

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 53 dwellings.

This application for the approval of reserved matters follows the granting at appeal of an outline planning permission in November 2020 for up to 55 dwellings on this site (Ref. 19/00515/OUT). Details of the main access from Ash Way was approved as part of the outline consent.

The application site falls within the urban area of the Borough and represents a previously developed brownfield site, as defined on the Local Development Framework Proposals Map. At the time of determining the outline application, the vacant buildings associated with the education centre still stood on site, however the buildings have now been demolished and the site cleared.

The 13 week period for the determination of this application expired on 6th December 2023 but an extension of time has been agreed to 5th April 2024.

RECOMMENDATION

Permit, subject to conditions relating to the following matters:-

- 1. Link to outline planning permission and conditions**
- 2. Approved plans and supporting documents**
- 3. Facing materials**
- 4. Prior approval solar panel specification**
- 5. Boundary treatments**
- 6. Hard surfacing materials**
- 7. Soft landscaping**
- 8. Tree protection**
- 9. Refuse strategy**
- 10. Construction Environmental Management Plan**
- 11. Pedestrian visibility splays**
- 12. Visibility splays**
- 13. Detailed highway design information**
- 14. Full details pedestrian/cycle link, maintenance and closure of existing vehicular access**
- 15. Surfacing materials and surface water drainage**
- 16. Revised parking details**
- 17. Cycle storage**

Reason for Recommendation

The principle of the use of the site for residential development and the use of the main point of access from Ash Way was established through the granting of the outline planning permission. The design and layout of the proposal is considered acceptable and in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety or residential amenity as a consequence of the internal layout and the proposed landscaping and open space within the site is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Additional information and amended plans have been sought and provided and the scheme is now considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

Key Issues

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 53 dwellings. The principle of residential development on the site, as well as the vehicular access from Ash Way was established by the granting of outline planning permission 19/00515/OUT at appeal in November 2020.

The application site falls within the urban area of the Borough and represents a previously developed brownfield site, as defined on the Local Development Framework Proposals Map.

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

- Character and appearance of the development,
- Residential amenity,
- Highway safety and parking implications,
- Trees, hedgerows and public open space,
- Flood risk and drainage,
- Affordable housing

Character and appearance of the development

Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

Paragraph 135 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, will function well and add to the overall quality of the area; 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.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

RE5 of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) 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.

R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. 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.

The application site comprises an irregular parcel of land that is bounded by Seabridge Primary School to the north and adjoining residential development to all other boundaries. Vehicular access to

the site would be from Ash Way, as agreed in the outline application, with a pedestrian/cycle way access taken from Roe Lane/Seabridge Primary School to the east.

A mix of 2, 3, 4 and 5 bed dwellings are proposed with a mix of detached, semi-detached and mews style terraces. The dwellings would all be 2 storey in height and would be constructed from brick and tile.

With regard to the layout of the site, vehicular access from Ash Way would extend into a new road running east to west, with three north-south streets accessing from this road, including private drives. The houses are arranged back to back with the existing housing and new housing. The SuDs attenuation basin would be positioned to the east of the main access road, adjacent to the southern boundary of the site.

Prior to the submission of this application, the proposed development was assessed by an independent Design Review Panel where the following summarised comments were raised;

- Pursue opportunities to retain the existing Oak trees which should be a key landscape feature within the proposed scheme
- Provision of a comprehensive landscape strategy approach to existing and new trees, functional and characterful open spaces, provision of play and recreational space.
- Place based approach to water management which should be integrated within the development and provide recreational and ecological benefits.
- Utilise Manual for Streets and Streets for a Healthy Life to strengthen the street hierarchy, approach and design of new streets;
- Undertake dialogue with Seabridge Primary School to seek a solution to the land to the north which benefits the school and community;
- Sustainability as a key driver including approach to the site layout, levels, water management etc.; and
- Provision of a robust package of information including concept sketches to illustrate the approach to views, boundaries, water etc.

The number of dwellings complies with the level considered to be acceptable at the outline stage, and the layout and density is considered to present a suitable layout and appearance for the site that mirrors the built form and densities of the wider locality.

