

Public Document Pack

Date of meeting Thursday, 3rd April, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 2 MINUTES OF PREVIOUS MEETING(S)** (Pages 1 - 8)
To receive the minutes of the previous meetings held on 11th March 2014.
- 3 Application for Major Development - Land Off Watermills Road, Chesterton; Carden Development Limited/ Les Stephan Planning; 13/00974/OUT** (Pages 9 - 18)
- 4 Application for Major Development - Land to Rear of Rowley House, Madeley; Ian Moreton / Peter Jackson Associates; 13/00990/OUT** (Pages 19 - 38)
- 5 Application for Major Development - Land Off Gateway Avenue, Baldwins Gate; Richborough Estates / Hourigan Connolly; 13/00426/OUT** (Pages 39 - 56)
- 6 Application for Minor Development - Land Adjacent to Sainsburys Store, Liverpool Road; Marston Inns and Taverns & Wildgoose Construction / Peacock and Smith; 13/00807/FUL** (Pages 57 - 68)
- 7 Application for Minor Development -Tadgedale Quarry, Mucklestone Road, Loggerheads; Malcolm Harrison / DEP; 14/00080/FUL** (Pages 69 - 74)
- 8 Application for Other Development -Land Off Pinewood Drive, Loggerheads; Mr R Newton Cross; 14/00053/OUT** (Pages 75 - 84)
- 9 Application for Other Development - Swift House, Liverpool Road; auto Accept Finance; 14/00055/FUL and 14/00056/ADV** (Pages 85 - 92)
- 10 Application for other Development; Former Sainsburys Site; NuLBC; 14/00188/DEEM4** (Pages 93 - 98)

- 11 **Application for Financial Assistance (Historic Buildings Grant) (Pages 99 - 100)**
 -13/14015/HBG Audleys Cross Farm, Loggerheads - Grant
 Application for Reinstatement of Timber Windows
- 12 **Committee Site Visit Dates 2014/2015 (Pages 101 - 102)**
- 13 **Confirmation of TPO 151 - Former Vicarage, Hawkstone Close (Pages 103 - 106)**
- 14 **Confirmation of TPO 149 - Land to North of 41 Boon Hill Road, (Pages 107 - 118)**
 Bignall
- 15 **TPO 150 - Land adjacent to 31 Banbury Street, Talke (Pages 119 - 126)**
- 16 **URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Miss Baker, Clarke (Chair), Fear, Hambleton, Mrs Hambleton, Howells, Matthews, Miss Reddish, Stringer (Vice-Chair), Studd, Sweeney, Turner, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms upon request.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

PLANNING COMMITTEE

Tuesday, 11th March, 2014

Present:- Councillor Michael Clarke – in the Chair

Councillors Miss Baker, Hambleton, Mrs Hambleton, Matthews,
Miss Reddish, Stringer, Studd, Sweeney, Turner, Williams and
Mrs Williams

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

2. **APOLOGIES**

Apologies were received from Cllr Howells, Cllr Cairns and Cllr Fear.
The Committee sent their best wishes to Cllr Cairns.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 18th February 2014 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND BETWEEN APEDALE ROAD AND PALATINE DRIVE, CHESTERTON; LANDS IMPROVEMENT HOLDINGS LANDMATCH/SAVILLS; 13/00525/OUT**

Resolved:

A. That subject to the applicant first entering into a Section 106 obligation by 29th May 2014 to require:-

- 1) A contribution of phased payments towards the Newcastle (urban) Transport and Development Strategy (NTADS) in a total sum of £193,313;
- 2) A contribution of phased payments towards an extended bus service in a total sum of £350,000;
- 3) A contribution of phased payments towards school spaces in a total sum of £816,294;
- 4) Affordable Housing provision at a minimum level of 10% on site provision together with a further 5% on site provision or the equivalent (5%) financial contribution for off site affordable housing provision.
- 5) EITHER a contribution of £672,000 towards Open space maintenance provision OR the entering into of a Management agreement to secure the long term maintenance of the public open space;
- 6) A Travel Plan monitoring fee in the sum of £6,200;

7) That a financial viability reappraisal be undertaken EITHER if phase 1 of the development has not been substantially commenced within 28 months of the grant of this outline planning permission (substantial development being defined in this case by completion of all earthworks and remediation as identified in an already received development programme) OR if a continual delivery of housing development is not thereafter maintained, and appropriate adjustments be made, on the basis of such reappraisal(s) to the level of affordable housing referred to in 4) above with a floor of 10% and a cap of 25%;

The application be permitted, subject to conditions concerning the following matters:

- Condition to reflect outline nature of application
- Time limit for submission of any approval of reserved matters and for commencement conditions
- Approved plans and documents
- Phasing plan to including engineering works, open space provision, and infrastructure works including non vehicular links
- Reserved matter submission to be informed by the principles within the submitted Design and Access Statement
- The proposed dwellings to be built to minimum Code for sustainable homes Level 3 standard.
- Tree protection measures
- Landscaping reserved matters to include replacement tree planting
- Reserved matters to include details relating to surface water drainage and road specification
- Provision of the new access onto Apedale Road
- Off Site traffic management details including new signage
- Provision of details relating to movement framework, connection to surrounding areas for all modes of transport, connection for pedestrian and cyclists through the site.
- Provision of details of residential street layout and character
- Mitigation measures prevent debris being deposited on the Highway
- Construction traffic routeing
- Site and construction compound details
- Contaminated Land Conditions
- Construction hours restriction where appropriate
- Construction management plan
- Dust mitigation measures
- Internal noise levels in dwellings
- External noise levels
- Waste storage and collection arrangements
- Archaeological evaluation and subsequent mitigation measures
- Ecological mitigation
- Flood Risk Assessment
- Residential Travel Plan

B. Failing completion by 29th May 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to improve local accessibility and to promote the most sustainable modes of travel; and provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the on-

going maintenance of on site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO 31 BANBURY STREET, BUTT LANE; BROWNS (SHOPFITTING AND CONSTRUCTION LIMITED); 14/00027/FIL

Resolved:

Subject to the applicant first entering into Section 106 Obligations by no later than 14th April 2014, to secure the following:

- I. A financial contribution of £38,259 for open space enhancement/ improvements and maintenance.
- II. A contribution of £8,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS).
- III. A contribution of £33,093 towards primary school provision.

The application be permitted subject to conditions concerning the following matters:-

- Standard time limit for commencement
- Approved plans, to include reference to revised site layout plan received.
- Prior approval of facing materials and implementation of approved details.
- Prior approval and implementation of approved ground levels and finished floor levels.
- Prior approval and implementation of a detailed Arboricultural site monitoring schedule, and appropriate Arboricultural works to the sycamore tree.
- Prior approval of plans detailing 6m radius kerbs; a pedestrian crossing point including tactile paving; visibility splays of 2.4m by 43m; and an access gradient not exceeding 1:10 for the first 5m rear of the highway boundary. The access shall be completed before occupation of plots 7 to 14 and thereafter the visibility splays kept free of obstruction.
- Prior approval and implementation of the widening of the footway to 2m on Banbury Street and the permanent closure of the existing site access and its reinstatement as footway.
- No occupation until the access road, parking and turning areas have been provided in accordance with the approved plans.
- Submission, approval and implementation of surfacing materials for the access road, parking and turning areas; surface water drainage for such areas; and delineation of parking bays.
- Prior to occupation of plot 1 the parking spaces 1 and 2 shall be completed.
- Any gates to be a minimum of 5m from the site boundary and open away from the highway.
- Prior approval and implementation of a Construction Method Statement to include site compound; routing of construction vehicles; parking of vehicles; loading and unloading of plant and materials; storage of plant and materials; control of noise, vibration and dust; and wheel wash facilities.
- Provision of an access strip width of 6m, 3m either side of the centre line of the sewer crossing the site.
- The site to be drained on a separate system.
- Contaminated land conditions.

2. Should the matters referred to in I-III above not be secured by 14th April 2014, that the Head of Planning be given delegated authority to refuse the application on the

grounds that without such matters being secured the development would fail to secure an appropriate level of provision of adequate public open space; would not achieve sustainable development outcomes; and would not mitigation against the impact of additional pupils arising from a development of this scale in a location that has no capacity within primary schools or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

6. APPLICATION FOR MAJOR DEVELOPMENT -LINLEY TRADING ESTATE, LINLEY ROAD; REALTY ESTATES; 13/00625/OUT

Resolved: That the Head of Planning have authority to conclude an agreement based upon the broad principles set out in the supplementary report to the Committee.

2. That subject to the Section 106 agreement (securing the obligations agreed by the Committee on 7th January 2014) being concluded by no later 22nd April 2014, planning permission be granted subject to the conditions indicated in the agenda report to the 7th January Planning Committee; and

3. Should the agreement not be secured by 22nd April 2014 that the Head of Planning have delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure appropriate provision for required education facilities, an appropriate level of affordable housing, the provision of adequately maintained public open space, and measures to ensure that the development achieves sustainable development outcomes, and that without such an undertaking, account would not be able to be taken of a change in market conditions and a development that could have made required contributions would not do so; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

7. APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO FARCROFT, MANOR ROAD, BALDWINS GATE; MR G ADAMS; 14/00037/OUT

Resolved:

That the application be refused on the following grounds:

- The development is contrary to specific policies within the NPPF as it is in an isolated location that would not enhance or maintain the vitality of a rural community. Notwithstanding that the Council cannot demonstrate a 5 year housing land supply, in the absence of special circumstances there is no presumption in favour of permitting this development.
- The adverse impacts of the development arising from its isolated location - the dwellings having a greater carbon footprint whilst also harming the intrinsic character of this part of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012)

8. APPLICATION FOR MINOR DEVELOPMENT - LAND REAR OF 24 TO 36 HEATHCOTE ROAD, MILES GREEN; MILLWOOD LTD; 14/00081/FUL

Cllr David Becket spoke against the application.

Resolved:

That the application be refused on the grounds that the development is of a design that is not in keeping with the character of the village; the affordable housing proposed is contrary to the CSP6 of the Core Spatial Strategy by reason of design not being tenure blind; and the applicant has not demonstrated that the design and layout of the development can achieve appropriate provision for the storage and collection of waste and recyclable materials.

9. APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF NETHERLEYS, FORMER ALLOTMENT GARDENS; MR AND MRS WAKELIN; 13/00822/OUT

Resolved:

That the application be permitted subject to conditions relating to the following matters:-

1. Time limit for submission of applications for approval of reserved matters and commencement of development;
2. Approved documents;
3. Contaminated land conditions;
4. Prior approval of parking and turning within the site curtilage;
5. Prior approval of surface water drainage for the driveway and parking areas;
6. Prior approval of surfacing materials for the driveway and parking areas;
7. The development should not be commenced until Mill Lane has been resurfaced for a minimum distance of 5m from the junction with Newcastle Road.
8. That the land used for site construction be restored to its original condition following completion of the build.

10. APPLICATION FOR MINOR DEVELOPMENT -MAER HALL, MAER; MR BARRY J FRADLEY; 14/00077/FUL

Resolved:

(a) Subject to the applicant first completing a planning obligation by 24th March 2014 that restricts the ownership of the buildings to the same ownership as the curtilage of Maer Hall; restricts external alteration to the premises; prevents any items or equipment from being brought onto the premises without the owner's consent; prevents use that in any way causes damage, a nuisance or annoyance; specifies that the owner will require the lessee to enter into a direct covenant with the Local Planning Authority in a specified form should the premises be leased for a term in excess of six months the obligation; and sets a limit on the lease of the property to a maximum period of 60 years.

The application be permitted subject to the following conditions:-

- Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), Bothy Cottage, but not Gardeners or Blacksmiths Cottages, shall be occupied as short term holiday accommodation and shall be occupied by any individual or group of people for no more than twenty-eight days in any calendar year.
- Removal of permitted development rights for the erection of boundary treatments and outbuildings etc.
- This consent grants permission only for the variation of condition 1 of planning permission 06/00723/FUL. All other conditions of that permission shall apply.

b) Should the matter referred to in (a) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without the obligation the development could have an adverse impact on the integrity of the curtilage of the Hall, the core of its Registered Historic Parkland and Garden and the setting of its Listed buildings, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

11. APPLICATION FOR MINOR DEVELOPMENT -61 TO 63 HIGH STREET, ALSAGERS BANK; MR P DAWSON; 14/00014/FUL

Resolved:

PERMIT subject to conditions relating to the following:-

- Standard time limit.
- Approved Plans.
- Materials in accordance with those specified.
- Tree protection measures.
- Retention of trees.
- Landscaping.
- Contaminated land remediation.
- Amended pedestrian access and egress path to plot 2.
- Provision of parking, access, surfacing, drainage and visibility requirements.
- Retention of the approved garage for parking.
- Removal of permitted development rights for outbuildings.

12. ALTERATION TO TERMS OF GRANTS AWARDED FROM THE CONSERVATION AND HERITAGE FUND AND APPLICATION FOR FINANCIAL ASSISTANCE (HBG) - ST THOMAS BUTTERTON 13/14013/HBG

Resolved:

- a) That the Planning Committee agrees with immediate effect to bring in a £5,000 upper limit on future grants from the Conservation and Heritage Fund

- b) That the Planning Committee approves a grant of £5,000 for the stone repair, replacements, and reroofing of part of St. Thomas's Church, Butterton, subject to the appropriate standard conditions.

13. STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT 2013/2014

A report was submitted to present the Strategic Housing Land Availability Assessment ('the Assessment') (2013/14) for information.

Resolved:

- a) That members note the contents of the Strategic Housing Land Availability Assessment (2013/14).
- b) That training be provided to elected members on aspects of the SHLAA following the elections in May.

14. THE PLAN FOR STAFFORD

A report was submitted to update members on progress of the Stafford Borough Local Plan, as a neighbouring authority, and to set out a suggested response as part of their Main Modifications consultation exercise.

Resolved:

That the Borough Council support the Schedule of Main Modifications prepared by Stafford Borough and respond by stating that it has no further comments to make.

COUNCILLOR MICHAEL CLARKE
Chair

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LAND OFF WATERMILLS ROAD, CHESTERTON
CARDEN DEVELOPMENTS

13/00974/OUT

The application is for outline planning permission for the erection of up to 65 dwellings. Only details of the means of vehicular access to the highway network are for consideration as part of this application, with all other matters reserved for subsequent consideration. The site in total extends to some 1.42 hectares.

The site as shown on the Local Development Framework Proposals Map lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

Access is proposed off Watermills Road which is an unclassified road.

The 13-week period for the determination of this application expires on 4 April 2014.

RECOMMENDATION

REFUSE for the following reasons:

- 1. In the context of the shortage of employment land in the Borough and in the absence of any convincing evidence to demonstrate that it is unlikely that the site will be developed for employment, the loss of this good quality employment site would have an adverse impact upon the economic growth of the Borough. This adverse impact would significantly and demonstrably outweigh the benefits of the contribution to housing supply.**
- 2. In the absence of a secured planning obligation the development fails to make an appropriate contribution to the Newcastle (urban) Transport and Development Strategy (NTADS) which seeks to improve local accessibility and promote the most sustainable modes of travel.**
- 3. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards primary school provision.**
- 4. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well functioning housing market.**
- 5. In the absence of a secured planning obligation the development would not make an appropriate financial contribution towards the development, improvement and maintenance of off-site public open space.**

Reason for Recommendation

Notwithstanding the Council's inability to demonstrate a five year supply of housing land, in the context of the shortage of employment land in the Borough and in the absence of any convincing evidence to demonstrate that it is unlikely that the site will be developed for employment, it is considered that the adverse impact of the loss of this employment site and the adverse impact upon the economic growth of the Borough would significantly and demonstrably outweigh the benefits of the contribution to housing supply.

The proposed development of this vacant site introduces additional trips on the highway network and in the absence of a contribution to NTADS appropriate improvements to local accessibility would not be secured nor would sustainable modes of transport be promoted. Additionally the development would result in additional pressure on limited primary school places of the schools whose catchment area it is located and would place pressure on off-site public open space and in the absence of a financial contribution such adverse impacts would not be appropriately mitigated against. A planning

obligation is also required to secure affordable housing within this development in accordance with policy.

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

The Local Planning Authority worked in a positive and proactive manner in dealing with this application, advising of issues of concern and the need to provide additional supporting information, however it is considered that the applicant has been unable to overcome the principal concern arising from the proposal.

Policies and Proposals in the approved Development Plan relevant to the decision-

Staffordshire and Stoke-on-Trent Minerals Local Plan 1994-2006

Policy 5: Conservation of Minerals (Mineral Consultation Areas)

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy E9: Renewal of Planning Permissions for Employment Development
Policy E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012) and its Technical Guidance

National Planning Practice Guidance (March 2014)

Circular 11/95 – the use of conditions in planning permissions

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings Supplementary Planning Guidance (SPG) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD)

Newcastle-under-Lyme BC and Stoke-on-Trent Joint Employment Land Review (July 2011)

Newcastle (urban) Transport and Development Strategy (NTADS)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Relevant Planning History

06/00374/OUT Business/industrial units (B1, B2 and B8 uses) on Phase 1 - approved 25th June 2007 following completion of a Section 106 agreement securing a financial contribution of £10,500 towards monitoring of a Travel Plan

06/00375/OUT Business/industrial units (B1, B2 and B8 uses) on Phase 2 - approved 25th June 2007 following completion of the above Section 106 agreement

06/00374/EXTN Extension to time limit to implement 06/00374/OUT (Phase 1) Approved 29th October 2010 following completion of a revised Section 106 agreement securing a financial contribution of £10,500 towards monitoring of a Travel Plan and £88,893 towards NTADS

06/00375/EXTN Extension to time limit to implement 06/00375/OUT (Phase 2) -approved 29th October 2010 following completion of the above Section 106 agreement

Views of Consultees

The County Council as the **Education Authority** advises that the development falls within the catchments of Chesterton Community Sports College and Crackley Bank Primary School. A development of 65 dwellings could add 10 High School and 14 Primary School pupils. The schools in this area are projected to be full for the foreseeable future or to have limited spaces. The Local Authority is currently in discussions with local schools to agree how and where additional capacity will be provided to accommodate children currently living in the area. Any further residential developments in this area will require additional school places to be provided. Chesterton Community High School is projected to have limited vacancies based on the current and projected pupil numbers available at this time. Although the development will put additional pressure on school places, current pupil demographics indicate that the school should be able to accommodate the likely demand from pupils generated by the development. Crackley Bank Primary School is projected to be full for the foreseeable future. Therefore a contribution is requested towards Primary School provision only. A contribution of £154,434 for 14 Primary School places (14 x £11,031 = £154,434) is sought for the development.

The **Highway Authority** recommends that the application should be refused. There is insufficient information provided for the Highway Authority to provide an objective response as the submitted application does not provide any TRICS traffic data covering the am and pm peak periods. An NTADS contribution of £40,079 is required.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding hours of construction, a construction management plan, dust mitigation during construction, internal and external dwelling noise levels, waste storage and collection arrangements and contaminated land.

The **Environment Agency** has no objections to the proposal. It states that although the site is located in Flood Zone 1 (an area of land with a low probability of flooding), it is over 1ha in size and as such a Flood Risk Assessment (FRA) has been submitted. Consultation with the Council's Lead Local Flood Authority (LLFA) and/or Local Land Drainage section is recommended to provide information to support the review of FRAs where surface water flooding is/may be an issue. Best practice advice is provided regarding sustainable surface water management.

Regarding groundwater and contamination, conditions are recommended requiring a remediation strategy and a verification report and requiring no infiltration of surface water drainage into the ground without the consent of the Local Planning Authority (because of the potential for contamination to be present on the site).

The **Landscape Development Section** raises no objections subject to tree retention, tree protection and full landscaping proposals being dealt with by reserved matters. A contribution of £2,943 per dwelling is required for off site Public Open Space and will be used for improvements to facilities at nearby Audley Road Playground/Crackley Recreation Ground. The provision of a maintenance agreement would be required for the future maintenance of any open space provided on site.

The **Economic Regeneration Section** of the Council recommends refusal for the following reasons:-

- The Borough is very short of employment land and the Waterhayes site remains one of the few immediately available sites.
- This is the most attractive plot remaining of the Rowhurst development site for employment purposes and if this entrance plot were developed for housing, then it would impair the prospects of the remaining part of the Rowhurst site for future employment development.
- The site faces the vehicular entrance to Chesterton Brickworks and its development for residential purposes would impair the operation of that business and any development plans it may have in the future due to the need to consider the new householders' residential amenity.
- The fact that the site owners have unsuccessfully marketed the site for employment development to date does not alter the above comments and it is better that the site remains undeveloped until the economy picks up.

Staffordshire County Council **Flood Risk Team** has no objection to the proposed development subject to a condition which requires the applicant to provide detailed drainage layouts and associated calculations at a later stage to ensure that there is no increase in flood risk to the site or any neighbouring areas including infrastructure.

No comments have been received from the **Greater Chesterton Locality Action Partnership, Housing Services**, or Staffordshire County Council as **Public Rights of Way Authority**. Given that the date for the receipt of comments has passed, it must be assumed that they have no observations to make.

The comments of **Severn Trent Water** and the **Waste Management Service** are awaited.

Representations

No representations have been received.

Applicant's/agent's submission

The application is accompanied by the following documents:

- Design, Access & Planning Statement
- Drainage and Flood Risk Assessment
- Preliminary Ground Risk Assessment
- Ecological Assessment
- Highways Access & Transport Statement
- Marketing Information

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/watermillsroad

KEY ISSUES

1.1 The application is for outline planning permission for the erection of up to 65 dwellings. Only details of the means of vehicular access to the highway network are for consideration as part of this application, with all other matters reserved for subsequent consideration. Applicants for outline planning permission are required to include information on the amount of development proposed for each use referred to in the application. In the absence of any condition to the contrary any reserved matter would need to comply with and can refer to and draw support from the Design and Access Statement submitted with an application. Where an applicant indicates that the proposal is for up to a certain number of dwellings, in the event of outline planning permission being granted, unless a 'floor' or minimum number of units is imposed by a condition a reserved matters application seeking approval for any number of units up to the specified upper number would be in accordance with the outline planning permission. However if the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

1.2 The site, of approximately 1.42 hectares in extent, lies within the Newcastle Urban Neighbourhood in an area covered by Policy E9 (Renewal of Planning Permissions for Employment Development) of the Newcastle-under-Lyme Local Plan.

1.3 The main issues for consideration in the determination of this application are as follows:-

- Is the principle of development acceptable both in terms of the loss of employment land and the proposed nature of the residential development?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so, how should it be delivered?
- Will appropriate open space provision be made?
- Would there be any adverse impact upon minerals extraction?
- Would there be any impact upon any protected species?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

2. Is the principle of development acceptable both in terms of the loss of employment land and the proposed nature of the residential development?

