary period – Approved

08/00940/FUL Retention of use of site as car wash for temporary period – Approved

15/00141/COU Retention of change of use to hand car wash – Approved

Views of Consultees

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Loggerheads Parish Council objects to the proposal on the grounds that the proposed access onto the A53 is considered to be unsafe at this point so close to the roundabout and pedestrian crossing point. The use of Eccleshall Road is preferred. The Parish Council supports the requirement for a financial contribution towards open space provision in Loggerheads but would seek to have this extended from Tadgedale Brook to other sites in Loggerheads.

The **Highway Authority** has no objections subject to a condition regarding surfacing of the car park and circulation areas.

The **Environmental Health Division** has no objections subject to contaminated land conditions.

The **Landscape Development Section (LDS)** has no objections subject to the approval of a landscaping scheme and a Public Open Space contribution of £5,579 per dwelling to be used for improvements to Tadgedale Brook open space which is approximately 400m away.

The **Education Authority** advises that a financial contribution of £46,124 is required to mitigate the impact of the development at secondary phase of education.

The Council's **Waste Management Section** has concerns regarding the provision of a location where collection vehicles can safely pull off the highway to make their collections. The location is on the mini roundabout junction and both the roads are busy and have high traffic volumes, and given that this mini roundabout is one of a pair, the risk to staff and vehicles is further elevated. Practically, there are few alternatives but a condition is recommended requiring confirmation that the layby will be adopted and is of sufficient size both to accommodate the collection vehicles and provides sufficient length for the vehicles to safely enter and exit the layby in traffic conditions. Visibility for the vehicles as regards vegetation management, especially to the rear of the vehicle is also key. Also required is confirmation that the surface between the bin store and the layby at highway level does not involve any kerbs, and is a smooth surface, or at least that if there are any kerbed sections between the two, that there are drop kerbs of sufficient width for the 1000ltr euros to be transitted by crews without manual handling risks.

The **Police Crime Prevention Design Advisor** is in support of the application and has provided guidance on a number of security matters.

The County Council as the **Mineral and Waste Planning Authority** has no comments on this application.

The **Environment Agency** is satisfied that any risks to controlled waters posed by contamination at this site can be addressed through appropriate measures and has no objections subject to conditions regarding a remediation strategy, validation report, unsuspected contamination, drainage systems for the infiltration of surface water and piling or other foundation designs using penetrative methods.

Representations

Letters have been received from 11 properties raising objections on the following grounds;

- Insufficient infrastructure
- Impact on privacy and light
- 3-storey building not in keeping with the character of the village
- Right of way across part of the site
- Highway safety
- Contrary to development plan
- Already been significant number of properties granted permission in recent years
- Inappropriate design

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Applicant/agent's submission

All of the application documents can be viewed on the Council's website using the following link.

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00677/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

10 July 2023

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