Properties would be set back from the pavement to allow for frontage landscaping with parking provided in front or to the side of the dwellings, with some dwellings also provided with a garage.

All of the house types proposed are two storey in height and whilst a contrast to the single storey dwellings beyond the eastern site boundary on Roe Lane, the scale of the dwellings would largely reflect the character of the surrounding area. Detailing within the chosen house types would be simple and unfussy with gable features, bay windows, lintel and cill brick detailing and porch canopies. House types with bay window detailing will be positioned in prominent locations to provide focal points and architectural interest throughout the development. As highlighted within the comments from the DRP, it is noted that the house types proposed within the scheme are what the applicant would consider 'standard house types' however, this site is landlocked by existing residential development and the scale, proportions and design of the dwellings proposed would assimilate well with the prevailing character and form of the area. The house types are attractive in appearance and raise no concerns in terms of visual amenity.

As originally proposed the materials would comprise a limited palette of red brick and plain tiles. Whilst these materials alone are not considered to be unacceptable, consideration of the materials within the wider locality found a greater variety of materials. When looking at the surrounding housing development along Ash Way, Harrowby Drive and Roe Lane there is a much greater variety of materials which includes buff and orange brickwork as well as some elements of feature render detailing. As such the applicants were approached to consider incorporating more variety in the style of materials and this is something that has been agreed. The material palette for the scheme now also includes a buff colour brick alongside the traditional red brickwork which is considered to offer a greater variety within the appearance that is both reflective of the local area, but also provide a more attractive mix within the development site itself.

With regards to boundary treatments, the existing mixed hedgerow/tree boundary treatments to the eastern, southern and western boundaries would all be retained but would be reinforced with a 1.8m high timber close boarded fence. Property frontages would all benefit from areas of landscaping to include amenity grass, evergreen hedgerows and/or native hedgerows. Dividing boundary treatments between the proposed dwellings would consist of 1.8m high timber larch lap fencing. A 1.2m high post and rail fence would be used to enclose the SuDs basin. The position, type and design of these boundary treatments is considered to be acceptable and these details can be secured through an appropriately worded condition.

The site as existing has rather distinct levels which fall from north to south, and the former development on the site had been built in a series of levels to accommodate this topography of the site. The application proposals would maintain some of the existing levels, but at the more extreme points is seeking to level the site to provide suitable plots, gardens and highway work arrangements.

The comments of the DRP felt that the existing levels of the site should be considered as an asset, rather than a constraint as per the assessment made by the applicant. The panel recommended that south facing gardens, with a change of level could be very attractive and, where necessary, south-facing terracing could be economically engineered. In addressing the comments of the DRP, the applicant has reinforced that the levels on site have posed a technical challenge to the site in terms of drainage, highway provision and the provision of appropriate and usable amenity space. They have noted that the design endeavours to work with the existing site levels as far as is feasible but levels suitable for development must be achieved that will support vehicular movement through the site and provide sympathetic interaction at boundaries that appropriately consider the interface with the existing housing.

Whilst the comments of the panel are noted, it must be accepted that the levels changes in parts are considerable and so it must be reasonable to allow the design to incorporate the technical requirements in terms of drainage and highway provision. To demonstrate the proposed level of re-grading works a further cross section has been provided which shows the extent of cutting and filling alongside required retaining structures that would need to be carried out in order to provide workable levels across the site. It is noted that the most significant retaining structures would be required on the southern boundary adjacent to the rear site boundaries with the properties along Ash Way. Whilst for the most part, the retaining structures and level changes are not considered to be significant, some initial concern was raised by officers on the scale of the retaining structures that would be required at certain points along this boundary. The applicant has since clarified this, with the proposed site sections updated. This does show that the earth will be built up at points along this boundary that would sit approximately level with the existing boundary treatments, and then above this a new 1.8m fence would be installed. This would take the total height of retaining and boundary structures along this boundary to approximately 4.2-4.4m. Subject to conditions to secure full and precise details of the retaining structures, it is not considered that the scale or position of the development would result in any adverse implications on the amenity of the wider area.