2.1 The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

2.2 The site is within an area covered by Policy E9 of the Local Plan which relates to the renewal of planning permissions for employment development. That policy states that on a number of sites (including Rowhurst), for which planning permission has already been granted for employment development, it is the Council's policy that permission would be renewed during the plan period, broadly in the same terms as currently given, unless new factors or other material considerations indicate otherwise. Policy E9 also states that in the case of Rowhurst any viable reserves of Etruria Marl underlying the site should be proved and provision made for their extraction prior to development occurring in accordance with Mineral Local Plan policies 4 & 5. A nature conservation study will be required.

2.3 Policy E11 of the Local Plan refers to the development of employment land for other uses. It states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The policy outlines the criteria for considering what constitutes 'good quality' including accessibility, size, condition, location and relationship to adjoining uses. The supporting text to the policy states that the overriding priority is to preserve the stock of land and buildings attractive to Class B users, so that opportunities for inward investment and for the modernisation of existing local businesses can be maximised. CSS Policy SP2 states that the spatial principles of economic development include improvement in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries. These policies are considered to be consistent with the NPPF.

2.4 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

2.5 In relation to residential development, CSS Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (which includes Chesterton).

2.6 CSS Policy SP1 states that new housing in the Borough will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention and within the identified 'significant urban centres'. It also states 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. The site here does not lie within a General Renewal Area and Area of Major Intervention as identified by the former regeneration body RENEW, although it is close to one of the former..

2.7 Importantly, the Council is currently unable to demonstrate a five year supply of housing land. The NPPF states that where Local Planning Authorities cannot demonstrate an up-to-date 5 year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

2.8 In terms of sustainability, the site is located within 500m of the District Centre of Chesterton which has a number of shops and services, and bus stops are located at the junction of Audley Road and Watermills Road. Chesterton has a number of public transport links to the major urban areas beyond. It is considered that this site represents a sustainable location therefore.

2.9 There is a shortage of well located employment land in the borough particularly for B1c (light industrial) and B2 (general industrial) development, as evidenced by the Employment Land Review. The Review predicted that the employment land requirements for the borough were 150 hectares from 2011 to 2026 and identified a shortage in the supply of sites to meet the demand forecast. In terms of the quality of the application site as an employment site, although it is located away from the A34 and the A500 (i.e. the 'Primary Route Network'), access from those routes is relatively direct and easy. The site is located on the edge of but at the entrance to an industrial estate, the land has no buildings upon it and therefore in good condition, reasonably level and it has an appropriate relationship with neighbouring uses. It is relatively small in size however (at just 1.42ha). Overall, whilst the site is not considered to be one of the best employment sites in the borough, it is of reasonable quality relative to other sites available.

2.10 Various marketing information has been submitted to attempt to substantiate the applicant's claim that the site has not been desirable as industrial land for some time. The details indicate that the site has been marketed since October 2008 as a commercial development site, but that there has been very little interest. No view has been offered as to why there may have been little interest and although commercial agents have stated that the site is not attractive for industrial and commercial use, they have not suggested reasons why this may be the case. Importantly, no attempt appears to have been made to make the site more attractive to potential purchasers. In 2010, when applications were made to effectively renew the original planning permissions for the site, concerns were initially expressed by the applicant regarding additional financial contributions that were requested. The applicant subsequently agreed to the required contributions but no case has been made at any time to the Local Planning Authority since the previous consent was granted (October 2010), to suggest that the disposal of the site has been affected by the additional financial contributions required. It is also pertinent to note that the planning permission for the site lapsed in October 2013 and therefore since that time any marketing has been carried out without the benefit of an extant planning consent.

2.11 The Borough Council owns 89 commercial properties of varying sizes and all are occupied with the exception of one small unit at Newcastle Business Centre. The County Council owns 52 offices and workshop units within the Borough and they are all currently occupied. It appears therefore, that there is demand for commercial units and no argument can be made that there is a surplus elsewhere.

2.12 The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Although this site has been marketed since 2008, your Officer has some concerns regarding the robustness of the marketing methodology and for the reasons detailed above, remains unconvinced that there is no reasonable prospect of the site being used for employment use.

2.13 In conclusion, notwithstanding the Council's inability to demonstrate a five year supply of housing land, in the context of the shortage of employment land in the Borough and in the absence of any convincing evidence to suggest that it is unlikely that the site will be developed for employment, it is considered that the adverse impact of the loss of this employment site and the adverse impact upon the economic growth of the Borough would significantly and demonstrably outweigh the benefits of the contribution it could make to the area's housing supply.

3. Would the development be acceptable in terms of the impact on the form and character of the area?

3.1 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 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.

3.2 Layout, scale and appearance are all matters reserved for subsequent approval. A zoning plan has been submitted showing areas of high and medium density housing and land to be retained as open space. A maximum of 65 dwellings are proposed and based on the developable site area, this would give a density of approximately 60 dwellings per hectare. There is a mix of dwelling size and style in the area and the density proposed appropriately reflects the character of the locality. It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily.

3.3 Although much of the site is generally flat, there is a bund along the south-western boundary of the site which is proposed to be retained and enhanced as open space. This would provide an attractive edge to the site in views from Apedale Country Park to the south-west. There is also a substantial bund with dense planting to the north which screens the site from the dwellings on Audley Road.

3.4 The Design and Access Statement appears to be a reasonable basis upon which applications for reserved matters approval could be made, subject to any more detailed conditions overriding it in the event of any conflict.

4. Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?

4.1 The application is accompanied by a Transport Statement which concludes that traffic generated by this development will have no significant impact upon the highway network. It also states that it is likely that there will be less reliance upon every day use of the motor car with the close proximity of the site to services and public transport.

4.2 The Highway Authority has objected to the proposal on the grounds that there is insufficient information provided for them to provide an objective response as the submitted application does not provide any TRICS traffic data covering the a.m. and p.m. peak periods (TRICS is a database system that provides potential levels of trip generation for all types of development).

4.3 The Highway Authority has indicated verbally that the proposed access is acceptable and they have advised that subject to the receipt of an acceptable revised Transport Statement, they are likely to withdraw their objection to the proposal. A revised Transport Statement is expected shortly and the matter will be addressed in a supplementary report to Members.

4.4 As referred to above, the site is located within walking distance of the shops and services of Chesterton, and bus stops are located at the junction of Audley Road and Watermills Road. It is considered that this site represents a sustainable location therefore. An NTADS contribution of £40,079 is required. This requirement is considered to meet the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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). This could be secured through a planning obligation secured by agreement or undertaking, but given the concern of principle raised above in the discussion of the first Key Issue it needs to be noted that there is no such obligation currently “on the table”.

5. What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?

5.1 The development falls within the catchments of Chesterton Community Sports College and Crackley Bank Primary School. Staffordshire County Council as the Education Authority advises that Crackley Bank Primary School is projected to be full for the foreseeable future and therefore requests an education contribution of £154,434.

5.2 Your Officer is satisfied that the education contribution sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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). Again this could be secured by agreement (the use of a unilateral undertaking would be inappropriate given that the LPA should be seeking counter obligations requiring the County Council to spend the money on the agreed purpose and within an agreed time). Given the concern of principle raised above in the discussion of the first key issue it needs to be noted that there is no such obligation currently “on the table”.

6. Is affordable housing required and if so, how should it be delivered?

6.1 Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

6.2 The applicant has confirmed that such a requirement is acceptable in principle. Again this could be secured by agreement (the use of a unilateral undertaking would be inappropriate). Given the concern of principle raised above in the discussion of the first key issue it needs to be noted that there is no such obligation currently “on the table”.

7. Will appropriate open space provision be made?

7.1 LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, where it should be located and what issues should be taken into account in its design. It also indicates that its maintenance must be secured.

7.2 Policy CSP5 of the CSS states that the plan area’s open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

7.3 The applicant’s Planning Statement advises that it is proposed to provide public open space within the site, measuring 0.33ha. A ‘linear coppice walk’ is proposed along with a small village green.

7.4 The Landscape Development Section (LDS) advises that a contribution for off-site public open space is required. They state that although open space is proposed within the site, the area allocated as such is steep and is not centrally located. The financial contribution would be used for improvements to facilities at nearby Audley Road Playground (approximately 670m away) and Crackley Recreation Ground (approximately 460m away). This requirement is considered to meet the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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). Again this could be secured by agreement (the use of a unilateral

undertaking would be inappropriate). Given the concern of principle raised above in the discussion of the first key issue it needs to be noted that there is no such obligation currently “on the table”

8. Would there be any adverse impact upon minerals extraction?

8.1 One of the considerations of LP Policy E9 is that any viable reserves of Etruria Marl should be proved and provision made for their extraction prior to development occurring, in accordance with Mineral Local Plan Policies 4 and 5. Only Policy 5 has been saved and therefore remains relevant. During consideration of the previous applications for this site, the Council’s Property Section confirmed that there were no remaining clay deposits as they were extracted at the time of the reclamation of the land and therefore the conclusion reached then was that there was no conflict with Policy E9 in this regard. It is not considered that there is any reason to reconsider this issue now.

9. Would there be any significant impact upon any protected species?

9.1 An Ecological Assessment accompanies the application, comprising a Desk Study, an Extended Phase One Habitat Survey, an Initial Bat Survey and a Great Crested Newt Assessment. It concludes that there are no records of protected flora or fauna directly on the site and therefore it concludes that the development of the site would not have any negative impact on any protected species. There are records of protected flora and fauna within 1km of the site however and therefore mitigation measures are recommended. These should be secured via an appropriate condition.

10. Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

10.1 One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

10.2 The site lies at the entrance to the Rowhurst Close industrial estate directly opposite a substantial brickworks. The Environmental Health Division raises no objections to the proposal subject to a condition requiring the submission of a noise assessment and the incorporation of suitable design measures into the construction of the development to ensure appropriate noise levels.

10.3 Although the site is opposite the brickworks, the land is raised up significantly above it. The boundary of the site with the road is approximately 65m from the nearest point of the buildings on the brickworks site and the extensive yard appears to be used primarily for the storage of bricks. It is notable that the existing dwellings to the north-east of Audley Road are only approximately 35m from the brickworks. Subject to the imposition of a condition as recommended by the Environmental Health Division, it is not considered that the impact of the brickworks on the amenity of the future occupiers of the dwellings would be so significant in terms of outlook, noise, dust or general disturbance to justify a refusal.

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

17th March 2014

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**LAND ADJACENT TO ROWLEY HOUSE, MOSS LANE, MADELEY
MR IAN MORETON**

13/00990/OUT

The application is for outline planning permission for the erection of up to 42 dwellings at land at Moss Lane, Madeley. Vehicular access from the highway network (Moss Lane) to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other internal access details) reserved for subsequent consideration.

The application site lies on the western side of Moss Lane, and except for its access point onto Moss Lane, outside the village envelope of Madeley and within the open countryside and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site is not within the Green Belt, but it adjoins the Green Belt. The site area is approximately 1.65 hectares.

There are three protected trees on the north eastern boundary of the site (TPO no. 100)

The 13 week period for the determination of this application expires on the 5th May 2014.

RECOMMENDATIONS

A. Subject to the applicant first entering into a Section 106 obligation by 4th May 2014 to require:-

- 1) A contribution of £49,866 (on the basis that the development as built is for the full 42 dwellings and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy, towards school spaces;**
- 2) Tenure Blind Affordable Housing provision ;**
- 3) A contribution of £2,943 per dwelling towards Open space improvement/ enhancement/ maintenance**

Permit the application, subject to conditions concerning the following matters:

- **Condition to reflect outline nature of application**
- **Time limit for submission of any approval of reserved matters and for commencement**
- **Approved plans and documents**
- **Reserved matter submission to be informed by the principles within a revised Design and Access Statement taking into account Urban Visions recommendations**
- **The proposed dwellings to be built to minimum Code for sustainable homes Level 3 standard**
- **Recommendations in the submitted tree survey and arboricultural impact report**
- **Tree protection measures**
- **Arboricultural Method Statement**
- **Control works within the Root Protection Areas**
- **Landscaping reserved matters to include tree planting**
- **Reserved matters to include details relating to surface water drainage and road specification**
- **Provision of the new access onto Moss Lane**
- **Off Site footpath widening**
- **Provision of details of residential street layout and character**
- **Mitigation measures prevent debris being deposited on the Highway**
- **Site and construction compound details**
- **Contaminated Land Conditions**
- **Construction hours restriction where appropriate**
- **Construction management plan**
- **Internal noise levels in dwellings**
- **External noise levels**
- **Vibration assessment**
- **External lighting**
- **Waste storage and collection arrangements**
- **Sustainable drainage methods including SUDS and permeable paving**
- **Separate storm and foul water drainage**

B. Failing completion by 4th May 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the improvement, enhancement and maintenance of off site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendations

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is

in within the rural area outside of a recognised Rural Service Centre. The adverse impacts of the development - principally the extension of the village into the countryside – do not significantly and demonstrably outweigh the benefits of the development, which is sustainable, and accordingly permission should be granted, provided the financial contributions and affordable housing indicated in recommendation (A) are secured.

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

No amendments were considered necessary during the course of the application. Officers have had appropriate meetings/conversations with the applicant's representatives where necessary to progress the determination of the application.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Sets out a sustainable hierarchy of centres including of Rural Service Centres and Villages, indicating that the rural settlements that have been identified as Rural Service Centres are those that provide the most comprehensive range of essential rural services, and that development within these centres will primarily be to ensure that this offer, and therefore the sustainability of these centres is maintained

The CSS's strategic aims include the following:-

Strategic Aim 1 (SA1) – to halt net outward migration from Stoke-on-Trent and retain and attract population to the conurbation

Strategic Aim 3 (SA3) - To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 4 (SA4) - To balance the supply and demand for quality housing; removing surplus and unfit/obsolescent accommodation; providing a better choice of homes in sustainable locations and to ensure that a sufficient number of new homes are affordable

Strategic Aim 11 (SA11) - To focus development within the communities of Loggerheads, Madeley and Audley Parish to support their function as rural service centres which meet the requirements of local people

Strategic Aim 12 (SA12) - To renew the fabric of urban and rural areas to promote the best of safe and sustainable urban and rural living

Strategic Aim 15 (SA15) – To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1 Residential Development: Sustainable Location and Protection of the Countryside

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 N20	Areas of Landscape Enhancement
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

National Planning Policy Framework (March 2012) and its technical guidance on Flood Risk

National Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Circular 11/95 – The use of conditions in planning permissions

Manual for Streets

Supplementary Planning Guidance/Documents

Madeley Village Design Statement 1998

Developer Contributions SPD (September 2007)

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)

Planning for Landscape Change – SPG to the former Staffordshire and Stoke-on-Trent Structure Plan

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Views of Consultees

Madeley Parish Council strongly objects to the proposal, on following grounds:-

- The availability of services in the local area in terms of school spaces, doctors surgery, dentists etc and the pressure the development would place on these services.
- The development is inappropriate being outside the village envelope and adjacent to the Green Belt boundary and future threats to the Green Belt.
- Moss Lane cannot accommodate additional traffic, together with parking issues/problems in the area relating use of the GP surgery.
- Concerns regarding the existing sewage infrastructure and capacity of this with additional demand placed upon it.

- The site is subject to flooding and its development may cause additional flooding in the area.
- The fact that it is an outline application with all matters reserved gives the community no confidence that the indicative layout submitted would be delivered.

Highway Authority has no objections to the proposal subject to the imposition of the following conditions:-

- The development is not brought into use until the access to the site, within the limits of the highway, has been completed.
- The provision of visibility splays either side of the proposed access have been provided.
- Off site highway work relating the widening of the footpath across the frontage of the site
- Submission of reserved matter details together with the means of surface water drainage and full road specifications
- Submission, approval and implementation of a Construction Method Statement

Education Authority advises this development falls within the catchments of Sir John Offley CE(VC) Primary School (Madeley), The Meadows Primary School (Madeley Heath) and Madeley High School. The development is scheduled to provide 42 dwellings. Excluding the 10 Registered Social Landlord (RSL) dwellings from secondary only, a development of 32 houses including 10 RSLs could add 9 Primary School aged pupils, 5 High School aged pupils and 1 Sixth Form aged pupil.

The Meadows Primary is projected to be full for the foreseeable future however, Sir John Offley CE (VC) Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request will be made towards Primary School provision.

Madeley High School is projected to have insufficient places available to accommodate all of the likely demand from pupils generated by the development. Madeley High School is projected to have limited places available in two year groups only and this has been taken into consideration when calculating the necessary education contribution.

We would therefore request an education contribution for 3 secondary school places (3 x £16,622 = £49,866).

The above comments are based on a development providing 42 houses. If the number of dwellings, or the dwelling breakdown were to alter a review of the education contribution will be necessary. The above contribution is based on the 2008/09 cost multipliers which are subject to change.

Environment Agency has no objections to the proposal subject to conditions relating to sustainable drainage provision and land contamination

Network Rail makes no adverse comments regarding this outline application.

Environmental Health Division has no objections subject to the following conditions:-

- Restriction of Construction Hours
- Measures to achieve accepted internal and external noise levels
- Vibration assessment (in relation to passing trains)
- Control of external lighting
- Contaminated Land conditions, given proximity to historic landfill site

Landscape Development Section has no objections subject to:-

The recommendations within the submitted Tree Survey and Arboricultural Impact report, approval of tree protection plan, detail arboricultural method statement and detail of all special engineering within the root protection areas

Submission of a landscaping scheme to include street trees, boundary hedges, planting to front and rear gardens, the proposed sustainable drainage areas and the entrance area off Moss Lane.

The Landscape Development Section are also requesting a financial contribution toward future development/ improvement and maintenance of existing open spaces in the Parish. They have been asked to provide further clarification.

Waste Management section whilst raising concerns over the detail shown on the indicative plan submitted with application, the section are seeking full and precise details of the recyclable materials and refuse storage, including sufficient storage areas and collection arrangements.

Police Architectural Liaison Officer raises no objection to the proposal.

United Utilities raises no objections to the proposal advising of the need for suitable surface water draining in the most sustainable way, reducing the volume of surface water draining by the use of permeable paving and separate foul water drainage system.

Urban Vision Design Review Panel concludes that in principle as a location for housing development the site has a lot of advantages. It does not conflict with strategic local policy; it is well located in relation to the village centre and main facilities; and it would help sustain local services and businesses. At the same time the proposed development would have relatively little impact on the wider landscape.

However, the Panel thought that there are a number of principles that should be incorporated into the Design and Access Statement which would inform the final master plan for the site.

Some of these principles may require a reduction in the number of dwellings that can be accommodated on the site, although this may be redressed by changing the balance of house types.

Firstly, there is a need to deal more convincingly with the site's propensity to retain standing water, perhaps by creating a significant landscape or water feature with amenity and biodiversity benefits, and by providing a comprehensive sustainable drainage solution.

Secondly, the relationship of the development to the adjacent bungalows should be clarified by providing cross sectional drawings which show clearly what impact the houses nearest to them will have on their amenity.

Thirdly, the dwellings near to the north eastern boundary should be located to ensure that the protected trees on that boundary do not over-dominate the gardens of those dwellings and become a detriment to the amenity of residents.

Fourthly, the proposed layout should be amended to provide good connectivity with the village centre for all houses, including the affordable houses

Fifthly, the relationship of the development to the prospective development of the adjoining Council-owned site should be clarified by producing a combined indicative layout plan covering both sites.

Finally, a sustainable energy statement should be provided explaining how the design of the buildings and the overall site will help achieve reduced carbon emissions and reduce energy demand.

They advise and acknowledge that certain of the above design principles, and the associated recommendations set out below, are not required to be provided in detailed drawings with an outline planning application, and may be more appropriately taken into account by the use of planning conditions at this stage.

Their recommendations are:-

- A comprehensive sustainable drainage solution should be provided to deal with the tendency of the site to retain standing water, including the provision of a central water feature with amenity and biodiversity benefits.
- Cross sectional drawings should be produced which clearly show the relationship between the height of the proposed development and the adjoining bungalows along the north eastern boundary of the site.

- The master plan showing the indicative layout of the development should be amended to ensure sufficient space is provided around the protected trees along the north eastern boundary of the site so they do not over-dominate gardens and affect the amenity of occupiers.
- The amended master plan should provide good connectivity with the village centre and a good quality environmental setting for all dwellings in the development, including the affordable houses, with the more urban forms of development nearest to the village centre and the lower density parts nearest to the open countryside.
- The amended master plan should include the adjoining Council-owned land, in order to demonstrate how the two sites can be developed jointly and in a manner that satisfies the principles identified in this report.
- A statement should be provided explaining how the design of the development will help achieve reduced carbon emissions and reduce energy demand.

The Borough Council's **Housing Policy Section** and **Staffordshire Wildlife Trust** have been consulted and have not provided any comments on this application therefore it has to be considered they have no comment to make on the proposal.

Representations

155 letters of objection have received raising the following concerns:-

- The inadequacy of the width of Moss Lane to serve the development
- Existing parking issues in Moss Lane and The Bridle Path
- The lack of existing services in the area
- Flooding issues
- The capacity and issues with the existing sewer
- The application should be a full application rather than in outline
- The proposal should be refused unless there are clear overriding material considerations which justify the LPA in ignoring the policies in the Madeley VDS and the CSS
- A recent appeal decision (Bar Hil) considered the presumption in favour of sustainable development and the lack of 5 year housing supply did not outweigh the harm caused contrary to the relevant policies in the Local Plan
- No overriding material consideration in support of the application
- That the outline application is purely speculative
- Clear reasons should be given if the application is recommended for approval
- The site is a greenfield site
- The site is not in the village envelope.
- A lack of serious discussion with residents
- The density of dwellings is too high and does not reflect the density of the surrounding dwellings
- Potential changes to the route of the HS2 which could severely impact upon the development site
- The photos presented by the developers are not representative and do not consider the wider impact on the village such as the 'Monument junction' near the Meadows School.
- There is no need for new housing in the area
- Devaluation of existing property
- Previous refusals setting precedence
- The use of soakaways
- Loss of views

Madeley Conservation Group has objected to the proposal in 2 letters on the following grounds:-

- No employment opportunities in Madeley
- Development of a Greenfield site
- Alternative sustainable sites in the urban area supporting services and employment
- No spare capacity in local schools
- No demonstrated need
- A number of existing properties for sale in the village

- Current pressures for a five year housing supply due to not enough sites being developed and the LPA should not rush into developing greenfield sites.
- Density – much greater than the existing surrounding area
- Emergency vehicles access – the proposal is served off one access
- Sewage and surface water flooding – the existing capacity of infrastructure
- Train noise – concerns regarding noise and vibration from the adjacent railway tracks
- Protection of existing residents on The Bridle Path – the development should respect the existing residents and their amenity
- The status of the application being outline although a detailed layout plan has been provided.