Specific details of facing materials and boundary treatments have all been provided and so can be secured through an appropriately worded condition. A condition will be attached to any permission granted to secure full and precise details of hard surfacing arrangements and specific details for the construction of the retaining walls on site.

On balance, and subject to conditions, your officer's view is that the design and layout of the dwellings together with the updated materials palette would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the street scene. The provision of the pedestrian/cycle link would help the application site to integrate functionally and physically with the local area and so the proposal is considered to be acceptable in terms of design and impact on the form and character of the area.

Residential amenity

The NPPF states at paragraph 135 that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The internal separation distances between the dwellings proposed would all accord with the recommendations of the Space Around Dwellings SPG.

Representations have been received from a number of residents of dwellings along Roe Lane beyond the eastern boundary, namely numbers 40, 42 and 44. These dwellings comprise single storey properties whose rear elevations have a westerly outlook towards the boundary with the application site. Your officer has conducted a site visit to these properties to understand their layout and outlook in relation to the application site. The concerns raised by these local residents focuses on a loss of amenity, privacy and sunlight to their respective properties.

The applicant has provided site sections showing the levels and layout between these dwellings. Whilst the proposed dwellings adjacent to the eastern boundary of the site would be in a slightly elevated position, this would be a very gentle incline and so the dwellings would not be considered overly imposing by virtue of the levels in this location.

It is accepted that the two storey height of dwellings in this location would be a contrast to the single storey properties on Roe Lane, but this does not automatically mean that the dwellings would result in a loss of privacy, outlook and light to the rear elevations and garden spaces of these properties.

The rear elevations of plots 46 and 47 would be sited just over 12m from the shared boundary with numbers 42 and 44 Roe Lane. There would be a separation distance of 24m from the rear facing elevation of these plots, to the rear elevations of Numbers 42 and 44 Roe Lane, which are known to host principle windows. Any ground floor windows of the proposed dwelling would be sufficiently screened by the existing hedgerow boundary that is to be retained and reinforced as part of the proposed development and so these windows are not considered to cause any harm to the residents of these neighbouring properties. There would only be one principle window on the rear elevation of Plot 47 which would serve a principle bedroom; there would be approximately 24m along a direct line of site from this window to the rear elevation of No. 44, however any views towards the rear facing windows of No. 44 would be at an obtuse angle and so these views would not be considered to be direct into facing windows and would not result in any harm to the occupants of the property. This would also be applicable to the proposed relationship between plot 46 and number 42.

It is accepted that the first floor windows would have the opportunity to have limited views down into the rear garden areas of the adjacent properties. However, the siting of the dwellings beyond the shared boundary would ensure that the views achieved would not be overbearing to the extent that would result in the loss of amenity to the occupants of these properties, particularly given that the angle at which such views would be from would make it difficult for any significant views to be achieved to the extent that would result in a loss of privacy.

Plot 43 would be positioned closer to the boundary than plots 46 and 47, with approximately 3.5m to the dividing boundary with the existing dwelling, No. 40, and 17m to the closest part of the rear elevation. However, this plot has been designed and orientated so that the side facing elevation that would be seen from the rear elevation of No. 40 would not contain any principal windows. The separation distance here would comply with the 13.5m recommended by the Council's SPG where principal windows would face a development with no principal windows. The front elevation of Plot 43 would have a direct outlook to the north, across a proposed open area of recreation space.

Despite the development according with the relevant recommendations within the SPG, the applicant was approached to consider changes to the scheme in order to minimise any potential overbearing impact on the single storey properties along Roe Lane. As a result of this the applicant has agreed to modify the roofline on Plot 43 with a hipped arrangement which will assist in bringing the roofscape away from the boundary and lessen the visual impact on the adjacent properties along Roe Lane.