Madeley Action Group has objected to the proposal on the following grounds:-

- The site is a green field site.
- The site is not in the village envelope.
- It is a low lying area which has rainwater runoff from a much larger area.
- Concern with regard to the capacity of the sewer and drainage infrastructure.
- The highways and congestion at present is unacceptable and needs to be reviewed by independent experts with input from the affected residents.
- The lack serious discussion with residents.
- All matters should be reserved, including the number of houses and means of access.
- Including the number of houses only serves to increase the price of the land for sale to developers.
- The density of dwellings is too high and does not reflect the density of the surrounding dwellings.
- Potential changes to the route of HS2 which could severely impact upon the development site.
- The photos presented by the developers are not representative and do not consider the wider impact on the village such as the monument junction near the Meadows School.

Madeley Practice Patients Fund has objected to the proposal raising the following concerns:-

- The development would be detrimental to the locality as not being in keeping with the area.
- Concerns regarding highway safety and access as result of parked vehicles on the streets in the area.
- The proposal is not for the betterment of the village but purely for financial gain.

3 letters of support have been received making the following comments:-

- The proposal would contribute to the shortfall in housing numbers in a highly sustainable location.
- The success of three other sites in Madeley which were permitted against local opposition and these properties have been sold.
- The development low grade agricultural land.
- The site is sustainable in terms of its access to local services and public transport links.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Highway Report including parking survey and sustainability report
- Flood Risk Assessment
- Ecological Survey and Impact Assessment
- Tree Survey
- Landscape and Visual Impact Report
- Noise Report
- Preliminary Ground Investigation Report

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/rearrowleyhouse

KEY ISSUES

1.1 Outline planning permission is sought for residential development of up to 42 dwellings. Access from the highway network but not the internal access within the development itself, is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an illustrative layout plan has been submitted together with a Design and Access Statement. The applicant is not seeking approval for the siting of the buildings as shown on the illustrative plans, rather such matters would be agreed at the reserved matters stage if outline permission were granted.

1.2 Applicants for outline planning permission are required to include information on the amount of development proposed for each use referred to in the application. In the absence of any condition to the contrary any reserved matter would need to comply with and can refer to and draw support from the Design and Access Statement submitted with an application. Where an applicant indicates that the proposal is for up to a certain number of dwellings, in the event of outline planning permission being granted, unless a 'floor' or minimum number of units is imposed by a condition a reserved matters application seeking approval for any number of units up to the specified upper number would be in accordance with the outline planning permission. However if the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

1.3 The application site, of approximately 1.65 hectares in extent, is within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Madeley. The application site is not within the Green Belt but this is immediately to the north west of the site.

1.4 In dealing with applications for planning permission the LPA has to have regard to the provisions of the development plan (so far as material to the application), local finance considerations (so far as material to the application) and any other material considerations (Section 70). Where regard is to be had to the provisions of the development plan, the determination should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise (Section 54a). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that following a 12 month period from the publication of the NPPF (i.e. post 29th March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

1.5 The Madeley Village Design Statement was prepared jointly by the Borough Council and the Parish Council in 1998, and adopted as Supplementary Planning Guidance at that time. As such it could have some weight, but again the fact that it dates from over 16 years ago and is based upon policies in the previous version of the Newcastle Local Plan all suggest that it cannot be given more than limited weight. In any case as the title indicates it is about design – the application here is for outline planning permission with all matters except for access reserved for subsequent consideration – including the external appearance of the dwellings.

1.6 Taking into account the development plan, the other material considerations indicated above and the consultation responses received, it is considered that the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Is there conflict with development plan policy that seeks the enhancement of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?

- Would the proposed development have a significant adverse impact on the character and appearance of the village?
- Would the proposed development have any adverse impact upon highway safety?
- Is best and most versatile agricultural lost as a result of the proposal?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so how should it be delivered?
- Would there be any issue of flood risk or impact on sewage capacity?
- Will appropriate open space provision be made?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

2.1 The site lies within the Rural Area of the Borough, outside of, but immediately adjacent to, the village envelope of Madeley, in the open countryside.

2.1 Saved Policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes – it is not within one of the envelopes, and none of the other circumstances apply in this case.

2.3 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.

2.4 CSS Policy ASP6 on the Rural Area states that 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.

2.5 The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The most recently calculated shortfall in the number of deliverable housing sites (including a 20% buffer) is 949 dwellings and the latest housing land supply figure is 3.27 years. This position has been reported to and noted by the Planning Committee (4th June 2013). A more up to date figure to reflect the position as at 31st March 2014 will be calculated in due course (the process involves site by site visits to check completions, the making of certain assumptions, and the taking into account of the national planning practice guidance issued on the 6th March 2014). Until this process is completed the Authority has to rely upon the currently published figure but there are no substantive grounds at present to consider that the picture will be materially different– i.e. the Borough will continue to be unable to demonstrate a 5 year supply allowing for an appropriate buffer as required by the NPPF.

2.6 The Council are unable to demonstrate a 5 year housing land supply so relevant parts of policies ASP5 and ASP6 which relate to the supply of housing cannot, having regard to paragraph 49 of the NPPF, be considered up-to-date. There is no basis in either the CSS or national policy for having a different requirement in the five year housing land supply for the rural and urban areas separately.

2.7 The principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*" As a consequence despite the clear conflict that there is in this case with

development plan policies, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to housing being on land within the village envelopes of the key Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

2.8 Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking (i.e. the determination of planning applications and appeals) this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

2.9 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.10 In sustainability terms, Madeley is one of the Rural Service Centres identified in the Core Spatial Strategy. The CSS identifies that such rural settlements are those that provide the most comprehensive range of essential rural services. Madeley has a primary and secondary school, with another primary school in Madeley Heath, a village community centre (the Madeley Centre), public house, doctor's surgery, and a number of shops within walking distance of the site and a bus service including along Moss Lane itself. Further details of these facilities and services will be provided in a supplementary report.

2.11 The matter of sustainability of development was recently highlighted in an appeal case on Bar Hill, Madeley where the application was refused for two reasons - unsustainable location and harm to the appearance of the open countryside. At appeal the Inspector saw no merit in the LPA's case that that site was unsustainable – the site being approximately 500 metres from the boundary of the Madeley village envelope unlike this current proposal which abuts the village envelope. He commented that from the evidence submitted and his own observations he was of the view that the distances between the appeal site and local services, shops and public transport were such that walking and/or cycling would not inevitably be discouraged and that the proposal before him represented sustainable development. He dismissed the appeal for another reason.

2.12 The site is greenfield. As indicated SP1 refers to "new development being prioritised in favour of previously developed land", but given the position indicated above, as a policy on the supply of housing it must be considered to be out of date at least until there is once again a five year housing supply. The location of the application site, relatively close to the services and facilities in the village of Madeley, all are indicative that this is a location where sustainable development can be achieved.

2.13 The issue of the transportation aspect of sustainability is explored further later on in the report, but it is not unreasonable to conclude that there is a presumption in favour of the development at this location, although appropriate weight needs to be given in particular to any conflict with landscape policies contained within the development plan, and any other policies which do not relate to the supply of housing. For this reason the report next considers that to be the first issue to be considered.

3. Is there conflict with development plan policy that seeks the enhancement of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?

3.1 The site forms part of the Area of Landscape Enhancement (saved NLP policy N20). This policy states the Council *will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape.*

3.2 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.3 The NPPF in paragraph 109 advises the planning system should contribute to and enhance the natural and local environment by, amongst other headings, protecting and enhancing valued landscapes. It is considered the above NLP and CSS landscape policies are not in conflict with the more recent advice found within the NPPF.

3.4 Supplementary Planning Guidance on Planning for Landscape Change to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as lying between Areas of built character and Ancient Clay Farmlands landscape character type. It states that the latter area is characterised by the irregular pattern of hedged fields with ancient hedgerows and oaks, by subtle evidence of former heathland, and by a dispersed settlement pattern with small rural towns. The SPG was used in the NLP to set policies for landscape consideration.

3.5 As the NPPF indicates due weight should be given to policies in existing development plans (those adopted prior to the publication of the NPPF in March 2012) according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

3.6 The designation of the site as part of an Area of Landscape Enhancement cannot, given the actual wording of the policy, be read as preventing development of the site. That said it is appropriate to consider how the proposal performs in terms of the Landscape policy – does it make a positive contribution towards landscape enhancement?

3.7 The application site is bounded by existing hedgerows together with an intermittent internal hedgerow within the site. The site is not readily seen from any public vantage point, other than from Bower End Lane, and footpaths leading down from Moor Hall Farm and even then views are filtered by intervening trees and hedges and the site has the backdrop of the existing village built form together with the main West Coast railway line to the south west of the site, albeit the railway line is in a cutting at this point adjacent the application site.

3.8 As stated above the applicants have an indicative layout plan in their submission and whilst this detail does not form part of this outline application it provides the decision maker with a useful reference document to see how the site could be developed.

3.9 This indicative plan shows the intention to retain the existing hedgerows around the site boundary together with three protected oaks on the north eastern boundary of the site adjacent to the existing properties on The Bridle Path. Whilst there are no specific details at this stage the indicative layout shows there are opportunities to provide additional landscaping within the site itself. The Landscape Development section has not raised an objection to the proposal and is recommending the provision of a landscaping scheme to include street trees and landscaping around the site entrance.

3.10 The applicants have provided a Landscape and Visual Appraisal, which concludes the proposed development would not cause unacceptable visual harm and it would make a positive landscape improvement by providing opportunities for new areas of landscaping.

3.11 The Urban Design Review Panel acknowledge in their report that the proposed development would have relatively little impact on the wider landscape.

3.12 In conclusion the proposal would be an encroachment into the landscape surrounding Madeley, given it involves the development of a greenfield site, albeit one having a backdrop of the existing village built form and the west Coast railway line. The development provides the opportunity to create, retain and enhance other landscape features. Overall, subject to conditions regarding proposed landscaping, it is not considered that the proposed development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal. In any case any element of harm

identified has to be weighed in the balance against the benefits associated with the development, and this is considered later in the report.

4. Would the proposed development have a significant adverse impact on the character and appearance of the village?

4.1 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.

4.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. 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*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

4.3 The site is located on the edge of Madeley. It is bounded by existing dwellings on its north and eastern boundaries on The Bridle Path and Moss Lane. On its southern boundary is a 3 metre embankment marking the extent of a former landfill site and beyond its western boundary is farm land rising to the west.

4.4 The application site gently slopes down from the north to the south typically 3.5 to 4 metres over a distance of approximately 100 metres.

4.5 Whilst this proposal seeks outline planning permission for residential development with all matters reserved for subsequent approval with the exception of the means of vehicular access into the site, the applicants have submitted an indicative layout plan and indicative street elevations. The applicants have provided this with their submission to demonstrate how they envisage the development of this site could be achieved and demonstrating that up to 42 dwellings could be provided on the site with an acceptable density. The density proposed is similar to the adjacent existing residential area. Whilst not forming part of the application to be determined, the indicative layout plan does provide a useful guide to the decision maker.

4.6 The indicative layout shows the proposed vehicular access from Moss Lane serving an indicative internal road network laid out.

4.7 The submission also includes some indicative elevational details and proposed cross section for the proposed residential development and whilst not forming part of the formal submission to be considered at this stage they do give the decision maker an opportunity to understand how the site could be developed in the future to accommodate residential development showing differing house styles with varying roofscapes and the use of palette of different surface materials finishes.

4.8 Whilst purely indicative the layout plan demonstrates that the development would not have to conflict with the Borough Council's adopted space about dwellings supplementary planning guidance (to achieve this scale of development).

4.9 Urban Vision Design Review Panel have provided a number of recommendations and as they advise a number of these could be controlled by the imposition of conditions to any approval. The one exception to this would be the recommendation regarding the potential for the future development of the adjacent Council owned land fronting Bower End Lane. This land does not form part of this current application and it is considered that the current application can be determined independently given it is considered that if this additional land ever became available for development in future a suitable scheme could be developed on the adjacent site in all scenarios – that is if the current application site is granted or refused planning permission or it could be developed jointly if circumstances allowed.

5. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

5.1 This application is for outline planning permission with all matters of detail reserved for subsequent approval with the exception of the means of vehicular access to the application site from the existing highway network. The internal on site access arrangements are not part of the submission.

5.2 The proposed single vehicular access would be taken off Moss Lane between the existing detached properties on Moss Lane.

5.3 The development would obviously increase the usage of Moss Lane and would place demands on its junction onto Poolside (A.525). This is one of the main concerns raised by the letters of objection. Moss Lane and the adjacent road known as The Bridle Path are subject to some on street parking issues which appear to occur during the surgery hours of the nearby Doctors Surgery. The application is supported by a parking survey although the validity of this is questioned by some of the objectors. This situation seems to be a transient problem occurring a certain time of the day. Whilst this issue is a material consideration in the determination of the application it is considered it would not be made any worse by the development of the application site for residential purposes. Indeed residents of the new development would be most unlikely to use their cars to access the surgery facility given its proximity.

5.4 The application is also supported by Highway Report and a Sustainability Report. The latter demonstrates the site is a sustainable location in easy reach of surrounding services and facilities.

5.5 Paragraph 32 of the NPPF advises that decisions should ensure that safe and suitable access to development sites should be achieved for all people but also that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

5.6 The Highway Authority has not raised an objection to the proposal subject to a number of conditions.

5.7 Given the conditional support of the Council's technical advisers on highway matters – the Highway Authority for the area - and the advice found within the NPPF it is considered there are no sustainable reasons to resist the proposal on highway grounds.

6. Is best and most versatile agricultural land lost as a result of the proposal?

6.1 The application is not supported by a field survey based assessment of the quality of the agricultural land involved. Examination of the large scale Agricultural Land Classification map suggests that the site is Grade 3. Best and most versatile agricultural land however consists of Grade 1, 2 and 3a land. Whether the site is Grade 3a or 3b is not indicated on the large scale map and in practice only a field survey can determine agricultural land quality. However the condition of the site, its shape and contours is all suggestive of a site that is not of "best and most versatile quality" so this issue has not been pursued any further.

7. What impact would the development have upon the local school in terms of additional pupil numbers and how could this matter be addressed?

7.1 New residential development will place pressure on existing schools in terms of pupil numbers and it is considered appropriate to consider whether it is appropriate to seek a financial contribution to fund additional spaces.

7.2 The County Council has a statutory duty to ensure the sufficient supply of school places, from nursery age through to post-16 and is responsible for promoting a diverse range of schools to achieve these objectives. A key part of this is securing education contributions from residential development schemes where there is projected to be insufficient places available for the pupils generated by the development.

7.3 Staffordshire County Council as the Education Authority, advises the development site falls within the catchments of Sir John Offley CE(VC) Primary School, The Meadows Primary School and Madeley High School. The development is scheduled to provide 42 dwellings. Excluding the 10 RSL dwellings from secondary only, a development of 32 houses including 10 RSLs could add 9 Primary School aged pupils, 5 High School aged pupils and 1 Sixth Form aged pupil.

7.5 They have requested an education contribution for a development of £49,866 based on the 3 secondary school places.

7.6 The comments are made based on the development providing 42 dwellings and if that number were to be different, a revised calculation will be necessary.

7.7 The number of children attributable to the proposed housing and the contribution per pupil place has been calculated using the methodology set out within Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated for 2008/09.

7.8 The applicant has anticipated the need for further school spaces as a result of the development in their submission indicating their willingness to make a financial contribution via a section 106 obligation.

7.9 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

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

The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the education contribution sought is considered reasonable.

8. Is affordable housing provision required and if so how should it be delivered?

8.1 CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs. With a maximum of 42 dwellings this would therefore equate to approximately 10 dwellings.

8.2 The Affordable Housing Supplementary Planning Document specifies the detailed requirements of the make up of the units with the following as a general principle,

8.3 Developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis.

8.4 In terms of the tenure mix of the affordable housing, a policy compliant scheme would provide approximately 6 social rented units and approximately 4 shared ownership units (based on 42 units being provided on the site).

8.5 The applicants' agents in their submission advises that the applicant will enter into an obligation to provide up to 25% of the dwellings for affordable housing in line with the adopted Supplementary Planning Document and Policy CSP6 of the CSS. The indicative layout drawing shows 10 affordable unit being provided on site albeit not in a tenure blind arrangement as required by the SPD. They also advise that interest in delivery these affordable units has been received from a local Registered Social Landlord.

8.6 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

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

The level of affordable housing is policy compliant and it is considered that the CIL tests are met. Accordingly the affordable housing provision sought is considered reasonable.

9. Would there be any issues of flood risk or sewage capacity?

9.1 A Flood Risk Assessment (FRA) submitted to accompany the application advises the whole of the site is within Flood Zone 1 being an area of low probability (of flooding). Development within Flood Zone 1 area is the preferable option when considered in context of the sequential test found in the National Planning Policy Framework.

9.2 The development proposes sustainable drainage options including SUDS areas.

9.3 A number of objections received have raised concerns regarding the land flooding and the land being water logged for a large part of the year and concerns regarding sewer capacity.

9.4 The Environment Agency has no objections to the proposal subject to conditions relating the sustainable drainage principles and contaminated land conditions. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

9.5 Concerns have been raised regarding sewage capacity. However the relevant statutory undertaker – United Utilities – have not expressed any concern on this point in their response to this application – and in any case they are under a statutory duty to make provision if a developer seeks to connect to the public drainage system.

9.6 United Utilities has no objections to the proposal subject to conditions relating to the need for suitable surface water draining in the most sustainable way, reducing the volume of surface water draining by the use of permeable paving and separate foul water drainage system, it is not considered that an objection could be sustained on the grounds of sewer capacity.

10. Will appropriate open space provision be made?

10.1 Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. The threshold for this is 10 or more dwellings or a site area of 0.4 hectares or more. The policy advises where no open space provision is being made on site the developer will be invited to make a financial contribution.

10.2 The NPPF advises developments should optimise the potential of site accommodate development, create and sustain an appropriate mix of uses, including public open spaces (paragraph 58), it also advises the local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations

(paragraph 203) it is considered policy C4 is compliant with the up to date advise within the NPPF and therefore is able to be given the appropriate weight.

10.3 Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

10.4 Given no on-site open space is being proposed the Landscape Development Section are requesting a financial contribution for off-site open space improvements in the order of £2943 per dwelling, this contribution if secured would be proposed to be used for improvements to existing facilities in the Madeley area. As indicated above details of the locations and infrastructure which might be improved are being sought

10.5 Provided this information is satisfactory it is considered that the obligation requested is consistent with the provisions of the NPPF and meets the tests of the CIL regulations, as amended, and as outlined in the above sections. A further report on this aspect will be given to the Committee

11. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

11.1 In consideration of the above points, the development would result in some limited local impact on the landscape around the village and the local highway network. However, the proposal represents sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

Background Papers

Planning file
Planning documents referred to

Date report prepared

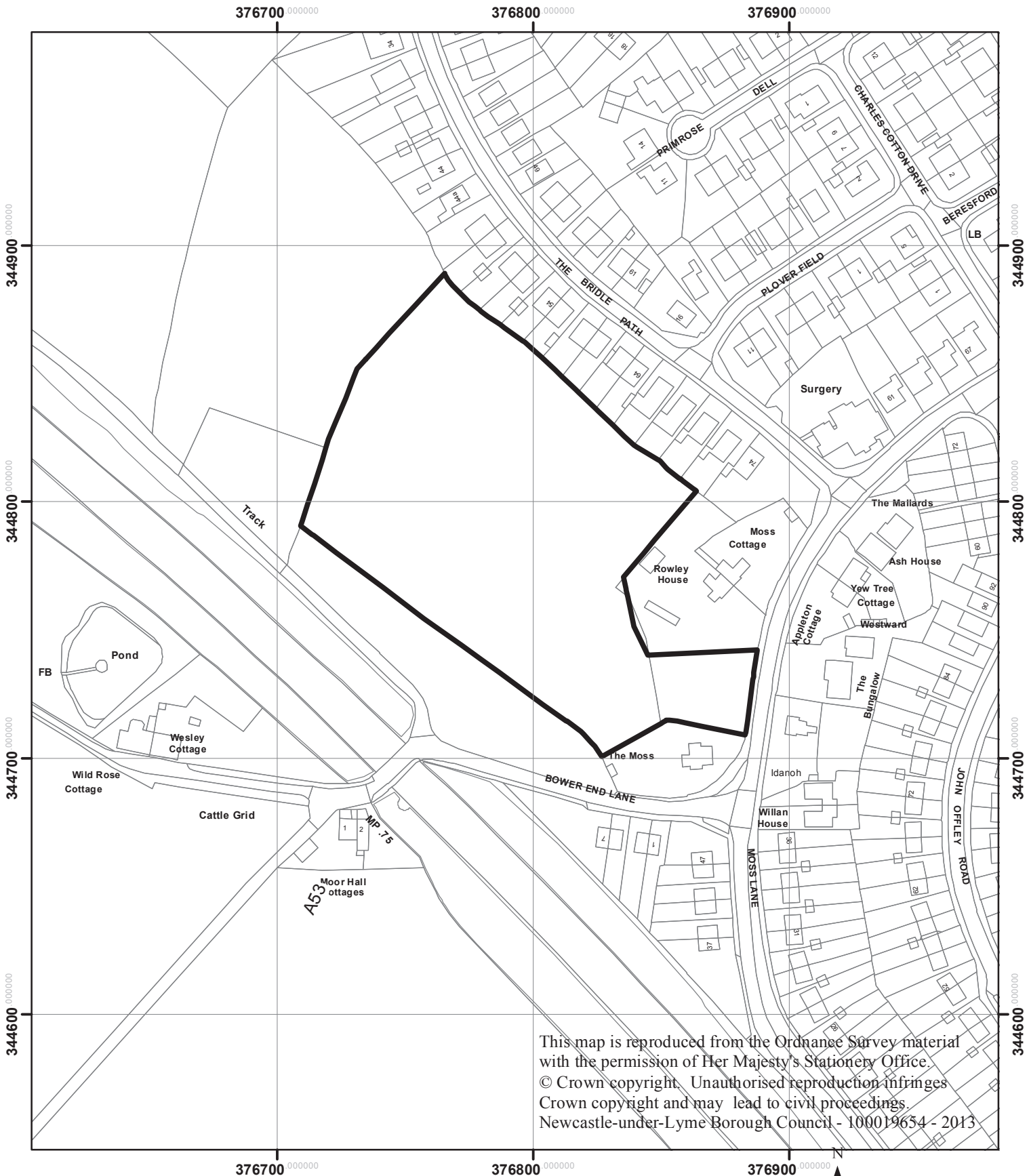
19 March 2014

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Land to rear of Rowley House, Madeley



13/00990/OUT



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LAND OFF GATEWAY AVENUE, BALDWIN'S GATE
RICHBOROUGH ESTATES LTD

13/00426/OUT

The application was for outline planning permission for the erection of up to 113 dwellings and associated works at land at Gateway Avenue, Baldwin's Gate. The application was refused by the Planning Authority on the 18th February 2014

RECOMMENDATIONS

That the Committee confirm that

- 1) that it wishes officers to now write to the applicant, without prejudice to the Local Planning Authority's case that the proposal is unacceptable (for the reasons indicated in its decision notice), to confirm that the obligations referred to in the recommendation that was provided to the Planning Committee are required by the Local Planning Authority, except that with respect to affordable housing;
- 2) that officers commence immediate enquiries with those parties who sought such obligations to establish that evidence of the nature indicated in the report below exists so as to justify these requirements; and should your officer, upon receipt of that evidence, no longer consider this to be the case, that a further report be brought back to the Planning Committee, if necessary as an item of urgent business, or in the event that there is not sufficient time to do that, your officer resolves the position of the Local Planning Authority, in consultation with the Chairman and Vice Chairman;
- 3) that with respect to the matter of affordable housing that officers write to the applicant confirming that the Borough Council's position is that it is seeking the provision of 25% on site affordable housing and that it considers that such a matter can and should be addressed by an appropriate Section 106 obligation, the terms of which it is willing to discuss with the applicants agents;
- 4) that in preparing the Council's full Statement of Case that officers, or the Council's agents, include reference to these above requirements;
- 5) that should the applicant seek before the appeal is determined to enter under Section 106 of the Town and Country Planning Act, 1990 as amended, into an agreement with the Council containing such obligations, officers have the appropriate authority to enter into such an agreement;
- 6) that, for the avoidance of any doubt, your officers have authority to agree a Statement of Common Ground that takes into account the authority's' reasons for refusal of the application; and

Reason for report

The application was refused planning permission on the 18th February 2014 and the decision notice of the Authority has been issued in accordance with the resolution of the Committee. According to press reports, which have now been confirmed at a meeting with the applicant's consultants an appeal is expected to be made against the Council's decision. This report is

solely concerned with the issue of planning obligations and the completion of a Statement of Common Ground.

Background

The Planning Authority refused planning permission for this application on the 18th February for the reasons contained in the decision notice, a copy of which is provided as an Appendix to this report.

The recommendation before the Planning Committee was that planning permission be granted subject to the applicant first entering into a Section 106 obligation to secure the following:-

- i. A contribution of £442,146 (on the basis that the development as built is for the full 113 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy, towards the provision of education facilities at Baldwin's Gate Primary School and Madeley High School**
- ii. In perpetuity, provision of 16% of the dwellings as affordable units**
- iii. An appropriate financial contribution, as determined by the Head of Planning, towards the off-site provision of the equivalent of 9% of the number of dwellings as affordable units**
- iv. Either a maintenance contribution calculated on a rate per dwelling of £1,920 or a management agreement for the long-term maintenance of the open space on the site**
- v. A contribution of £2,150 towards travel plan monitoring**

The decision notice of the Local Planning Authority, drawn up on the basis of the resolution of the Planning Committee of the 18th February as moved by Councillor Howells, makes no express reference to these obligations, which at the time of the decision of the Committee were not "on the table". The Committee did however include as reason for refusal No. 8 the following:-

"The development fails to provide 25% of the total number of proposed dwellings as affordable dwellings on site which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012)."

Should, as anticipated, an appeal be now be made against the Council's decision it can be expected that the appellant will wish to prepare planning obligations for consideration by the Inspector, or by the Secretary of State if the appeal is recovered for determination by him.

Local Planning Authorities and Inspectors are required to consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. Planning obligations as a matter of policy should only be sought were they meet all of the following tests:-

- 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

These are legal requirements set out in Regulation 122 of the Community Infrastructure Lev Regulations 2010

The Planning Inspectorate's Guidance indicates that the following evidence is likely to be needed to enable the Inspector to assess whether any financial contribution provided through a planning obligation (or the local planning authority's requirement for one) meets the above tests:

- the relevant development plan policy or policies, and the relevant sections of any supplementary planning document or supplementary planning guidance;
- quantified evidence of the additional demands on facilities or infrastructure which are likely to arise from the proposed development;
- details of existing facilities or infrastructure, and up to date, quantified evidence of the extent to which they are unable to meet these additional demands;
- the methodology for calculating any financial contribution necessary to improve existing facilities or infrastructure, or provide new facilities or infrastructure, to meet the additional demands; and
- details of the facilities or infrastructure on which any financial contribution will be spent

Members are reminded that one of the examples given of unreasonable behaviour (in the determination of applications or the defence of appeals) which may lead to an award of costs against a Local Planning Authority is "requiring the appellant to enter into or complete a planning obligation which does not accord with the tests set out in Circular 05/2005 on planning obligations" (since replaced by the national Planning Policy Framework). An award of costs may be made in favour of an applicant if the Planning Authority fails to provide sufficient evidence on appeal to support the requirement for a planning obligation or the authority's stance is inconsistent with national planning policy guidance on the use of planning obligations.

Although your officers will now have to approach the concerned consultees to obtain the most up to date information and evidence, there is no reason **at this stage** to suggest that it would not any longer be appropriate to seek the obligations referred to in the recommendation to the Committee. If as the matter proceeds to appeal it becomes apparent that the Council would not be able to provide sufficient evidence to support the requirement for a particular obligation, the intention would be to come back to the Planning Committee for approval of that revised position, provided there is sufficient opportunity to do so. If not it is proposed that the Chair and Vice Chairman be consulted. The above recommendation seeks approval of that procedure.

The decision of the Authority has been made and the decision notice has been issued. there is no suggestion that the Council either can or should add to its grounds of refusal of the application. The Costs circular 03/2009 gives as an example of unreasonable behaviour the introduction of a new issue or reason for refusal. Your officers would submit that given the relatively recent nature of the decision (which was issued on the 10th March 2014) and the recent confirmation of an intent to lodge an appeal, it is appropriate and timely to make the Local Planning Authority's position with respect to planning obligations absolutely clear –

Indeed Paragraph B26 states

Authorities may wish to consider using an informative note attached to the decision notice on an application for proposed development, in addition to stating a reason (or reasons) for refusal, to advise applicants that certain matters are capable of resolution by the submission of a planning obligation or by a condition....

No informatives were used to achieve this end in the decision notice as issued

It is also anticipated that the appellant will wish to request the Borough Council, and other parties including the County Council, to enter into an agreement under Section 106 that would become operative should the appeal be allowed - there are limitations in the use of unilateral agreements as they cannot impose requirements or obligations upon any person other than the signing party. The obligations that were sought in this case should be secured by agreement rather than by unilateral undertaking.

Generally the authority to enter into planning obligations by agreement lies with the Planning Committee.

Prior to the submission of the application your Officer entered in a Planning Performance Agreement with the applicant, as commended by national guidance. That agreement includes that in the event of a refusal of the application, "work shall progress to enable an agreed position on Section 106 agreement matters as an area of common ground in any subsequent appeal, and that furthermore the parties will work collaboratively and in a timely manner on any Statement of Common Ground required as part of any appeal".

Members are reminded that costs can be awarded in appeal proceedings should either party exhibit unreasonable behaviour of either a procedural or substantive nature.

In terms of procedural awards a failure to comply with statutory requirements as set out in Appeal Regulations, which are in turn the subject of Planning Inspectorate Guidance will run the risk of an award of costs. The Costs circular advises that *"discussion of, and agreement on, outstanding issues between the principal parties throughout the planning process is likely to reduce the risk of a confrontational attitude developing at appeal stage, may reduce the risk of a successful costs application and minimise the overall cost of the process to all concerned. Costs applications are less likely to be justified where parties take responsibility for their behaviour and act reasonably"*

The latest procedural guide on planning appeals published on the 6th March 2014 states that the appellant and the local planning authority should include with their appeal documentation any certified (or draft) Section 106 obligation which they wish to consider. Under the new appeal requirements the appellant is required to submit their full Statement of Case at the time of the lodging of the appeal, and the LPA is then required to provide their's within 6 weeks of the lodging of the appeal. It is in the interests of both parties to prepare wherever possible common appeal material in advance of these statutory requirements.

The detailed guidance on planning obligations (Annexe O to the same Guidance) reminds all parties that *"there should be a continuous dialogue between the parties in the run up to the hearing or inquiry about the state of the draft Section 106 to ensure that the final draft is as good as it can be"*, that *" if the appellant intends to send a planning obligation they should make sure that a final draft, agreed by all parties to it, is received by the Planning Inspectorate no later than 10 working days before the inquiry opens, the planning obligation should normally be executed before the... inquiry closes, without the need for an adjournment...however if that is not practicable the Inspector will agree the details of the receipt of the executed planning obligation with the appellant and the local planning authority at the ...inquiry; that the planning obligation must give details of each person's title to the land (and) this should be checked by the Local Planning Authority and in ... inquiry cases the Inspector will ask for its assurance.*

Finally with respect to the involvement of the Local Planning Authority in agreeing a Statement of Common Ground, members are reminded that not completing a timely statement of common ground or not agreeing factual matters common to witnesses of both

principal parties, resulting in more time being taken at an inquiry than would otherwise have been the case is given as a further example of unreasonable procedural behaviour

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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



Application number: **13/00426/OUT**

To:- Richborough Estates Ltd
c/o Richard Lomas - Hourigan Connolly
7 Swan Square
15 Swan Street
Manchester
M4 5JJ

The Council of the Borough of Newcastle-under-Lyme in pursuance of powers under the above-mentioned Act hereby refuse to permit

Description of development

Erection of up to 113 dwellings and associated works

Location of development

Land At End Of Gateway Avenue Baldwins Gate

for the reasons specified overleaf. The applicant's attention is drawn to the notes set out at the end of this decision letter

Date 10 March 2014

A handwritten signature in black ink that reads 'Guy R. Benson'.

Head of Planning & Development
Planning & Development Service
Directorate of Regeneration & Development
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



Application number: **13/00426/OUT**

1. The proposal does not accord with the strategy of targeted regeneration and spatial principles which are set out within the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and that of regeneration as set out within the Newcastle-under-Lyme Local Plan 2011, and it is contrary to Paragraph 17 of the National Planning Policy Framework (2012).
2. This greenfield site is outside of the village envelope of Baldwin's Gate, in the open countryside, and outside of the Rural Service Centres as identified on the Newcastle-under-Lyme Local Development Framework Proposals Map. The proposed development would not meet any identified local requirement. The proposal is thereby contrary to Policy H1 of the Newcastle-under-Lyme Local Plan 2011, Policies SP1 and ASP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the guidance of the National Planning Policy Framework (2012).
3. Having regard to guidance within the National Planning Policy Framework (2012), Baldwin's Gate is not a sustainable location for further residential development by virtue of the limited services available within the settlement, the limited public transport available, and its location in relation to the conurbation and other settlements. The fact that Baldwin's Gate is not identified as a Rural Service Centre in the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 is demonstrative of its limited services which are inadequate to support the needs of the expanded population of Baldwin's Gate that would be a consequence of the proposed development.
4. The proposed development would result in the permanent loss of best and most versatile agricultural land and in the absence of any evidence to show that areas of poorer quality land cannot be developed in preference to that of a higher quality, the proposal is contrary to paragraph 112 of the National Planning Policy Framework (2012).
5. The proposed development would materially affect highway safety in the following ways:-
 - a. Gateway Avenue is of insufficient width to allow vehicles to pass each other safely, including construction traffic associated with the development, and the development would cause increased danger to pedestrians arising from vehicles having to be parked on or driving on the footway.

Date 10 March 2014

A handwritten signature in black ink that reads 'Guy R. Benson'.

Head of Planning & Development
Planning & Development Service
Directorate of Regeneration & Development

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



- b. The junction of Gateway Avenue with the A53 is incapable of safely accommodating the additional traffic generated by the development and the development would lead to an increase in queuing at that junction which would be likely to result in drivers making unsafe movements on the A53.
- c. Having regard to the speed of traffic on the A53, the proximity of various junctions, and the proximity to a bend, the construction access would result in unsafe movements of vehicles accessing and egressing via its junction with the A53. There is no reasonable prospect of the applicant being able to bring forward a construction access solution that would not be harmful to the interests of highway safety.

The development would therefore be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 which requires development to be safe and accessible, and the aims and objectives of the National Planning Policy Framework (2012).

6. By virtue of the number of dwellings, the density of the proposed development would be unsympathetic to the character of the existing village. As such, the development would be contrary to Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, the aims and objectives of the National Planning Policy Framework (2012) and to the provisions of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document.

7. The development would be likely to result in additional flood risk to the occupiers of existing nearby dwellings and to the occupiers of the new dwellings, by virtue of additional surface water runoff. As such, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012).

8. The development fails to provide 25% of the total number of proposed dwellings as affordable dwellings on site which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Supplementary Planning Document on Developer Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).

Date 10 March 2014

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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



9. The proposed development would by virtue of its scale and its encroachment into the open countryside, have an adverse impact upon the character of the countryside, would fail to protect rural vistas, and would have an adverse impact upon the distinctive character and appearance of the landscape in this location. As such, the proposal would be contrary to Policies CSP1 and CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy N21 of the Newcastle-under-Lyme Local Plan 2011, the aims and objectives of the National Planning Policy Framework (2012), the provisions of the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document and guidance within the Planning for Landscape Change, Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

10. The adverse impacts of the development significantly and demonstrably outweigh any benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).

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

Officers have had appropriate meetings/conversations with the applicant's representatives where necessary to progress the determination of the application, and the Council entered into a Planning Performance Agreement with respect to the application. Notwithstanding this however, it has not proved possible to overcome the fundamental concerns of the Council regarding the scheme given that for the above reasons, the proposal comprises unsustainable development contrary to the guidance of the National Planning Policy Framework (2012).

Informative

For the avoidance of any doubt the following plan, drawings and documents have been considered by the Planning Authority in reaching its decision:

- Site location plan - Nicol Thomas Drawing No. B5721 PL 002 Rev C received 23 January 2014
- Indicative Construction Access Proposal Plan - PTB Transport Planning Ltd Drawing No. Figure 2.2 received 28 January 2014

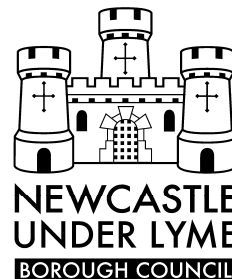
Date 10 March 2014

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Head of Planning & Development
Planning & Development Service
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



- Proposed Puffin Crossing on A53 Indicative Layout - PTB Transport Planning Ltd Drawing No. Figure 6.1 Rev B received 13 December 2013
- Outline Drainage Plan - BWB Drawing No. BMW/2205/PL received 19 September 2013
- Design Constraints Plan - Nicol Thomas Drawing No. B5721 PL 004 Rev A received 27 September 2013
- Proposed Indicative Masterplan - Nicol Thomas Drawing No. B5721 (PL) 005 Rev A
- BWB Consultancy Flood Risk Assessment dated July 2013 received 27 August 2013
- Socio-Economic Impact of New Housing Development Report by Regeneris Consulting dated July 2013 received 27 August 2013
- Ecological Appraisal by Just Ecology Limited dated June 2013 received 27 August 2013
- Ecological Mitigation Strategy by Just Ecology Limited dated August 2013 received 27 August 2013
- Archaeological desk-based heritage assessment by Northamptonshire Archaeology dated June 2013 received 27 August 2013
- Agricultural Land Classification Report by Soil Environment Services Ltd dated May 2013 received 27 August 2013
- Affordable Housing Delivery Plan by Bridgehouse Property Consultants dated August 2013 received 27 August 2013
- PTB Transport Planning Ltd Travel Plan dated 20 August 2013 received 27 August 2013
- Midland Forestry Arboricultural Report dated 10 June 2013 received 27 August 2013
- ASL Desk Study Report dated May 2013 received 27 August 2013
- Landscape and Visual Impact Assessment by Pegasus Landscape Design dated 16 August 2013 received 27 August 2013
- Planning Statement dated 23 August 2013 received 27 August 2013
- ASL Preliminary Ground Investigation dated 23 August 2013 received 27 August 2013
- PTB Transport Planning Ltd Transport Assessment dated 20 August 2013 received 27 August 2013
- BWB Consultancy Foul Water & Utilities Statement dated 25 July 2013 received 27 August 2013
- REC LTD Noise and Vibration Impact Assessment dated 11 October 2013 received 14 October 2013
- Nicol Thomas Design and Access Statement dated August 2013 received 3 September 2013
- Statement of Community Involvement dated August 2013 received 3 September 2013
- Vista 3d Verified Visualisers dated August 2013 received 3 September 2013

Date 10 March 2014

Guy R. Benson

Head of Planning & Development
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TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION



- PTB Transport Planning Ltd Construction Access Plan dated 15 January 2013 received 17 January 2014
- PTB Transport Planning Ltd Parking Surveys and Site Access dated 16 January 2014 received 17 January 2014
- Just Ecology Ltd Hedgerow Assessment dated January 2014 received 21 January 2014

NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planning-inspectorate.gov.uk/pins/forms/index.htm#planning>.
- The Secretary of State can allow a longer period giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

Date 10 March 2014



Head of Planning & Development
Planning & Development Service
Directorate of Regeneration & Development

**Land off Gateway Avenue, Baldwin's Gate, Staffordshire
Outline Application for up to 113 dwellings
Planning Performance Agreement (PPA)**

1. This is a Planning Performance Agreement (PPA) to establish a framework for the submission, consideration and determination of an outline planning application (the Application") that is to be submitted to Newcastle-Under-Lyme Borough Council ("NuLBC") (the Local Planning Authority (LPA)) by Richborough Estates Ltd ("the Applicant") for a scheme of development involving the above-mentioned site. This PPA is produced as a tool to assist with the efficient and effective delivery of the planning application process and it does not seek in anyway to predetermine the decision of the LPA upon the application. It is accepted by both parties that the PPA is not a legally binding document.

2. The application is made in outline with all matters reserved save for the means of access. The description of development is as follows:

"Outline application for up to 113 no dwellings and associated works".

3. The principal point of contact for the Applicant ("the Applicant's Agent") is:

Richard Lomas
Hourigan Connolly
7 Swan Square
15 Swan Street
Manchester
M4 5JJ

richard.lomas@houriganconnolly.com
0161 300 3476 / 07809 643206

4. The principal point of contact for NuLBC is:

Rachel Killeen
Development Management
Newcastle-under-Lyme Borough Council
Civic Offices
Merrial Street
Newcastle-under-Lyme
ST5 2AG

planningapplications@newcastle-staffs.gov.uk
01782 742408

5. The proposal is being brought forward following detailed pre-application discussions between NuLBC and the Applicant, a presentation to MADE Design Review Panel and a Presentation to the NuLBC Strategic Planning Consultative Group. Discussions on highways and engineering matters have also been (and remain) ongoing with Staffordshire County Council (SCC) (who is the local Highway Authority). The Borough Council and the Applicant are collectively termed 'The Parties' for the purposes of this agreement.

6. Subject to proper consideration of the Application by NuLBC, the Applicant is keen to see the Application determined as expeditiously as is practicable and the Parties are therefore committed to entering into this agreement to set out the means by which this might be put into effect.
7. On the assumption that the Application is deposited on 27 August 2013 and validated within 9 working days, the anticipated long stop date for the presentation of the Application to the Council's Planning Committee for determination will aim to be no later than January 2014. The Council will not wish to determine the application beyond 26 weeks of its submission.
8. The Council will communicate the results of its validation check of the application to the Applicant within 9 working days of its submission.
9. The Council will within 10 working days of the date when it receives a valid application advise the applicant of the statutory and non-statutory consultations that it intends to undertake.
10. The Council undertakes to examine the Application at the earliest opportunity following submission and to promptly advise the Applicant's Agent of any matter on which further clarification or information is required.
11. The Parties agree that any requests for further information should be addressed as quickly as possible and the Parties undertake to meet and/or discuss matters by telephone or e-mail in a spirit of co-operation and so as to further explain as necessary, any areas of misunderstanding or dispute.
12. It is further agreed that NuLBC will publish on its website, as associated documents to the application, in a timely fashion, responses received from internal NuLBC consultees and from statutory undertakers and other non-statutory consultees, and any representations it receives from third parties with reference to the application. This is so that any matters can be addressed by the Applicant and the Applicant's agent at the earliest opportunity.
13. Any site visit undertaken by the Planning Committee of the Council will be undertaken in accordance with the Council's agreed site visit protocol as exists at the time of the site visit.
14. Both parties agree that it would be beneficial if work on the completion of a draft Section 106 agreement should continue in advance of consideration of the Application by Planning Committee with the aim being that an agreed draft but not completed Section 106 Agreement will be presented to Planning Committee for consideration, although the Council will not delay the consideration of the application by its Planning Committee if this is not possible. Any work undertaken by the Council's legal services section in connection with the preparation of a draft Section 106 agreement will be undertaken entirely at the applicant's risk and expense, and without prejudice to the determination of the application by the Planning Committee. The Council will use its best endeavours to obtain the timely agreement to such a draft by any other public body such as the County Council which is identified as needing to be a party to such an agreement.
15. The Council will, in accordance with its existing agreed procedure, take into account representations and consultation responses that are received after the date

indicated in its publicity/consultations. However the Council will not take into account in its decision representations from any party including the applicant, other than statutory consultees, if received after a deadline that it will give when notifying the applicant and other parties of the consideration of the application by a specific Planning Committee. This deadline or guillotine does not apply to any oral representations made at the Council's Planning Committee.

16. The Council will seek to ensure wherever possible that any consultation responses by its own officers are provided to within 21 days of the consultation being undertaken. It will use its best endeavours to encourage statutory consultations to be responded in accordance with the Duty to respond to consultations as set out in Article 20 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, (as amended) and similarly non-statutory consultations.
17. The Council will, in accordance with its agreed Public Speaking at Planning Committee procedure, provide an opportunity for the applicant or a party speaking on behalf of the applicant to address the Planning Committee when it considers the application, in accordance with the terms of that agreed procedure.
18. Following formal Planning Committee resolution and on the assumption that this is positive, the Parties will seek to complete and execute the Section 106 Agreement and NuLBC will seek to issue an outline planning permission no later than four weeks following the Planning Committee's resolution, and within 7 days of the execution of any such Section 106 agreement.
19. In the event that the Planning Committee's resolution is negative, work shall progress to enable an agreed position on Section 106 Agreement matters as an area of common ground in any subsequent appeal. Furthermore the Parties will work collaboratively and in a timely manner on any Statement of Common Ground required as part of any future planning appeal proceedings should outline planning permission be refused by NuLBC.
20. The Council will be seeking to determine the application within the 13 week statutory period. If it considers that it is appropriate to allow more time than this it will first seek the applicant's agreement to extend the statutory period for an agreed term within which no appeal can be lodged against the non-determination of the application, explaining the reason(s) for its failure to determine the application within the statutory period
21. Both parties agree to the use of electronic communications.