With regards to loss of light, the spacing and positioning of the dwellings within the site is not considered to result in a significant loss of light to principal windows or amenity spaces. Residents of properties along Roe Lane have within their representations referred to a loss of light as a result of the development, namely as a result of the proximity of Plot 43 to the southern boundary. The applicant has provided details to illustrate the path of the sun during both the summer and winter solstice. These details show that the development would not result in the loss of any more sunlight to

rear facing windows of numbers 40 and 42 than the existing arrangement. Whilst it is noted there may be some additional overshadowing through the morning until the afternoon, this would be limited to the garden area and not to the extent that would have a severe impact on the amenity of the existing occupants.

Suitable separation distance are also in place between the rear elevations of the proposed properties and the existing residential development beyond both the southern (Ash Way) and western (Harrowby Drive) boundaries of the site.

With regards to waste collection, the majority of the internal roads within the site are to be constructed to adoptable standards and therefore will be serviced by a Local Authority waste refuse service. However, there are a number of plots located off the turning heads of some of the junctions that would not be accessed via an adoptable road. The applicant has therefore provided a refuse strategy that provides suitably sized and positioned bin storage/collection areas for these plots. These details are considered to be acceptable and would not result in issues of amenity.

The Council's Environmental Health Department (EHD) have considered the details provided with the application in respect of noise and environmental management and raise no objections to the application.

With regards to land contamination, the Council's EHD have requested the submission of details relating to air quality and land contamination. However, such issues were considered at the outline stage and therefore it is not reasonable or necessary to require further details on such matters within this reserved matters application.

One matter of further concern that has been referred to by residents is the proximity of the proposed sub-station to residential boundaries and the implications of this on health and wellbeing. The applicant has been asked to respond to these concerns, and in doing so has stated that the sub-station is required to provide sufficient supporting electrical infrastructure to the development. They detail that the only potential risk to health and safety would be where the equipment inside the sub-station is tampered with, but the development would see the station fully enclosed and appropriately secured. On this basis your officers are satisfied that the development poses no harm to residential amenity, health or wellbeing.

It is therefore considered that given the above, the development would not raise any adverse implications for residential amenity and would accord with the principles of the NPPF.

Highway Safety

CSS Policy SP3 addresses the need to secure more choice of, and create better access to, sustainable modes of transport whilst discouraging less sustainable modes. CSP1 expects new development to be accessible to all users and to be safe, uncluttered, varied, and attractive.

NP Policy DC3 expects the form and layout of development to provide ease of movement for pedestrians and cyclists, cater for a people with a range of mobility requirements and avoid severe adverse impacts on the capacity of the highway network

NPPF Paragraph 114 notes that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 115 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.

The suitability of the main point of access from Ash Way was considered to be acceptable in the determination of application 19/00515/OUT at appeal. Therefore this reserved matters application will focus on the suitability of the internal road layout and provision of parking.

Access to the site is from the approved point at Ash Way which would lead into the site and join the main internal road that runs west to east across the site. Two further adoptable streets extend from this main road which run towards the northern boundary of the site.

Initial consultations with the Highway Authority resulted in requests for amended information in relation to the geometry of the road layout, visibility splays, surfacing arrangements, parking and pedestrian connectivity.

The applicant has proactively addressed all of the issues raised by the HA through amended plans and information and the latest consultation response from the HA no longer raises any objections to the development subject to conditions.

The HA detail that a sufficient shared footway/cycleway has been provided between the internal road layout and the application boundary and that conditions can appropriately secure further details in relation to its detailed design, maintenance and cessation of the existing vehicular access from Roe Lane.

Sufficient off street parking has now been demonstrated for the dwelling proposed. The HA have raised concerns with the parking arrangement for Plot 1, which they feel needs to be relocated by 1m, however such a minor design change can suitably be secured by condition. Therefore there would be no adverse highway safety implications resulting in on street parking from the proposed development.

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

Trees and Hedgerows

NLP Policy N12 seeks to 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.

An area of open space is proposed in the north-eastern corner of the site to coincide with the provision of the footway/cycle path link which would connect the development to Roe Lane. The applicant does indicate that further open space would be provided to the south of the site, but this is an area largely covered by the attenuation basin and so would be fenced off and inaccessible for members of the public to utilise; nonetheless it provides a welcome area of open land at a key focal point within the development site. The level of open space provided is therefore deemed to be appropriate.