Signed by the parties or their duly authorised representatives:

Signed)
and duly authorised)
for and on behalf of)
Newcastle Borough Council) G.R Benson

Date: 2/10/2013

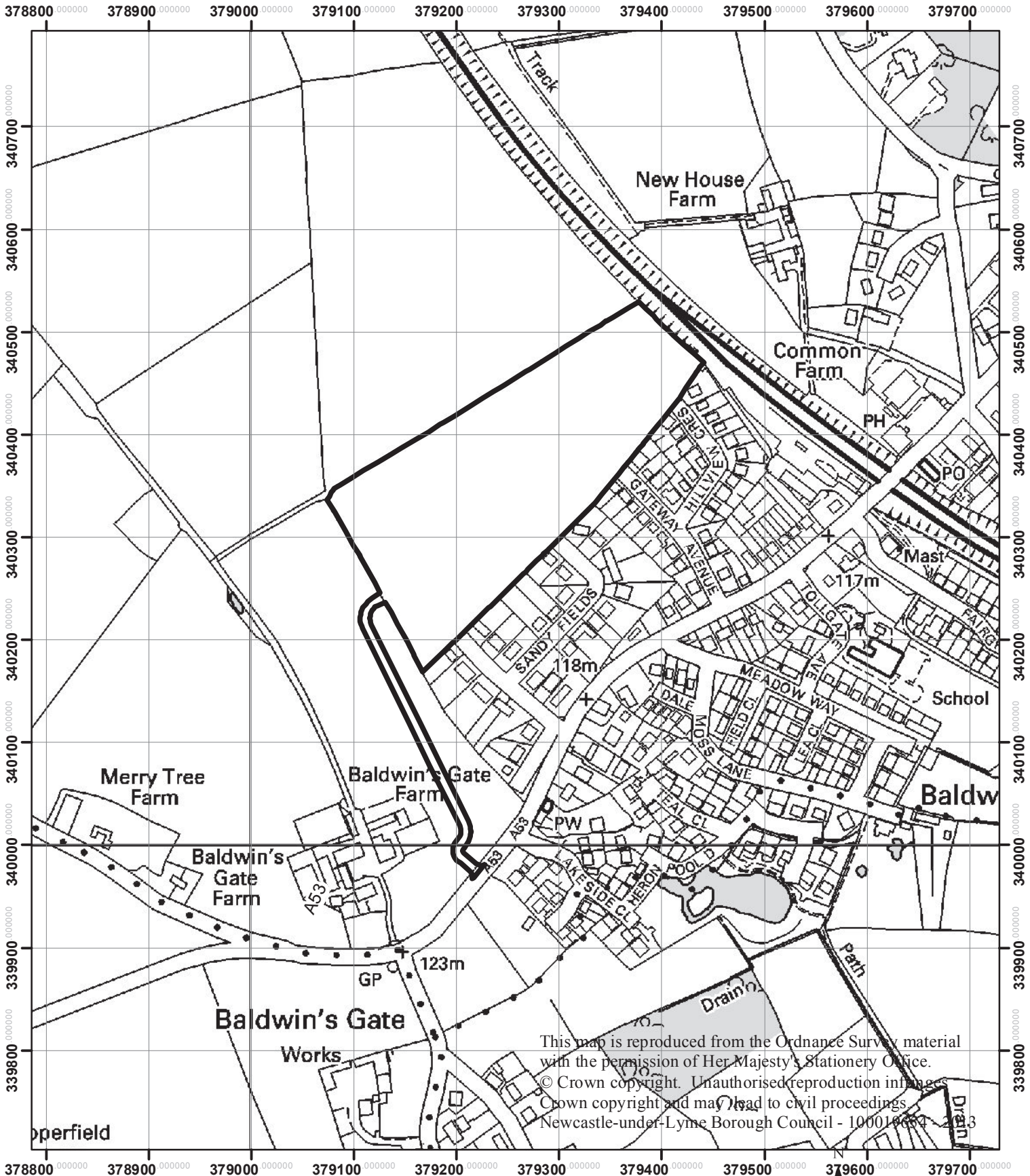
Signed)
and duly authorised)
for and on behalf of)
the Applicant) P. Hamon

Date: 23/08/2013

Land off Gateway Avenue, Baldwins Gate



13/00426/OUT



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LAND ADJACENT SAINSBURY'S STORE, LIVERPOOL ROAD, NEWCASTLE
MARSTONS INN AND TAVERNS & WILDGOOSE CONSTRUCTION **13/00807/FUL**

The application is for full planning permission for the erection of a pub/restaurant including ancillary manager accommodation. In addition the application seeks the removal of condition 5 of planning permission 06/01180/OUT, as varied by application 11/00312/OUT, which requires that offices referred to in that outline permission are available for occupation within 4 years of the Sainsbury's superstore opening to paying customers (which was 3 November 2010).

The site measures 0.97 hectares and is an undeveloped fairly steeply sloping parcel of land, on the former site of Newcastle College, adjacent to A34 Liverpool Road.

The proposed building is, in part, two storeys with a single storey element to the front and side. An external play area is proposed. A single access is proposed off the internal access road to the Sainsbury's store and the petrol filling station. A parking area of 47 spaces (including 2 disabled spaces) is proposed. The proposals involve a significant retaining structure on the petrol filling station side of the site, and a cut and fill exercise across a large part of the site, with other retaining structures on part of the Liverpool Road frontage.

The site lies within the urban area as defined on the Local Development Framework Proposals Map and within the Northern Gateway as defined in the Newcastle-under-Lyme Town Centre Supplementary Planning Document (SPD).

The application has been called-in to the Committee for determination by two councillors due to concerns of residents as follows:-

- Loss of amenities
- Loss of privacy
- Quality of life
- Anti social behaviour
- Design poor for the security of residents.
- Parking in streets will occur as only limited parking applied for.

The 8 week period for the determination of this application expires on the 11th April 2014.

RECOMMENDATION

Subject to consideration of the response of the applicant to the issue of the provision of direct pedestrian access between the proposal and the footway on Liverpool Road (A34), permit subject to conditions concerning the following matters:

1. Commencement within three years.
2. Approved plans.
3. Prior approval of materials.
4. Levels to be in accordance with approved plans unless otherwise agreed.
5. Provision of a fence or other barrier to prevent access between the proposed development and the rear of properties on Ashfields New Road in accordance with details to be agreed.
6. Hard and soft landscaping to be carried out in accordance with the approved details.
7. Provision of access, parking, servicing and turning areas before the development is brought into use.
8. Prior approval of surfacing materials, surface water drainage, and delineation of parking and servicing areas.
9. Any gates to be a minimum of 10m rear of the Sainsbury's access road and shall open away from the highway.
10. Prior approval of a Construction Method Statement to include details of the site compound; access for construction vehicles; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.
11. Prior approval and provision of secure weatherproof cycle parking.
12. Implementation of noise mitigation measures as set out in the submitted Noise Assessment, and/or as recommended by the Environmental Health Division.

Reason for Recommendation

The development is acceptable in principle as whilst it involves a main town centre use no sequentially preferable site has been identified and although the site would be lost for office development the proposal is for economic development that would generate employment. The proposal has an acceptable design and layout and achieves adequate amenity levels for the occupiers of the adjoining properties. Confirmation of this is expected to be received from the Environmental Health Division prior to the meeting of the Committee and their recommendations will be reported, which may include a recommendation that hours of opening are restricted in addition to other noise mitigation measures. The development provides adequate parking provision and access other than the possible inclusion of pedestrian link into the site from the A34.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP4	Newcastle Town Centre Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP10	Planning obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16 Development – General Parking Requirements
Policy T18 Development – Servicing Requirements

Other material considerations include:

National Planning Policy

National Planning Policy Framework (NPPF) (March 2012)

Planning for Town Centres: Practice Guidance on need, impact and sequential location

National Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Space Around Dwelling SPG (2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Developer Contributions SPD (September 2007)

Newcastle-under-Lyme Town Centre SPD (January 2009)

Newcastle (urban) Transport and Development Strategy (NTADS)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Newcastle-under-Lyme Retail & Leisure Study 2011

Relevant Planning History

Outline planning permission for a new college, sports facilities, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works was issued in 2007 (06/01180/OUT). Reserved matters approval was granted, in 2009, for the superstore (08/00865/REM)

There have been a number of applications to vary and remove conditions on the above permissions, the only relevant one to this application being :-

2011 11/00312/OUT Permit – variation of condition 5 of planning permission 06/01180/OUT which requires that the offices are available for occupation within 4 years of the opening of the superstore.

Views of Consultees

The **Highway Authority** has no objections to this proposal subject to conditions relating to the following:-

- Provision of access, parking, servicing and turning areas before the development is brought into use.
- Prior approval of surfacing materials, surface water drainage, and delineation of parking and servicing areas.
- Any gates to be a minimum of 10m rear of the Sainsbury's access road and shall open away from the highway.
- Prior approval of a Construction Method Statement to include details of the site compound; access for construction vehicles; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.

- Prior approval and provision of secure weatherproof cycle parking.

The HA have confirmed that they have considered whether a contribution towards NTADS would be justified, and that their view is that it would not, given that the site has an extant planning permission for office development with a floor area of 1890 sq.m and when the proposal is compared with this extant proposal there will be no intensification of traffic in the pm peak and accordingly no NTADS contribution is sought by them

The **Environmental Health Division** has indicated that it has concerns relating to noise, light and cooking odours and is unable to provide a comprehensive response until such time as the following information has been received and assessed:

- A noise assessment relating to the potential impacts of noise arising from patrons, deliveries, bottle disposal, waste collection, external plant and equipment, and the kitchen ventilation system.
- A lighting assessment showing the height, position and orientation of all luminaires and providing details of upward light ration of lighting, light intrusion into windows of surrounding premises, source intensity as viewed from neighbouring premises and ground level lux for up to 25m beyond the site boundary.
- Further details of the kitchen ventilation system to be used.

A noise assessment has been submitted and the further views of the Environmental Health Division are awaited.

The **Police Architectural Liaison Officer (PALO)** advises that the clear implication from the supporting documentation is that it is not the intention of the applicant for this to be or become a late night venue, something the Police would strongly resist. The hours of operation will need to reflect this and this is something that the Staffordshire Police Licensing Unit has already broached with representatives of the applicant and will seek to address in due course with regard to any subsequent premises license.

The PALO further advises that it is unfortunate that security is not mentioned in any of the supporting documentation however the presence of an onsite physical presence outside of operating hours (first floor manager accommodation) is one notable positive feature. Furthermore there appears to be an absence of recessed/hidden areas internally with the centrally located servery area directly overlooking the entrance and enabling staff to provide a good level of natural surveillance of the premises in general. Access to the first floor accommodation/office area is clearly segregated and private. The location is also one that is well overlooked by passing traffic.

The PALO would draw the attention of the applicant to the existence of Secured by Design Licensed Premises Design Guide.

Additionally the PALO raises concern regarding the potential for undesirable access to and through the dead space at the northern end of the site. It is apparent that there are unofficial routes from the end of Ashfields New Road at the north-east corner of the site and behind the petrol filling station or directly towards the store via the filling station forecourt. This is not addressed in the application but such problems could be prevented by use of robust fencing.

The **Landscape Development Section** has no objection in principle to this development, but concerns are raised about screening to the rear of the properties on Ashfields New Road and would suggest some additional planting to help screen these houses from the development. It is also suggested that the area currently proposed for seeding at the rear of the development is planted to tie in to the existing vegetation behind the Sainsbury's garage site.

The **Environment Agency**, the **Waste Management Division**, and the **Economic Regeneration Section**, having been consulted and having made no comments by the deadline provided to them, must all be considered to have no comments to make upon the application

Representations

16 letters of objection have been received raising the following concerns:-

- The site is designated for office space.
- The service area will be located close to the rear of properties on Ashfields New Road resulting in disturbance unless an appropriate acoustic boundary fence and restrictions are in place on deliveries.
- The kitchen will result in nuisance from cooking smells.
- Insufficient parking is provided.
- There are many similar establishments in close proximity and there is no need for a further pub/restaurant.
- Would result in the loss of view to patrons of the Free Bird public house and residents of Ashfield New Road.
- It would result in security issues and potential for anti-social behaviour through the creation of a narrow passageway to the rear of houses on Ashfield New Road.
- The proposal would result in loss of privacy.
- Lighting would be disturbing to nearby residents and there is no report on its impact.
- The proposal will take trade away from the town centre.
- Comparison of the noise arising from the proposal to that of the railway is not appropriate as the railway line was removed many years ago and this is now a walkway and cycle track.
- The opening hours are a lot later than other local pubs.
- Residents experienced parking and noise problems when the College owned the site, and suffered noise and dust disturbance during the construction of the store. The new proposal will bring more disruption to local residents.
- If planning permission is granted conditions should be imposed relating to lighting; noise restrictions for fixed plant; and bottle disposal to take place in accordance with the method assumed in the Noise Assessment (i.e. with doors closed).
- The contention that 0700-2100 falls outside sleeping hours is strongly objected to, and deliveries should be restricted to at least 0800-2000.
- The noise level from deliveries will disturb residential amenity during the day time, and a condition should be imposed to prohibit vehicles with reversing sounders from using the rear yard to load and unload, and require them to use the front parking area only and if this is not considered acceptable the application should be refused.
- The closing time should be at the latest 0100 to mitigate the impact of customer departure on local residents. The impact of customers leaving on foot is the main cause of disturbance.
- The levels alterations proposed will mean that the south western edge of the development will be higher than the first floor windows of the adjacent properties and will be extremely dominant. The erection of a 3m high barrier will effectively be 4.5m, close to the roof heights of adjacent properties, at a short distance from the rear boundaries. This will block significant amount of light from gardens and cause severe interference with this important amenity space.

Applicant/agent's submission

The application is supported by a Planning Statement; a Design and Access Statement; a report on the availability of commercial offices in the North Staffordshire conurbation; a Noise Assessment; and a Desk Study and Ground Investigation Report which are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/MarstonsPHLiverpoolRd

KEY ISSUES

The main issues to address are:-

- Principle
- Residential Amenity
- Design
- Highway Safety and promotion of sustainable travel modes.

Principle

There are two aspects for consideration in respect of the issue of principle. Firstly it is necessary to assess whether the site is a suitable location for a public house/restaurant, having regard to town centre policies. Secondly the site has previously had permission for office development, and as such it is necessary to consider whether the loss of an office site to other development is acceptable.

1. Suitability of the site as a location for a public house

The NLP does not contain any saved policies that are relevant to the consideration of the principle of the proposed development. Policy SP1 of the CSS indicates that retail and office development will be focussed towards the City Centre and Newcastle Town Centre, but makes no reference to other town centre uses.

The NPPF defines 'main town centre uses' as including leisure uses, entertainment facilities and the more intensive sport and recreation uses and indicates that restaurants, bars and pubs are included in that definition. As such the proposed use is considered to be a main town centre use and the advice of the NPPF, at paragraph 24, should be taken into consideration. It indicates that Local Planning Authorities (LPAs)

"should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."

The NPPF goes on to state, at paragraph 26, that where leisure development is outside of town centres, and which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Where there is no locally set threshold, as in the Borough, the NPPF indicates that the default threshold is 2,500 m². Given that the proposal here is for 671.5 m² an impact assessment is not required in this case.

The Town Centre SPD defines 'edge of centre' for retail and leisure development as those areas adjoining the Inner Ring Road, or fronting the A34 within 250m of the Inner Ring Road. As the site fronts the A34 and is within 250m of the ring road it is considered that it is an 'edge of centre' site. In light of this the sequential test should be applied.

Guidance on how to adopt a sequential approach is set out in a Practice Guidance document which remains valid notwithstanding that the Government Policy Document to which it related (PPS4) has been replaced by the NPPF. It defines availability as whether sites are available now or are likely to become available for development within a reasonable period of time (determined on the merits of a particular case, having regard to inter alia, the urgency of need). Suitability is defined as, with due regard to the requirements to demonstrate flexibility, whether sites are suitable to accommodate the need or demand which the proposal is intended to meet.

It is for the applicant to demonstrate compliance with the sequential test. The submission assesses two potentially sequentially preferable sites, as follows:-

Blackfriars Bakery Site – this site was considered to be a sequentially preferable site by the applicant. Discussions were entered into but it ultimately proved that the site was not capable of meeting the space and commercial requirements of the discount retailer that has control over the site (Aldi) and the public house. The applicant has therefore concluded that this site is not suitable, viable or available for the proposed development. In light of the decision on the recent planning application on this site (13/00712/FUL) your Officer accepts this conclusion.

Former Georgia Pacific Site, Lower Street - the applicant has acknowledged that the site is available but considers that it is not capable of supporting the scale of the proposed development, nor

any other smaller option which is considered commercially viable. Whilst the submission has not provided evidence of the detailed schemes that the applicant has indicated were drawn up for the site, it is accepted that remainder of the Georgia Pacific site which has not been developed would limit space around the building for suitable servicing and parking (although parking could in theory be shared as it is between the Travel Lodge and Lidl).

Your Officer nevertheless accepts the applicant's conclusions, that the site is not suitable and as such it is not an available sequentially preferable site that is suitable.

The submission also refers to the **former Cannons Gym site**, on Barracks Road. No detailed consideration has been paid to the site by the applicant as the unit has been re-let and is no longer available. Whilst it is considered that this site is better connected to the town centre than the application site (and therefore could be a sequentially preferable site) your Officer accepts that the site is not available and as such it is not a suitable sequentially preferable site that is available.

It is noted that the applicant has not considered the **Ryecroft site**, a town centre site, within the submission. Notwithstanding this omission it is considered that the Ryecroft site redevelopment proposals have not materially progressed to a point where it can be concluded that it is realistically available at this time. As such it is not a suitable sequentially preferable site that is available.

In the absence of any sites within the town centre, or which are on the edge of centre but better connected to the centre, which are both suitable and available it is concluded that the sequential test is passed.

2. Loss of an office development site

Outline planning permission was issued in 2007 for a new college, sports facilities, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works. A condition of the permission required that the office development (which was to be undertaken on the part of the wider site which is the subject of this application) is available for occupation within 12 months of the opening of the superstore. This condition was subsequently varied to specify that the offices were to be available for occupation within 4 years of the opening of the superstore.

Policy E11 of the Local Plan refers to the development of employment land for other uses. It states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The policy outlines the criteria for considering what constitutes 'good quality' including accessibility, size, condition, location and relationship to adjoining uses. The supporting text to the policy states that the overriding priority is to preserve the stock of land and buildings attractive to Class B users, so that opportunities for inward investment and for the modernisation of existing local businesses can be maximised. CSS Policy SP2 identifies Newcastle Town Centre as a focus for office development incorporated into mixed use schemes. These policies are considered to be consistent with the NPPF.

Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

The owner of the site has undertaken a continued marketing exercise and has submitted a Commercial Office Availability report to support the current application. It details that a decrease in economic activity and increase in difficulty in securing funds from financial institutions has led to a significant decrease in demand for office space since the decision was issued in 2007. It is stated that this has led to an increase in supply of office space and a significant drop in rental values for office space.

The submission argues that speculative office development is not viable at this time nor is the construction of the office development for a single operator, as there is no known operation that requires such a facility and there are more attractive locations.

The submission does not provide any evidence of how the site has been marketed, or what interest, or lack of, there has been in the site for office development. Notwithstanding this it is accepted that there is little prospect that speculative office development will be undertaken on the site. It is also accepted that any business looking to construct new offices would have alternative and more attractive sites to consider first. It is therefore likely that the site will remain undeveloped for a further, significant, period if alternative uses are not considered. Such an approach would not accord with the guidance set out in the NPPF particularly when it is noted that the proposed development is itself defined, in the NPPF, as economic development. Whilst the site, if planning permission is granted, would be lost for its allocated use of office development it would still contribute jobs to the economy (up to 40 full time equivalent jobs).

In conclusion it is considered that the principle of development of the site as a pub/restaurant is acceptable.

Residential Amenity

The proposed pub/restaurant is located to the rear of residential properties on Ashfields New Road and activity associated with the use has the potential to adversely affect the occupiers of such properties. A Noise Assessment has been submitted which identifies the need to undertake acoustic mitigation to ensure that the noise levels at those properties is suitable and acceptable. Such mitigation measures include:-

- a fully enclosed compound within the service yard to address noise from the disposal of bottles into bins
- restrictions on bottle collection.
- Provision of a 3m high acoustic barrier adjoining the service yard to address noise from deliveries.

At the time that this report was prepared the views of the Environmental Health Division (EHD) were not known. The acoustic mitigation measures that have been recommended within the submitted Noise Assessment can be secured by condition. Therefore if the conclusions of the assessment are accepted by EHD, that with the mitigation measures installed the noise levels generated by the site will have no more than a minor impact on the nearest residents, the issue of noise would not be a sustainable ground to refuse the application.

The proposed building has a two storey element with a ridge height of 10.3m approximately 18-19m from the rear elevation of the nearest dwellings on Ashfields New Road. Ashfields New Road slopes downwards away from the A34, with the terraced properties stepping down to follow the slope. A brick wall and mature vegetation runs along to boundary between the site and the dwellings. The finished floor level as proposed is approximately 2m below the level of the A34, slightly below the level on which the brick wall has been constructed.

Guidance set out in the adopted Space Around Dwellings SPG, whilst addressing the relationship between new residential development and existing dwellings, provides a useful basis upon which to assess the acceptability of the impact of the building on the living conditions of the occupiers of the houses on Ashfields New Road. It indicates that 13.5m should be achieved between a principal window and a blank wall. The 19m separation distance that is achieved between the proposed building and the properties on Ashfields New Road, even taking the levels into consideration, exceeds that requirement and is sufficient to ensure that it will not have an overbearing impact on the occupiers of the properties. In addition it would not result in an unacceptable loss of light as an angle of 45° degrees measured from the mid point of the nearest windows of properties on Ashfield New Road (a criterion within the SPG) will not be breached.