The perimeter of the site is largely comprised of a mixture of hedgerow and trees, all of which would be retained as part of the development proposals.

Throughout the site there are a number of established trees, largely within the southern segment of the site. In total, 16 trees would be removed from the site; 10 of which are of category C classification and 6 category B.

From the submitted tree survey it is accepted that the category C trees outlined for removal are largely ornamental planting of early maturity and average conditions and so their removal from the scheme on balance is not considered to have any adverse implications on the character or quality of the wider landscape.

The category B trees marked for removal include a cluster of four trees (T16, T17, T18 and T19) which are positioned on the north western edge of the site. The accompanying tree survey indicates that individually these trees are of low significance, but collectively make a contribution to the character of the landscape and are prominent in views from the residential dwellings to the south. T15 (Field Maple) is also a category B tree marked for removal.

The Council's Landscape Development Section (LDS) have objected to this tree loss and requested whether amended designs could be considered in order to allow their retention. They also have requested the provision of onsite play facilities, contribution to a MUGA and an off site contribution. With regards to the provision of play facilities and financial contributions, such matters were dealt with at the outline stage for the application. The outline permission did not request specific areas of play, but approved an area of public open space that would need to be appropriately managed. Therefore at this stage it would be unreasonable to introduce a need for further obligations that were not covered within the outline application.

The loss of these trees is unfortunate, particularly given their prominence from views outside of the application site. However, in granting permission for the access from Ash Way and taking into account the gradients of the site, this has made it extremely difficult to retain these trees as part of the development scheme.

The application is accompanied by a landscaping and planting plan which shows that a significant number of new trees will be provided throughout the site as well as a proposed wildflower meadow adjacent to the public footpath link; wetland meadow surrounding the attenuation basin and amenity grass, hedgerows and trees to plot frontages. The applicant's supporting statement indicates that this new tree planting would include over 60 specimens of new planting across the site.

Therefore whilst the initial loss of the trees from the site would have some negative implications on the character and appearance of the landscape, it is considered that given the ambitions of the landscaping and planting plan, sufficient re-planting on the site would compensate for this loss, and in fact, in time, add further variety and interest to the landscaping of the site. It is considered necessary to condition full and precise details for the proposed planting scheme to ensure that a variety of species are planted as well as trees of differing maturity to ensure that some trees have an immediate visual impact to mitigate the loss of the category B trees removed from site.

For the reasons outlined above, the proposals are considered to accord with development plan policy and the guidance set out within the NPPF, subject to the imposition of appropriately worded conditions.

Flood Risk and Drainage

NPPF Paragraph 167 outlines that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

The outline application for the site was accompanied by a Flood Risk and Drainage Assessment. Consultees at the time including Severn Trent and the Lead Local Flood Authority raised no objections to the development, subject to a condition to secure a detailed scheme for the disposal of foul and surface water flows. This was secured by condition 14 of the approved outline permission.

As a result, a detailed drainage scheme has not been provided with this application, but must be provided in order to comply with condition 14 of permission 19/00515/OUT before any approved scheme commences.

The Lead Local Flood Authority have raised no objections to the proposed development. They note that the outline drainage design principle is that surface water generated by the site shall be conveyed by gravity to connect into existing Severn Trent Water infrastructure with surface water being attenuated within an on site basin. The submitted plans have shown an appropriate space within the layout to include the attenuation basin.

Therefore in light of the above it is not considered that the proposed development would raise any adverse implications in relation to flooding or drainage and so would accord with the relevant policies of the development plan as well as the NPPF.

Affordable Housing

Policy CSP6 of the Core Spatial Strategy states that for new residential development within the urban area capable of accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate of 25% of the total dwellings to be approved.

The provision of 25% affordable housing was secured through the Section 106 Agreement associated with approved outline planning permission 19/00515/OUT and this would comprise a tenure split of 60% affordable rental units; with the remaining 40% other intermediate tenures.

The submitted layout demonstrates that these levels would be secured through the provision of 8 social rent units and 5 shared ownership properties. This mix would include 2-bed maisonettes, and 3-bed houses, including both terraced and semi-detached properties.

The Council's Housing Strategy Officer has noted that the location of the affordable housing appears to have been pushed towards the periphery of the development which would not sufficiently see the housing pepper-potted throughout the site. The officer has also noted that the affordable housing provision is largely comprised of maisonettes and so has requested that these house types are potentially replaced given that Registered Providers are often reluctant to take on units of this scale.

In response to this the applicant has detailed that the positioning of the affordable housing units accords with the Council's Affordable Housing SPD which states that there should be no more than 10 affordable units in any one cluster. The plans shows that the units have been split up into two areas within the site to ensure that no clusters are of more than 10 dwellings.

With regards to the type of affordable units, the applicant has confirmed that these have been proposed following discussions with registered providers who have made offers to take on the units subject to planning permission being granted.

Officers consider that a sufficient variety of affordable housing provision is proposed that accords with the requirements of the Councils Affordable Housing SPD both in terms of tenure and type of housing.

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

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
Policy CSP5: Open Space/Sport/Recreation

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

Policy N12: Development and the Protection of Trees.
Policy N13: Felling and Pruning of Trees.
Policy N17: Landscape Character - General Considerations.
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

[National Planning Policy Framework \(2023\)](#)

[Planning Practice Guidance \(2019 as updated\)](#)

[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

19/00515/OUT - Outline planning permission for the demolition of all existing buildings and the erection of circa 55 dwellings with associated infrastructure, landscaping and open space. Detailed approval is sought for the means of access only with the details of appearance, landscaping, layout and scale to be reserved for subsequent approval – Refused but allowed at appeal.

21/00967/DEM - Application for prior notification of proposed demolition of The Seabridge Centre – Permitted

Views of Consultees

The **County Council School Organisation Team** note that a Section 106 Agreement was signed when the outline application was granted, and the education contribution amount and terms should be calculated in line with this.

The **Lead Local Flood Authority** raise no objections to the reserved matters application having reviewed the Flood Risk and Drainage Assessment, however Condition 14 of the appeal notice remains to be discharged and officers go on to detail the level of information that will need to be provided in order to satisfy the requirements of that condition.

The **County Highway Authority** has no objections subject to conditions regarding pedestrian visibility splays, visibility splays, detailed highway design information, full details of pedestrian/cycle link, maintenance and closure of existing vehicular access, refuse strategy, Construction Environmental Management Plan, surfacing materials and surface water drainage, revised parking details and cycle storage.

The **Staffordshire Police Designing out Crime Officer** advises that the broad layout principles appear generally acceptable but advises further gains could be made in respect of the type and position of vertical board fencing; incorporation of planted boundary treatments; appropriate street lighting and aim to adhere to the Secured by Design Home 2023 guidance.

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

The **Environmental Health Department** raise no objections in relation to the submitted Environmental Noise Report and Construction Environmental Management Plan but requests have been made for conditions relating to Air Quality, Land Contamination, Dust Management and Asbestos.

The **Housing Strategy Officer** notes that the siting of the affordable housing appears to be on the periphery of the scheme and is not pepper potted throughout the site but also that the type of housing provided may not be suitable to registered providers.

Landscape Development Section object to the removal of category B trees and request thought is given to a revised layout to allow their retention. Requests are also made in relation to the provision of POS, play facilities and financial contributions on site.

No comments have been received from the **Council's Waste Services Department** or **Severn Trent Water** by the given deadline and as such it is assumed that they have no comments to make.

Representations

Four representations have been received from three addresses raising the following concerns;

- Loss of privacy
- Overlooking
- Maintenance of boundary hedgerow
- Loss of light
- Poor positioning of sub-station
- Overbearing impact
- Increased traffic impacts on security
- Devaluation of house prices

Applicant's/Agent's submission

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

[23/00659/REM | Residential Development of 53 dwellings \(Amended plans received 06.12.2023\) | Seabridge Community Education Centre Roe Lane Newcastle Under Lyme Staffordshire ST5 2HY \(newcastle-staffs.gov.uk\)](#)

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th March 2024