There are a number of windows on the north elevation of the proposed building at first floor serving the manager's flat facing towards the rear of the properties on Ashfields New Road. The two first floor living room windows to the manager's flat in the elevation facing towards the rear of the dwellings which would be considered as principal windows (as defined in the SPG) and do not achieve the 21m separation distance as set out in the guidance within the SPG. Amended plans have been requested

to site the main window/s to that room on the western elevation of the building to address this concern.

In addition to the impact of the building upon the residential amenity of the occupiers of adjoining residents concern has also been expressed about the impact of the acoustic fence that is recommended in the Noise Assessment. The recommendation is that a 3m high acoustic barrier is erected around the northern boundary of the service yard and car park and along approximately 12.5m of the western boundary of the car park. The ground level of the car park in the north western corner is approximately at the current levels, which is similar to the levels of the properties on Ashfields New Road that directly backs on to the site boundary, and elevated above those properties further down the road, and further away from the site. The combination of the separation distance and the retention of the existing vegetation would ensure that the visual impact of the acoustic barrier would not be unacceptable.

Concern has also been raised by the Police Architectural Liaison Officer that an existing unofficial route from the end of Ashfields New Road at the north-east corner of the site and behind the petrol filling station or directly towards the store via the filling station forecourt has not been addressed in the application. It is suggested that such problems could be prevented by use of robust fencing. The construction of the proposed building and its service yard could exacerbate such problems and it is agreed that it would be appropriate to address this through a condition requiring the construction of a fence, although the issue of pedestrian accessibility is considered further below.

Design

The proposed development consists of a two storey element which is domestic in its scale and appearance, with a single storey section that wraps around two sides of the building. The full two storey section is pushed to the front of the site on its north eastern corner – so that it has the greatest visual impact in views approaching along the A34 from the north – an appropriate approach to take in the context of a site identified as a “Gateway” in the SPD. It is to be predominantly constructed in red brick with an artificial slate roof. In addition there is some limited use of render and horizontal wooden boarding.

The design, scale and massing would be in contrast to that of the adjoining supermarket and the dwellings on Ashfields New Road, but would not be out of keeping on the A34 close to the Town Centre. Overall the design is considered to be acceptable.

Highway Safety and promotion of sustainable travel modes

The point of access into the site has already been constructed off the access to the existing supermarket and petrol filling station and was designed to serve the permitted office development on the site. The access is considered to be acceptable to serve the pub/restaurant that is proposed.

In total 47 car parking spaces are proposed (including 2 disabled spaces). This is considered to be adequate for a development of this nature and scale.

Whilst not a matter of highway safety, it is noted that there is no pedestrian access from the site frontage onto the A34 and as such any pedestrian access would have to be via the vehicular access to the site. This is not ideal and may discourage people from accessing the site on foot. It is accepted, however, that the 2.5 metre levels difference between the site and the A34 make the provision of such a pedestrian access difficult to achieve however it is considered that the inclusion of a pedestrian route is desirable in the interests of securing an integrated and inclusive design. The applicant has therefore been asked to fully explore the possibility of providing a pedestrian link into the site from the A34 and further information will be reported on this issue.

The Highway Authority (HA) have indicated that an NTADS contribution is not required in this case on the basis that the site has an extant planning permission for office development with a floor area of 1890 sq.m and when the proposal is compared with this extant proposal there will be no intensification of traffic in the pm peak that justifies such a contribution. The HA are incorrect in their assumption that the outline permission for the office development remains extant. There is, however, condition 5 of 06/01180/OUT, as varied by application 11/00312/OUT, which requires that offices referred to in that

outline permission are available for occupation within 4 years of the Sainsbury's superstore opening to paying customers (which was 3 November 2010). As such there is currently a requirement to construct offices, albeit that no permission currently exists to do so, and on that basis it is reasonable to take this into consideration in assessing the need for an NTADS contribution. Therefore whilst your Officer does not agree with the reasons given by the HA it is agreed that an NTADS contribution is not required in this case, particularly if by the provision of a direct pedestrian access onto the A34 footway travel to and from the premises by foot and bus is promoted..

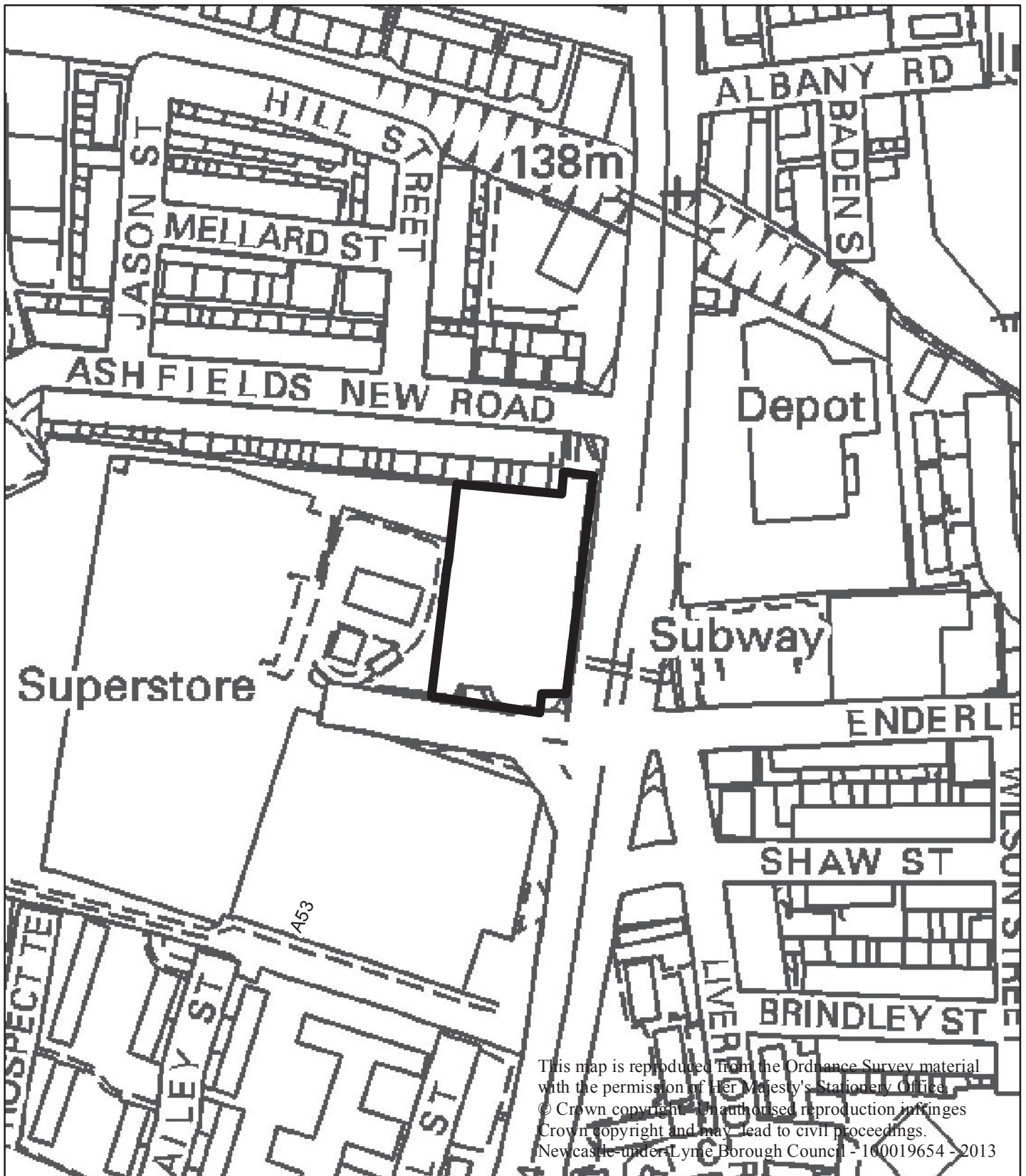
Background Papers

Planning file
Planning documents referred to

Date report prepared

18th March 2014

13/00807/FUL



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MALCOLM HARRISON AUCTION LTD, MUCKLESTONE ROAD, LOGGERHEADS
MR M HARRISON

14/00080/FUL

The Application is for the erection and retention of a canvas covered temporary building for a period of 2 years.

The site lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors for decision for the following reasons:

- Height impact on adjacent residents
- Over development of the site
- Building erected prior to submission of application
- Roof safety risk
- Noise impact
- Appears more than a temporary building
- The applicant has extensive workshop space

The statutory determination period for this application expires on 15th April 2014.

RECOMMENDATION

Permit, subject to conditions relating to:

- **Temporary for two years**
- **Submission and approval of details of any external lighting**

Reason for Recommendation

It does appear that this additional building is needed to serve the existing level of use of this established business and the site is in a relatively sustainable location within walking distance of Loggerheads. Public views of the building are limited and it is not considered that the development has any significant adverse impact upon the character of the countryside. Given the existing lawful use of the site it is not considered that the building will result in any significant additional harm to residential amenity.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments have been considered necessary.

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 CSP4: Natural Assets
Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N17: Landscape Character – General Considerations
Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (NPPF) (March 2012)

Relevant Planning History

77/4237/N	Outline application for workshop and Lorry Park – Permitted
05/00356/ELD	Certificate of Lawfulness for use of site as a lorry park/haulage yard for the parking, repair and maintenance of heavy goods vehicles, fuel storage and associated offices – Issued
05/01166/FUL	New office building, workshop extension, alteration of two accesses and closure of further access – Withdrawn
06/00214/FUL	New office building, workshop extension, alteration of two existing accesses and closure of existing access – Refused
07/00114/FUL	New offices and replacement workshop – Refused and allowed on appeal
08/00659/FUL	New offices and workshop – Approved
10/00537/FUL	Retention of two static mobile homes for residential use for security staff – Refused and a subsequent appeal against an Enforcement Notice was dismissed and the enforcement notice upheld, however planning permission for one mobile home was granted
11/00543/FUL	Retention of portal framed building/amendments to previously approved application ref. 08/00659/FUL and associated landscaping – Approved
12/00004/FUL	Retention of new basement area for new offices previously approved under planning application 08/00659/FUL – Approved
12/00498/FUL	Retention of mobile home for storage associated with security purposes - Approved

Views of Consultees

The **Environmental Health Division** has no objections subject to a condition requiring no external lighting unless a lighting scheme is approved by the Local Planning Authority.

Loggerheads Parish Council objects to the proposal in the strongest terms. The building is already substantially completed and occupied by large vehicles. Objection is made on the following grounds:

- The site is much larger than the area quoted.
- The application form states that there will not be any industrial or commercial processes or machinery within the building so it is queried why it is needed.
- The Design and Access Statement does not mention the completed roof or the fact that the sides are of partial metal construction, not canvas.
- The application refers to temporary workspace and storage but there is no information as to the proposed uses which will have to be strictly conditioned and controlled as the structure is less than 25m from a residential property.
- The building could easily go elsewhere on the site rather than close to an existing residential property and other temporary residential structures within the site.
- There are no other canvas covered temporary structures on the site.
- It appears that this is the first stage in obtaining a permanent consent for a building as the concrete floor will have a useful life considerably in excess of two years.
- This proposal will lead to overdevelopment of the site.
- The proposal will have a significant impact upon the adjacent residential property, West View.
- Approval will require very strict conditioning of the uses to be permitted, working hours and noise levels, all of which will require strict and continual monitoring by Officers.
- This retrospective application is simply a means to try and circumvent the planning process.

The **Highway Authority** has no objections to the proposal.

Representations

One letter of objection has been received. Objection is made on the grounds of the impact on the neighbouring residential property from activity, noise and disruption, and impact on property value. It

is requested that activity is monitored, kept to a minimum (i.e. for storage purposes only) and that the two year deadline for deconstruction will be enforced.

Applicant's/Agent's submission

A Design and Access Statement has been submitted. The main comments are as follows:-

- The application is for the retention of a partially constructed temporary building comprising aluminium frame and waterproof canvas membrane covering.
- The development will provide temporary workspace and storage for a period of 2 years.
- The proposal will not create additional employment or traffic movements.

Key Issues

Full planning permission is sought for the erection and retention of a canvas covered temporary building for a period of 2 years. The site is within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

It is considered that the key issues in the determination of the application are as follows:

- Is the principle of additional accommodation acceptable?
- Would the proposal have any significant adverse impact on the character and appearance of the countryside?
- Would the proposal have any significant adverse impact on residential amenity?

Is the principle of additional accommodation acceptable?

The NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The sustainable growth and expansion of all types of business and enterprise in rural areas should be supported.

In an appeal decision relating to a previous scheme for new offices and a replacement workshop at the site (Ref. 07/00114/FUL), the Inspector attached substantial weight to the fact that this is an established business, which can operate lawfully at its present level of intensity even if the appeal were dismissed. He considered that the buildings were needed to serve the existing level of use and that in relation to the locational and employment policies of the relevant development plan documents at that time, the proposed development to serve an existing business would be acceptable, provided that no overriding harm to the character and appearance of the countryside would result. This view was maintained by the Council in relation to subsequent applications for larger offices (Refs. 08/00659/FUL and 12/00004/FUL).

The current proposal involves a substantial building measuring 18.1m x 12.1m in plan with a maximum height of 5m. The applicant's agent has stated that the building will provide additional workspace and storage. Given that the site has just one existing workshop building, and given the nature and the size of the vehicles and plant at the site, it does appear that this additional building is justified to serve the existing level of use.

In relation to the sustainability of the development, the site is situated within walking distance of Loggerheads which, as one of the key rural service centres in the CSS, is recognised as one of the rural villages that provides the most comprehensive provision of essential local services and relatively good access to the conurbation by public transport. Although the footpath from Loggerheads stops at the junction of Mucklestone Road with Rock Lane, it is then a relatively short distance to the entrance to the site. Given this and given that no additional employment or traffic movements are proposed, it is not considered that a refusal could be justified on the grounds of lack of accessibility.

Given the above, it is not considered that it is appropriate to raise objections to the proposal on the grounds of principle.

Would the building have any significant adverse impact on the character and appearance of the countryside?

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site is within a Landscape Maintenance Area as designated in the Local Plan. Policy N19 of the Local Plan seeks to maintain the high quality and characteristic landscapes in Landscape Maintenance Areas. It states that it should be demonstrated that development would not erode the character or harm the quality of the landscape.

The building is sited on the eastern boundary of the site adjacent to an existing compound containing mobile buildings. It is within the boundary of an extensive haulage yard and existing vegetation and the height of the neighbouring land to the east limits public view of the building. It is not considered that the building has any significant adverse impact upon the character of the countryside therefore.

Would the proposal have any significant adverse impact on residential amenity?

The building is approximately 25m from a residential bungalow on Rock Lane to the east of the site. However, there is a significant difference in levels with the land to the east of the building where the bungalow is located being approximately 4m above the ground level of the building. In addition, there is substantial landscaping, much of it coniferous, on the higher ground. Given this, only limited glimpses of part of the roof of the building are obtained from the neighbouring property.

In terms of any potential impact upon the occupiers of the adjacent residential property from noise, dust, odour or any other general disturbance, the building is within the confines of the existing business use and therefore, it is already possible for lawful activity to take place outside of a building in this part of the site. It is not considered that the presence of a building would be likely to increase any potential impact upon residential amenity to such an extent to justify a refusal. The Parish Council has referred to the need for conditions to control the use of the building and the hours of operation. However, given that the site is occupied by an existing lawful business use, it is not considered that it is necessary or reasonable to attach any such conditions.

Background Papers

Planning files referred to
Planning Documents referred to

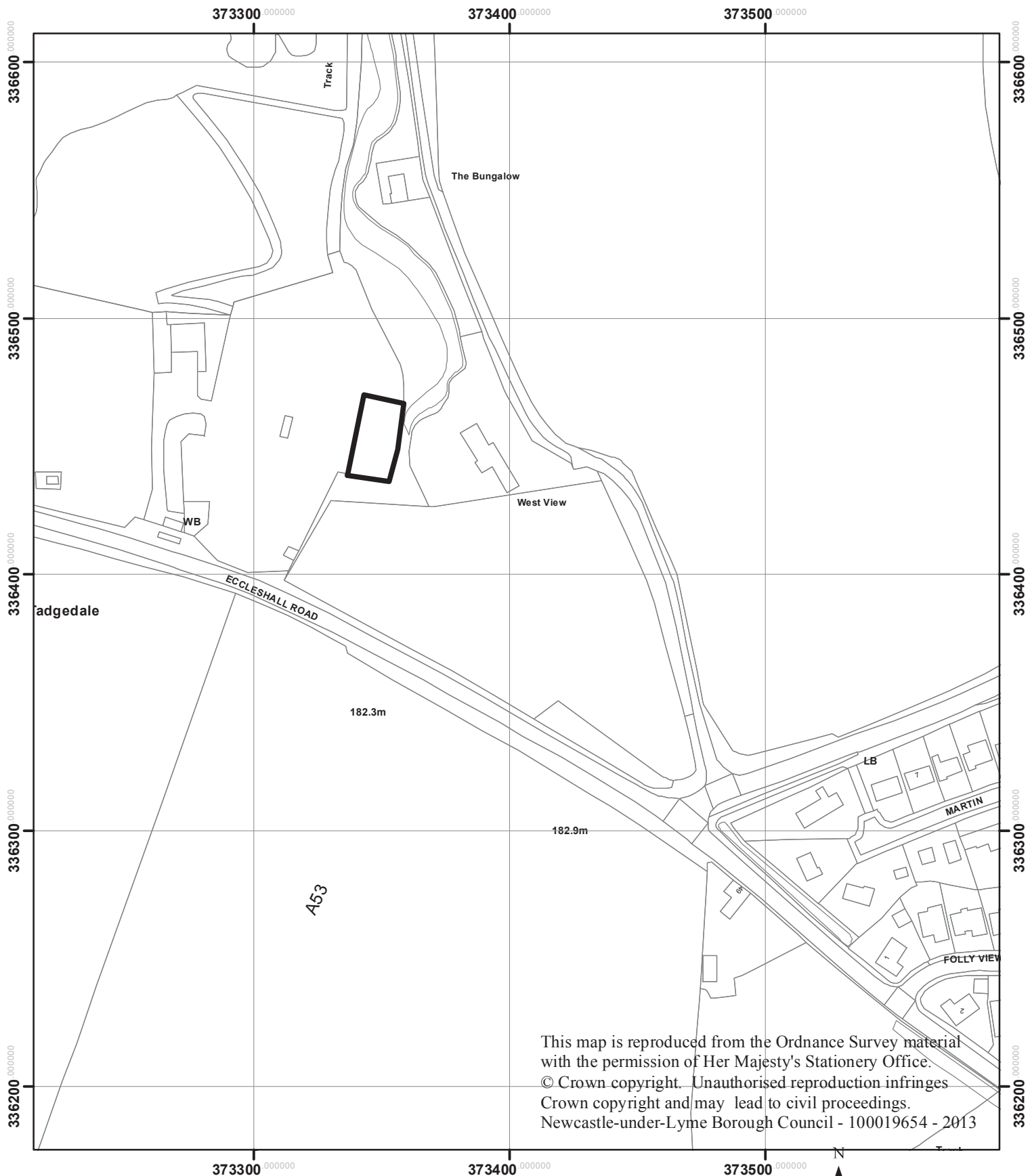
Date report prepared

13th March 2014

Tadgedale Quarry, Mucklestone Road, Loggerheads



14/00080/FUL



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LAND OFF PINWOOD DRIVE, LOGGERHEADS
MR R ROBERT NEWTON CROSS

14/00053/OUT

The application is for outline planning permission for the erection of a 2/3 bedroom chalet style bungalow. Approval is sought for means of access and layout of the development at this stage with appearance, landscaping, and scale all reserved matters for subsequent approval. Access is proposed off Pinewood Drive. The footprint of the dwelling indicated on the submitted plans measures 14.6 metres by 8 metres.

The site is an unused small field situated between existing residential properties. It lies within the rural area outside of the village envelope of Loggerheads as defined on the Local Development Framework Proposals Map. The proposal also impacts upon trees which are subject to a Tree Preservation Order. The site area is approximately 0.1 hectares.

The 8 week period for the determination of this application expires on 26 March 2014.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- **Standard time limit.**
- **Reserved matters submissions.**
- **Approved Plans.**
- **Access and parking provision.**
- **Tree and hedgerow protection measures.**
- **Landscaping along the northern boundary of the site to be included in reserved matters.**
- **Contaminated land and gas remediation.**

Reason for Recommendation

Taking into account that outline planning application (reference 05/00507/OUT) for a detached dwelling house and garage on this site has previously been refused by the Authority in 2005, which was subject to appeal the development now applied for must be considered in the context of current planning policy and circumstances. No tree loss is proposed and it is considered that all existing trees can be retained. In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, and acknowledging the proximity to existing local services it is not appropriate to resist the development on the grounds that the site is within the rural area outside of a recognised rural service centre. The impacts of the development – principally the site being Greenfield land outside of a rural service centre or village envelope and the loss of some greenery to accommodate the dwelling within the locality do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply and accordingly permission should be granted.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework no amendments have been considered necessary.

Policies and Proposals in the Approved Development Plan relevant to the decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP1 Spatial Principles of Targeted Regeneration
Policy SP2 Spatial Principles of Economic Development

Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy T16	Development – General Parking Requirements

Other Material Considerations

National Planning Policy Framework (March 2012)
 National Planning Practice Guidance (August 2013)
 Circular 11/95 Conditions

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle under Lyme and Stoke on Trent Urban Design Supplementary Planning Document (2010)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

Planning for Landscape Change – SPG to the former Staffordshire and Stoke on Trent Structure Plan

Planning History

Outline planning application (reference 05/00507/OUT) for a detached dwelling house and garage on this site has previously been refused by the Authority in 2005 and subsequently dismissed at appeal.

Views of Consultees

Highway Authority – no objections subject to the imposition of a condition relating to approval and future retention of parking and turning areas.

Landscape Development Section – have no objections subject conditions relating to:

1. The measures provided within the submitted arboricultural implications study being followed in full.
2. Prior approval and implementation of an arboricultural site monitoring schedule and tree protection plan.
3. Prior approval of a landscaping scheme.

Environmental Health Division – no objections subject to conditions relating to:

1. The report and remediation of unexpected contamination.
2. Ground gas investigation, risk assessment and remediation measures.
3. The importation of soil.

Loggerheads Parish Council – object to the development on the grounds that the proposal represents overdevelopment of the area as it was sold originally in ½ acre plots which should

be maintained. For this reason the proposal would not be in keeping with other properties in the area.

Natural England – comment that the site is close to the Burnt Wood Site of Special Scientific Interest (SSSI) but are satisfied the development would not have an adverse impact and have no objections. They indicated that their standing advice should be considered in respect of the impact of the proposal on protected species.

County Footpaths have also been consulted. As no response has been received by the due date it is assumed that they have not comments to make.

Representations

4 letters of representation have been received objecting to the proposal on the grounds that:

- it will increase pressure on village facilities which are already strained;
- the loss of trees is unacceptable;
- it represents over development of the area and is out of keeping with surrounding properties;
- it will reduce the privacy levels and light levels enjoyed by neighbouring properties;
- the access shared with no. 6 will result in risk of vehicles colliding where the accesses converge;
- the site has become naturalised over time and its development would harm flora and fauna;
- approval would be contrary to other previous planning decisions in the vicinity and housing policy in rural areas.
- The proposed chalet type bungalow is not consistent with properties surrounding the site.

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a Design and Access Statement and Tree Survey. The applicant has submitted a letter in response to the representations received, the main points of which are summarised as follows:-

- The five properties on Pinewood Drive are bungalows, with two being chalet style with rooms at first floor.
- Notwithstanding the Parish Council's 'Neighbourhood Statement' 2013 which argues that there is a need for significant infrastructure investment, the density of housing in Pinewood Drive is well below government guidance even for development in a rural area. The approval of the dwelling will have a minimal impact upon local services.

The submitted information is available at the Guildhall and at www.newcastle-staffs.gov.uk/planning/landpinewooddrive

Key Issues

The application is for outline planning permission for the erection of a 2/3 bedroom chalet style bungalow. The details of the means of access and the layout of the development are sought for approval at this stage with appearance, landscaping, and scale all reserved matters for subsequent approval. The foot print of the dwelling indicated on the submitted plans measures 14.6 metres by 8 metres. The site is a small field located within the rural area as defined by the Local Development Framework Proposals Map. The application involves trees protected by a woodland Tree Preservation Order. A public footpath also runs along the northern boundary.

Paragraphs 214 and 215 of the NPPF state that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period (post 29th March 2013), due weight should be given to relevant policies in

existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Outline planning application reference 05/00507/OUT for a detached dwelling house and garage on this site was refused by the Authority in 2005. Following an appeal, the development was found to be unacceptable on grounds primarily relating to the proposal being contrary to policies at that time relating to the protection of the open countryside and an adverse impact on the character and appearance of the area also taking into account harm to surrounding trees. There have been significant changes in planning policy since that decision and current circumstances must be examined to establish if the same conclusions made previously are still reasonable. The key issues to consider are:

1. Is the principle of residential development in this location acceptable?
2. What is the impact upon the character of the area and wider landscape, and is the impact acceptable?
3. Is the impact to surrounding trees acceptable?
4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the use of the existing access for the dwelling acceptable in highway safety terms?
6. Would the proposed development have an adverse impact on the Burnt Wood Site of Special Scientific Interest (SSSI) or protected species?
7. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

1. Is the principle of residential development in this location acceptable?

Policy SP1 of the Core Spatial Strategy (the CSS) seeks to direct new housing towards sites within identified urban centres and targeted regeneration areas to make sure that investment opportunities and population are not drawn away from where they are needed to areas that are more immediately attractive for development. The policy also seeks to minimise energy consumption and the need to travel. Policy ASP6 of the CSS seeks to restrict new housing development in rural areas to brownfield land within the village envelopes of key rural service centres to meet identified local requirements. The development plan also consists of saved Local Plan policy H1 which directs new housing to the urban areas and village envelopes. The thrust of the Development Plan policies is to ensure that housing is provided in suitable, sustainable locations where the efficient and effective use can be made of land.

The National Planning Policy Framework (NPPF) advises, at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority (the LPA) cannot demonstrate a five-year supply of deliverable housing sites.

At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The most recently calculated shortfall in the number of deliverable housing sites (including a 20% buffer) is 949 dwellings and the latest housing land supply figure is 3.27 years. This position has been reported to and noted by the Planning Committee on 4th June 2013. A more up to date figure to reflect the position as at 31st March

2014 will be calculated in due course (the process involves site by site visits to check completions, the making of certain assumptions, and the taking into account of the national planning practice guidance issued on the 6th March 2014). Until this process is completed the Authority has to rely upon the currently published figure but there are no substantive grounds at present to consider that the picture will be materially different– i.e. the Borough will continue to be unable to demonstrate a 5 year supply allowing for an appropriate buffer as required by the NPPF.

Given that the Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites the provisions of paragraph 49 of the Framework and, on that account, paragraph 14 are triggered.

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given is where there are groups of smaller settlements, development in one village may support services in a village nearby.

In this particular case the site is not located within the village envelope of Loggerheads, an identified Rural Service Centre. It is however within the settlement of Ashley Heath which directly adjoins that village envelope on a site about 600 metres away from the enclave of local services within Loggerheads situated off Eccleshall Road which includes a supermarket. There is also a regular bus service within reasonable walking distance. Relative to many other sites outside of Rural Service Centres it is in a sustainable location and closer to services than many of the existing properties within the Loggerheads village envelope boundary. It cannot be said to be in a isolated location. It should also be acknowledged that the Inspector in dismissing the appeal on the site in 2005 also found this particular location to be a sustainable one.

As paragraph 14 of the NPPF states, the test that has to be applied is 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. The other key elements of the proposal are now considered.

2. What is the impact upon the character of the area and wider landscape, and is the impact acceptable?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. The Councils Urban Design SPD provides further specific detailed design guidance in complement to this provision.

The site does not have a specific landscape character designation in terms of the Development Plan. The area is characterised by low density residential development with a variety of housing styles within large plots situated in the context of established tall trees and hedgerows. The pockets of greenery present along Pinewood Road which largely include landscaped garden land contribute significantly to the prevailing character of the area. The public footpath running adjacent to the northern boundary of the site, marked by fencing either side, is screened from No.5 (Green Gates) by existing hedgerows and trees. The application site in the context of trees and hedgerow and cannot be directly viewed from Pinewood Road or Tower Road (to the south). To a degree, existing trees and hedgerows also interrupt views of the site stood from the public footpath, but not to the full extent of the boundary.

The development would have an impact upon the character and appearance of the area in that a portion of undeveloped greenery would be lost to accommodate the dwelling. The site does not form part of an existing garden area and therefore cannot be said to make an

existing residential curtilage smaller. It is evident that the size of the site is smaller than the majority of surrounding residential curtilages in the immediate vicinity. However, the land if developed, would still allow for a generous amount of garden and associated greenery. Given the variety of housing styles evident in the area a bungalow property would not be inappropriate. Any assessment of harm to the impact upon the character of the area also needs to take into account potential tree loss occurring – trees being a key characteristic of the appearance of the area and its overall attractiveness.

Overall it is considered that the principle of developing is acceptable in respect of form and character of the area.

3. Is the impact to surrounding trees acceptable?

Policy N12 states that the Council will resist development that would involve the removal of any 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. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The applicant does not propose to fell any trees and the Landscape Development Section, having assessed the submitted information accept that it is possible to construct a dwelling on the site without loss of trees and as such do not object to the application. Their advice remains consistent with that considered by the Planning Authority in 2005 under application 05/00507/OUT. Whilst at appeal the Inspector raised concerns that the construction and subsequent use of the proposed access would result in damage to the surface roots of trees along the northern boundary it is considered that a no dig construction for the access driveway together with other tree protection measures during construction would allow trees to be retained without suffering significant damage to their health.

Accordingly subject to planning conditions the requirements of policy N12 can be satisfied. Without tree loss the harm to the character of the area and landscape is significantly lower than previously determined.

4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. No.5 Pinewood Drive (Greengates) is located to the north-east of the application site and no.6 (Seren) to the south-west and are the neighbouring properties which would be most impacted upon by the proposal. Both of these properties are approximately 14 metres away from the footprint of the proposed dwelling. Taking into account existing boundary treatments and distances from surrounding properties any substantial harm to neighbouring living conditions in terms of reduction of privacy can be avoided subject to the consideration of reserved matters. Adequate privacy and daylight can also be enjoyed by and future occupants of the proposed dwelling in accordance with the terms of the SPG subject to additional landscaping along the northern boundary adjacent to the public footpath.

It is therefore considered that an acceptable level of amenity can be achieved from neighbours and the occupiers of the proposed dwelling. In reaching this conclusion it is noted that the Inspector in the previous appeal was satisfied that any residential development on this site could be undertaken without unacceptably affecting the living conditions of neighbouring properties.

5. Is the impact to highway safety acceptable?

Access to the site is proposed from Pinewood Drive which also serves no.6 (Seren). Although the visibility is poor where the driveways of Seren and the application site converge the Highway Authority are satisfied subject to conditions there would be no significant detriment to public safety. A sight mirror could also be installed to allow greater visibility where the driveways converge if needed by the relevant land owners but in the absence of any public safety harm this is not a significant concern.

6. Would the proposed development have an adverse impact on the Burnt Wood Site of Special Scientific Interest (SSSI) or protected species?

Whilst the site lies in close proximity to the Burnt Wood SSSI the proposed development is not considered to result in any adverse impact upon it.

With respect to the impact to flora and fauna, the site has been inspected by your officer and there was nothing compelling to suggest that protected species are living within the grassed area where the footprint of the dwelling is proposed or within the site boundary and existing trees and hedgerow are to be retained. There is also scope for landscape enhancements.

7. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

In consideration of the above points, the development would result in some local impact on the character and appearance of the area in that a portion of open greenery would be lost to accommodate a dwelling. However, the view now taken is that harm to trees and therefore the potential for tree loss can be avoided, and that the proposal otherwise represents sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough. Overall, the adverse impacts which arise would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

Background Papers

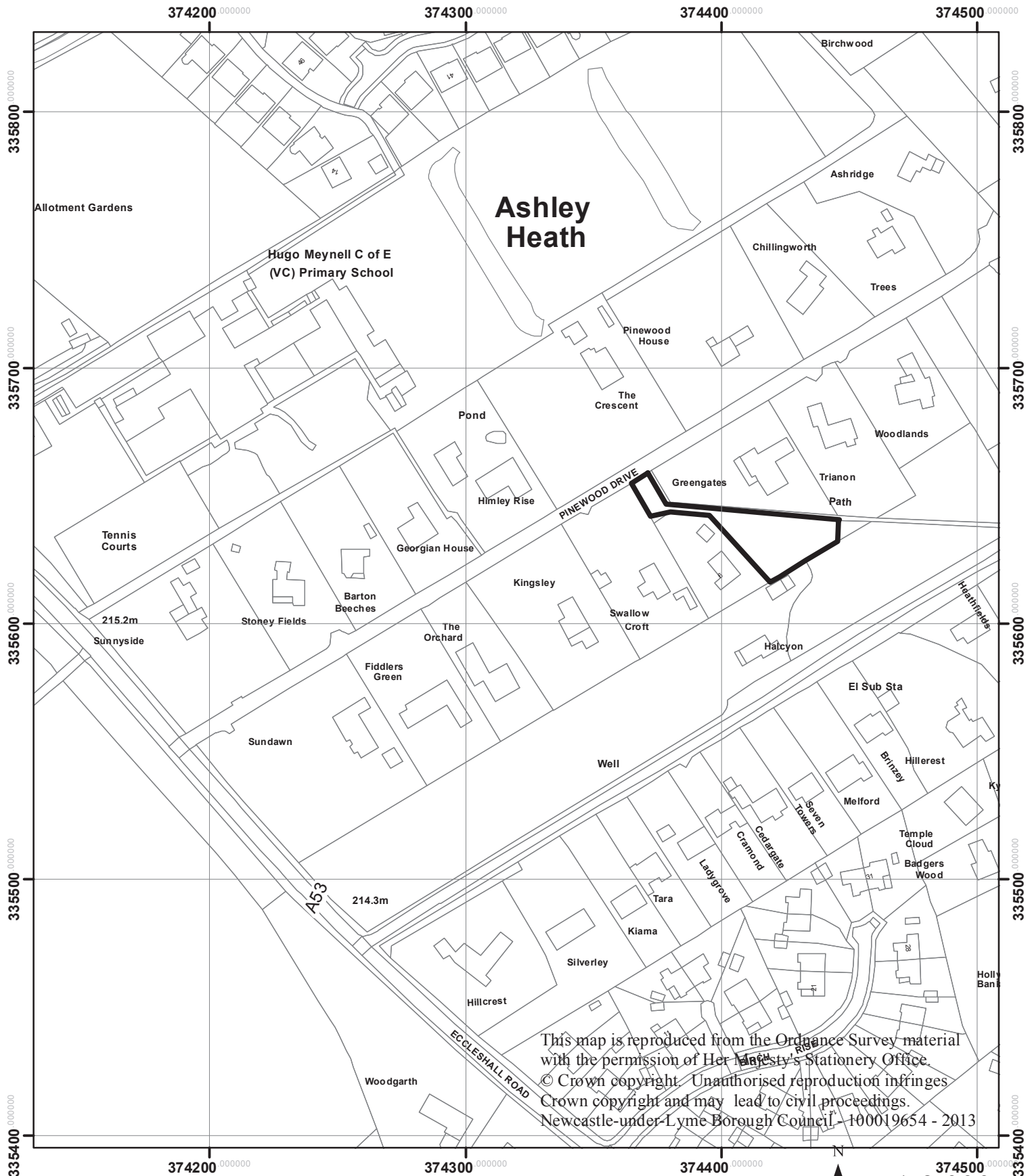
Planning File
Planning Documents referred to

Date Report Prepared

12 March 2014.

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14/00053/OUT



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AUTO ACCEPT FINANCE, SWIFT HOUSE, LIVERPOOL ROAD, CROSS HEATH

MR R SHAH

14/00055/FUL & 14/00056/ADV

The Applications are for:

14/00055/FUL - the variation of condition 1 of 12/00770/FUL which specified the approved plan. The variation sought is the substitution of the approved plan with a plan that shows an extended area for the external display of car for sale.

14/00056/ADV - outdoor advertisement consent for the display of a replacement free standing sign at the vehicle access to the site fronting the busy A34.

The site is located in the Urban Area of Newcastle under Lyme as identified on the Local Development Framework Proposal Map.

The statutory 8-week determination period for both applications expires on the 4th April 2014

RECOMMENDATION

14/00055/FUL

Subject to the Highways Authority removing their objections, condition 1 of 12/00770/FUL can be varied with the addition of the following conditions;

- Submission of a plan showing a revised layout on the side/ north boundary in front of the control barrier to ensure an adequate separation distance between the first displayed vehicle and the point of access from the A34.
- Conditions of 12/00770/FUL continuing to apply

14/00056/ADV

Permit no conditions.

Reason for Recommendation

The principle of car sales has previously been accepted and the impact of the additional area on the residential amenity of neighbouring properties would be limited. The location of the vehicles to be displayed could adversely affect the safety of vehicles accessing the site from the A34. However it is considered that highway safety concerns could be addressed by amending the area additional car sales would take place so that they are not sited too close to the boundary of the site with the A34. This could be secured via a condition. Therefore subject to the condition the proposal to vary condition 1 is considered acceptable and would meet the requirements and guidance of the National Planning Policy Framework.

The proposed advertisement would not raise any concerns with regard to amenity and public safety.

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

Officers have been working with the applicant to address any concerns and subject to further correspondence being received the development is a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to this decision:-

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy

Policy SP2: Spatial principles of Economic Development
Policy CSP1 Design Quality

Newcastle under Lyme Local Plan 2011

Policy T16: Development - General Parking Requirements

Other material considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

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

Relevant Planning History

97/00268/COU PERMITTED 16.06.1997 Change of Use of part of ground floor area to motorcycle and spares sales - implemented

03/00511/FUL PERMITTED in part 13.02.2004 Change of Use of part of ground floor area to motorcycle and spares sales with out complying with Conditions 2 (testing) and 5 (hours of operation of the use) subject to which planning permission 97/00268/COU was granted.- implemented (testing area formed)

03/01056/COU – change of use of first floor storage area to form a new motorcycle sales area with associated external alterations – PERMITTED with same condition as above 24th December 2003 - implemented

05/01240/FUL PERMITTED 28.04.2006 Two storey extension forming additional ground floor sales area for off road motorcycles and first floor accessories shop, together with additional car parking – implemented only insofar that the additional parking referred to has been provided, as has an acoustic fence the subject of a planning condition.

09/00181/COU REFUSED 21.05.2009 Variation to condition Number 5 of planning permission 97/00268/COU, condition 5 of planning permission 03/00511/FUL and condition1 of planning permission of planning permission 03/01056/COU so as to permit Sunday retail of motorcycles and motorcycle accessories from 11 a.m. to 5 p.m.

09/00548/COU PERMITTED 19.11.2010 Variation to condition 5 of planning permissions 03/00511/FUL & 97/00268/COU and condition 1 of 03/01056/COU to allow retail sales of motorcycles and motorcycle accessories from 10:00 to 17:00 hours on Sundays and reduced by one hour during the week through the amendment of opening hours from 08:00 to 09:00 hours on Monday to Saturday (closing time to remain at 18:00 hours).

10/00391/FUL PERMITTED 24.08.2010 Variation to condition 3 of Planning Permission 09/00548/COU so that the existing one way system imposed by Condition No.8 of Planning Permission 03/00511/FUL shall remain in operation during all trading hours but no motorcycles shall pass through the control barriers on Sundays and all vehicles that pass through the barrier shall egress via Wilton Street only.

12/00770/FUL PERMITTED 29.01.2013 Retention of use of land for car sales, ancillary to the existing lawful use of the premises for motorcycle sales; the sale of motorcycle accessories; and the service, repair and MOT testing of motorcycles approved under application number 97/00268/COU and varied/updated under application numbers 03/00511/FUL, 03/01056/COU, 05/1240/FUL.

Views of Consultees

14/00055/FUL

The **Highways Authority** recommends that the application should be refused as it appears that there is insufficient space to park vehicles within the proposed parking area located directly between the A34 Liverpool Road and the access control barrier. Furthermore, vehicles parking and manoeuvring within this area will impede traffic access from the A34 Liverpool Road resulting in the slowing down of vehicles which could affect the free flow of traffic on the A34.

The **Environmental Health Division** raises no objections subject to a condition regarding the submission of any external lighting.

14/00056/ADV

The **Highways Authority** raises no objections

The **Environmental Health Division** raises no objections subject to it being none illuminated

Representations

No letters of representation have been received.

Applicant/agent's submission

The applications are supported by a Planning statement which details the following key points;

- The sale of cars has continued to grow over the past 12 months and forms an ancillary part of the wider business operation at Swift House. Given the growth in sales, an additional area for the display of vehicles for display is required.
- The above proposal would ancillary to the existing lawful use of the premises for car sales, motorcycle sales; the sale of motorcycle accessories; and the service, repair and MOT testing of motorcycles approved under application number 97/00268/COU and varied/updated under application numbers 03/00511/FUL, 03/01056/COU, 05/1240/FUL and application number 12/00770/FUL.
- The existing one way system through the site would be retained as previously approved.
- The opening hours of the car showroom would be the same as those approved under previous planning applications.
- There would be no Sunday trading of cars on site.
- In light of the above, an increase in the number of cars displayed for sale on site is highly unlikely to generate any substantial increase in noise emissions on the site.
- The proposed advertisement would replace the existing advertisements/banners with a simple looking totem sign. An existing totem sign already exists at the site entrance and this would be replaced by the proposed totem sign.

All of the application documents can be viewed at the Guildhall, and on the Councils website using the following links

14/00055/FUL - www.newcastle-staffs.gov.uk/planning/SwiftHouseVcond

14/00056/ADV - www.newcastle-staffs.gov.uk/planning/SwiftHouseAdvts

KEY ISSUES

Application reference 11/00055/FUL is for the variation of condition 1 of 12/00770/FUL which specified the approved plan. The variation sought is the substitution of the approved plan with a plan that shows an extended area for the external display of car for sale.

The site and buildings are now operating as a mixed use with the currently approved area for the display of cars being on the site frontage, along then northern elevation of the building and the a small area to the rear, and the parking area to the rear of properties on Derwent Place. The proposal is to provide a further area for the along the northern boundary of the site at the front (before the control

barrier) site and at the side/ north (through the control barrier). The area at the front would require a wall and vegetation to be removed.

The use of car sales within the site was established during the previous permission and at that time it was considered that the introduction of such a use would not result in any adverse impact on the residential amenity of neighbouring properties. It is not considered that the proposal would raise any additional concerns in this regard particularly when the area is located adjoining another commercial use. Therefore, the main issue for consideration is the impact on highways safety.

The impact on highway safety

A plan showing the existing and proposed areas for car sales have been submitted, along with a photomontage of how the proposed front area will be utilised

The Highway Authority has raised an objection due to the proximity of the area to the main access point and the lack of clarity on how the area can work safely. This has resulted in a further plan being submitted which shows three spaces for vehicles to be sold before the control barrier and three spaces beyond the barrier. Each space measures approximately 4.8m by 2.4 metres.

It is considered that the three spaces beyond the control barrier do not raise any concerns. However, the three spaces in front of the control barrier are of a greater concern. The views of HA have been requested and their comments will be reported but your Officer remains concerned in respect of impact on highway safety due to the location close to the existing access, which is the main point of the access to the site, and whether there is sufficient space to manoeuvre safely. Notwithstanding this the number of spaces could be reduced down to limited the overall area where vehicles can be parked, and this could be achieved through the submission of an amended plan secured by condition.

Subject to appropriate conditions it is considered that the proposal to increase car sales at the site would meet the guidance and requirements of the NPPF.

Application reference 11/0056/ADV is for outdoor advertisement consent for a non-illuminated free standing sign located at the site entrance.

The National Planning Policy Framework provides guidance on outdoor advertisements and details in paragraph 67 that,

“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”

The main issues to address are considered to be the impact of the signs on the amenity of the site it relates to and the surrounding conservation area, along with the impact upon public safety

The impact of the advertisement sign

The proposed sign would measure 2.2 metres (height) by 0.7 metre (width) by 0.2 metres (depth) and would advertise the existing business uses of the site. It would replace an existing free standing sign of a similar size and design. The applicant also details that existing banners would also be removed.

The proposed replacement sign is considered to represent an acceptable size and design that would not harm the character of the street scene or the visual amenity of the area in general, this being in accordance with the guidance and requirements of the NPPF.

The replacement sign would be located close to the busy A34 but it would be non-illuminated. The Highway Authority and Environmental Health Division have raised no objections to the proposed sign and subject to the standard conditions for advertisements it is considered that its impact on public safety and amenity would be minimal. Therefore it would comply with the requirements of the NPPF.

Background Papers

Planning file
Planning documents referred to

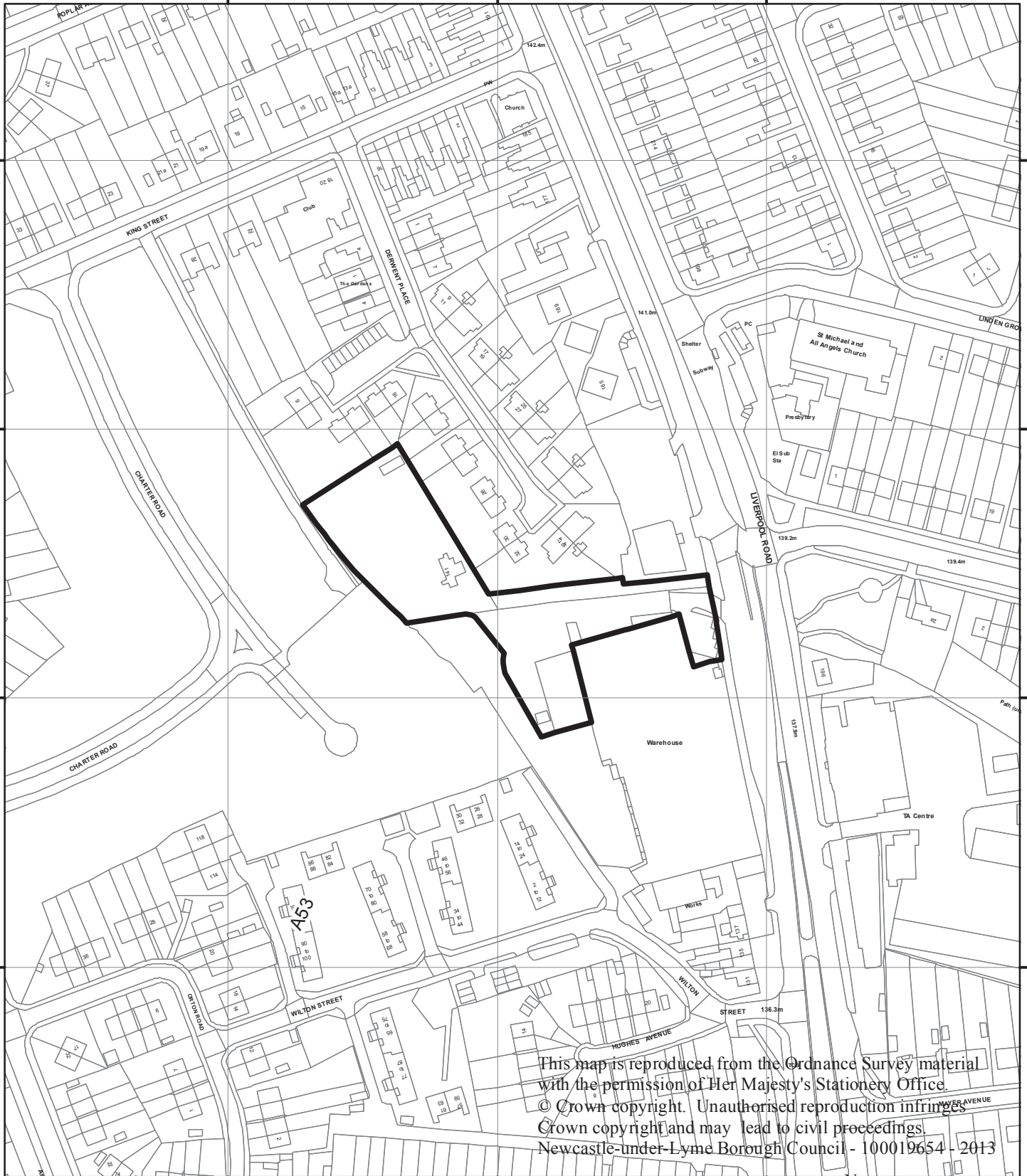
Date report prepared

19th March 2014

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14/00055/FUL & 14/00056/ADV

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**FORMER J SAINSBURY PLC, LIVERPOOL ROAD, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL**

14/00188/DEEM4

The application is for a determination as to whether prior approval is required for the method of demolition of the former Sainsbury's supermarket and the adjacent multi storey car park, and any proposed restoration of the site.

The site lies within Newcastle Town Centre as indicated on the Local Development Framework Proposals Map, and close to the boundary of the Newcastle Town Centre Conservation Area.

Unless a decision on this application is communicated to the developer by the 10th April 2014 the development will be able to proceed as proposed. The application must be determined by the Planning Committee by reason of Regulation 10 of the Town and Country Planning General Regulations

RECOMMENDATIONS

- (a) That the Committee determine that PRIOR APPROVAL is REQUIRED**
- (b) Should the decision on (a) be that prior approval is required, the recommendation is to grant that approval, the works having to be carried out in accordance with the approved details, except to the extent that the LPA otherwise agree in writing**

Reason for Recommendation

Given the prominent location of the site in views from the Town Centre Conservation Area and the ring road it is appropriate to conclude that prior approval is required for the method of demolition of the buildings and the restoration of the site. On the basis of the submitted information and subject to consideration of the views of consultees there is no basis to refuse to grant prior approval as the method of demolition and restoration will not give rise to adverse impact on the amenity of residents and businesses.

Policies and Proposals in the approved development plan relevant to this decision:-

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

CSP1: Design Quality

CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

B9: Prevention of Harm to Conservation Areas

B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Other material considerations include:

Relevant Planning History

2007 06/01181/OUT Permit - Demolition of existing buildings and erection of 6 non food retail units (Class A1) with associated car parking, access and landscaping works. This outline permission has now lapsed.

Views of Consultees

Any views received from the **Highway Authority, Environmental Health Division and Conservation Advisory Working Party** will be reported.

Representations

The applicant has displayed a site note near the site in accordance with the prior notification procedure set out in Class A of Part 31 to Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 1995. The notice should be in place for not less than 21 days, and this period ends on 2nd April 2014.

Applicant/agent's submission

The applicant advises that the buildings will be demolished by large machinery from within the car park, which will be used as a compound. During demolition the site will be completely fenced off. Where the building abuts the pavement demolition will be by hand tools only working off scaffolding.

The vast majority of demolition material will be removed from site and crushed off site; however some crushing will take place in situ to enable the void below the supermarket floor to be filled.

All boundary walls surrounding the car park and the supermarket will be retained to a height of 1m. Following demolition a decision will be made as to whether security boarding will be required to a height of 1.8m and discussions will be held with Newcastle College with regard to students painting the boarding with suitable art work. The site of the multi-storey car park will be demolished to slab level and upon completion, the remaining ground floor slab will continue to be used as a public car park.

The application documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/formersainsbury

KEY ISSUES

The application is for a determination as to whether prior approval is required for the method of demolition of the former Sainsbury's supermarket building and the adjacent multi storey car park, and the restoration of the site (of the demolished buildings).

Is prior approval is required?

The requirement to apply for such a determination gives the Local Planning Authority the means of regulating the details of demolition in order to minimise its impact on local amenity. If prior approval is not required the development would still have to be carried out in accordance with the submitted details. Guidance previously advised that the Secretaries of State only consider prior approval appropriate where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings. By reason of the considerable scale of the buildings that are to be demolished in this case, the number of public viewpoints from which such buildings can be seen (Liverpool Road, Corporation Street, Merrial Street and Ryecroft (the Ring Road)), it is considered that prior approval for the method of demolition and restoration of the site is required in this case.

Should prior approval be granted?

The main issue for consideration in the determination as to whether prior approval should be granted are the amenities of local residents and businesses.

The intention is that the majority of the demolition will be undertaken from within the site, using machinery which will be located within the existing car park. It is stated that 'Heras' type fencing will be erected during demolition works with net protection fencing. This will assist in reducing the impact of the demolition works on amenity by visually demarcating the area of the demolition works and will partially screen the working area at ground level.

Where the walls are located directly abutting the pavement the intention is that the necessary demolition will be done from scaffolding using hand tools. The impact of such demolition work will be less than if undertaken by machinery.

Whilst the site is not within the Town Centre Conservation Area, the site is visible in views from the Conservation Area from Merrial Street and the High Street. The site is also prominent from the Ring Road. All demolition material, other than that used to fill the void below the supermarket building, will be removed from the site and a low boundary wall will be retained. Such restoration will limit the visual impact of the restored site to an acceptable minimum, even when taking into consideration the requirement to preserve and enhance the Conservation Area where the site would be visible from. In addition the suggested option of erecting security boarding around the base of the supermarket building, should it be considered necessary by the applicant, to be painted by College students would be also be visually acceptable. The site of the multi-storey car park will, upon that buildings demolition, be used for parking, making a positive use of the site.

Subject to consideration of the views of the consultees, it is recommended that prior approval should be granted.

Background Papers

Planning File referred to
Planning Documents referred to

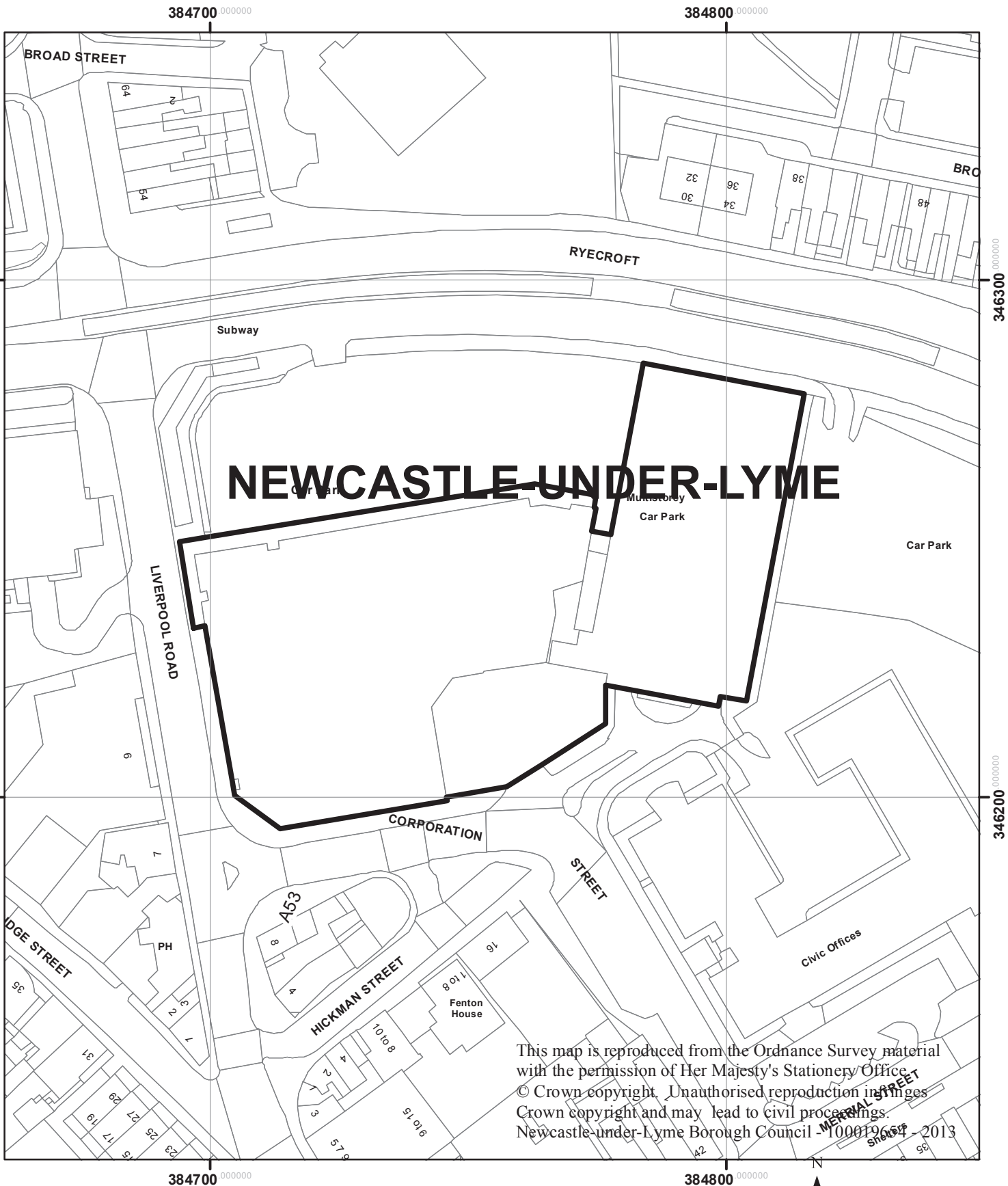
Date report prepared

19th March 2014

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Former Sainsbury Site – prior notification of proposed demolition of supermarket and multistory car park

14/00188/DEEM4



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Application for Financial Assistance (Historic Buildings Grant) from the Conservation and Heritage Fund – Audley’s Cross Farm, Loggerheads (13/14015/HBG)

RECOMMENDATION:

That a grant of £2,334 be approved for the reinstatement of timber windows at Audleys Cross Farm, Loggerheads subject to specific conditions set out below.

Purpose of report

To enable members to consider an application for financial assistance towards the cost of the reinstatement of timber windows at Audleys Cross Farm

Audley’s Cross Farm, Loggerheads

This property is a Grade II Listed Farmhouse on Newcastle Road, Loggerheads. The Building at Risk Survey noted that 6 windows in the farmhouse had upvc windows installed by the current residents. The Council has been working with the owners to encourage the replacement back to timber. An application for Listed Building Consent to retain the windows as they are was refused in May 2013. The owners have got two quotations for the work and have applied for some help towards the cost on reinstating the windows to timber plus one other first floor window which is rotten.

Members will recall that in June 2012 the Planning Committee approved changes to the terms and conditions of the Conservation and Heritage Fund. One of the changes set out that funds should be directed towards encouraging the reinstatement of timber windows in buildings where upvc windows have been installed.

The cost of the work including VAT is over £11,000 of which all is eligible work. As the farmhouse is a Grade II Listed Building, the work is eligible for a grant up to 20% of the costs.

It is proposed that in addition to the standard conditions, a specific condition is added to any grant offer, that the windows should be replaced and the grant offer taken up within 3 months of the date of the decision to award the grant.

The views of the Conservation Advisory Working Party on this grant application are being obtained and will be reported to the meeting.

Financial Implications

There is sufficient funding to meet this particular grant application with approximately £17,000 within the Fund, allowing for commitments.

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Planning Committee site visit dates

As previously established Members are invited to agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary. It is recommended that members should agree, as they did in April last year, to a programme of dates upon which the Planning Committee visits will be held during 2014-2015.

A timetable of proposed dates is provided below for members' approval.

13 May 2014	Thursday 29 May 2014	6.15pm
03 June 2014	Thursday 12 June 2014	6.15pm
24 June 2014	Thursday 03 July 2014	6.15pm
15 July 2014	Thursday 24 July 2014	6.15pm
05 August 2014	Thursday 14 August 2014	6.15pm
26 August 2014	Thursday 04 September 2014	6.15pm
16 September 2014	Saturday 27 September 2014	9.00 am
07 October 2014	Saturday 18 October 2014	9.00 am
28 October 2014	Saturday 08 November 2014	9.00 am
18 November 2014	Saturday 29 November 2014	9.00 am
09 December 2014	Saturday 20 December 2014	9.00 am
06 January 2015	Saturday 17 January 2015	9.00 am
27 January 2015	Saturday 07 February 2015	9.00 am
17 February 2015	Saturday 28 February 2015	9.00 am
10 March 2015	Saturday 21 March 2015	9.00 am
31 March 2015	Thursday 09 April 2015	6.15 pm
21 April 2015	Thursday 30 April 2015	6.15 pm
12 May 2015	Thursday 21 May 2015	6.15 pm
02 June 2015	Thursday 11 June 2015	6.15 pm
23 June 2015	Thursday 02 July 2015	6.15 pm

Recommendation

That the above list of dates and times for possible Planning Committee site visits for 2014/2015 be agreed

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DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Trees)
Regulations 1999
Tree Preservation Order No.151 (2013)
Tree Preservation Order No 151 (2013)
Tree at the Vicarage, Hawkstone Close

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 22nd October 2013, and to seek approval for the Order to be confirmed as made.

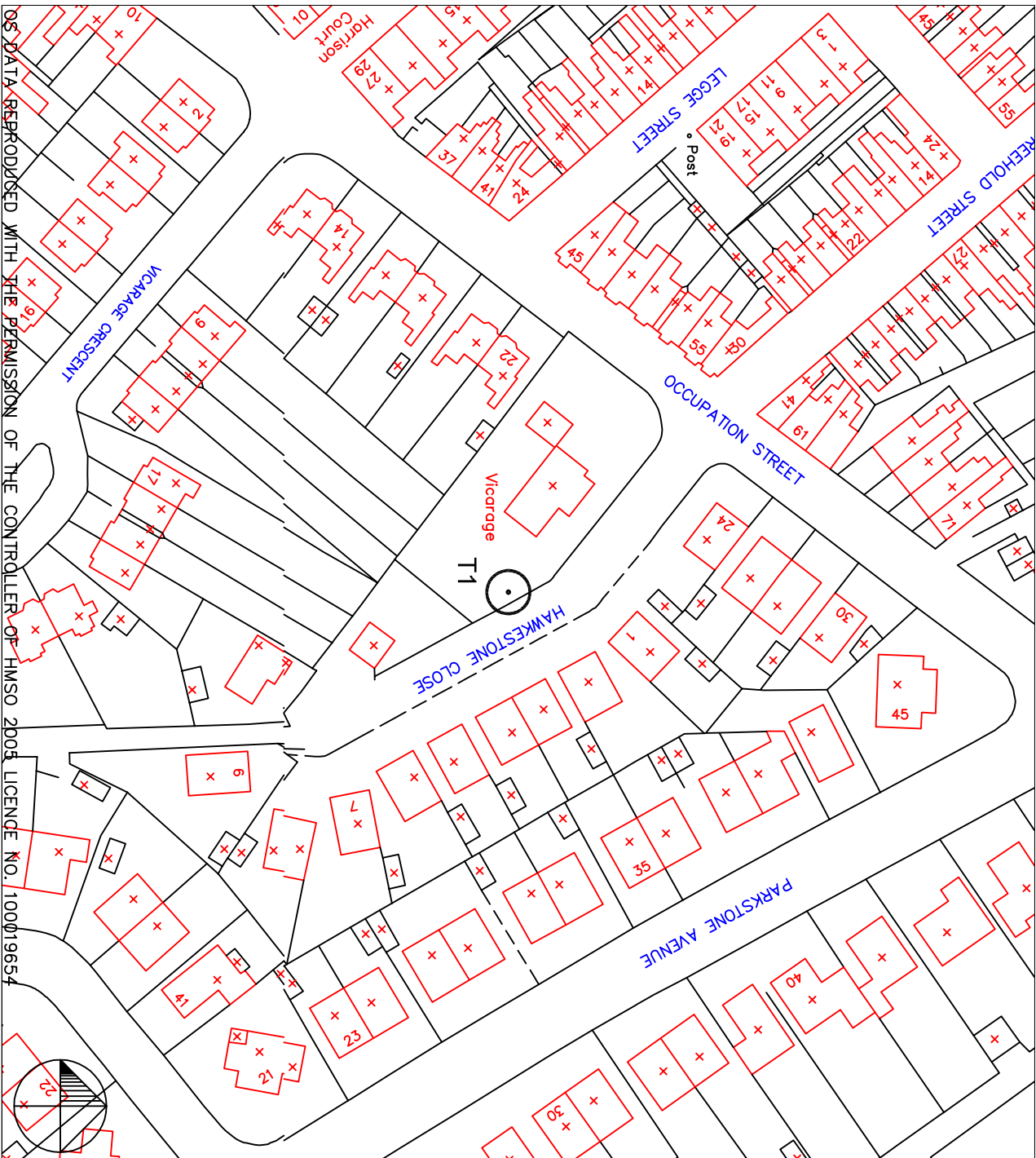
2 Background

- 2.1 In October 2013 your officers received a letter from a local resident requesting that a single Oak tree at the front of the former vicarage on Hawkstone Close be protected by a Tree Preservation Order. The land on which the tree stands had recently been advertised for sale, and the resident expressed a concern that the new owners of the vicarage and may be intending to fell the tree.
- 2.2 Your officers inspected the tree and found it worthy of an Order. An Interim Tree Preservation Order was made on 22nd October 2013 in order to safeguard the long-term visual amenity that the tree provides, following concern for its future through a threat of felling.
- 2.3 The Oak tree is clearly visible from Hawkstone Close, Freehold Street and Occupation Street, and forms a part of the treescape of the wider Lyme Valley.
- 2.4 The Oak tree makes an important present and future contribution to the area and the loss of this tree would have a detrimental effect on the visual amenity, not only of the site but also the locality.
- 2.5 The tree is of a sufficient quality to be retained.
- 2.6 Other visually significant trees within this property are already protected under TPO 17 (1972).

- 2.6 Following the publicity process for this Tree Preservation Orders, one representation letter was received.
- 2.7 The letter provides no indication of support or objection to the TPO but requests some information concerning the following matters:
- Responsibility for maintaining TPO'd trees.
 - Concerns about branches causing a danger to highways.
 - Concern about overhanging branches damaging neighbours cars.
 - Tree roots blocking drains.
 - Japanese Knotweed.
- 2.8 A response was sent on 21st November 2013 providing advice and information on the matters raised.
- 2.9 A reply was received from the same resident stating that she now understands the procedure for dealing with issues in connection with trees and would request that her letters are kept on file.
- 2.10 The representation does not make any objection to the TPO.
- 3.11 Your officers are of the opinion that in order to protect the long-term well being of the tree, it should be protected by a confirmed Tree Preservation Order.

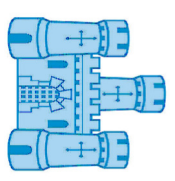
Recommendation

That Tree Preservation Order No 151 (2013) for the Oak tree identified as T1, at the Vicarage, Hawkstone Close Newcastle Road, Staffordshire be confirmed as made and that the owners of the trees are informed accordingly.



OS DATA REPRODUCED WITH THE PERMISSION OF THE CONTROLLER OF HMSO 2003 LICENCE NO. 100019654

NOTES:



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL

DAVE ADAMS EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL STREET
NEWCASTLE, STAFFORDSHIRE. ST5 2AG

TITLE:
Land at St Pauls Vicarage
Hawkestone Close, Newcastle under Lyme

DESCRIPTION:
Tree Preservation Order
Number 151(2013)

DRAWN BY: J.H	SCALE: 1:1000
DATE: Oct 2013	DRAWING NO. TPO 151

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DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Tree Protection)
(England) Regulations 2012
Tree Preservation Order No.149 (2013)
Land to the north of 41 Boon Hill Road
Bignall End (ST7 8LA)

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 15th October 2013, and to seek approval for the Order to be confirmed as made.

2 Background

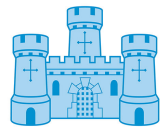
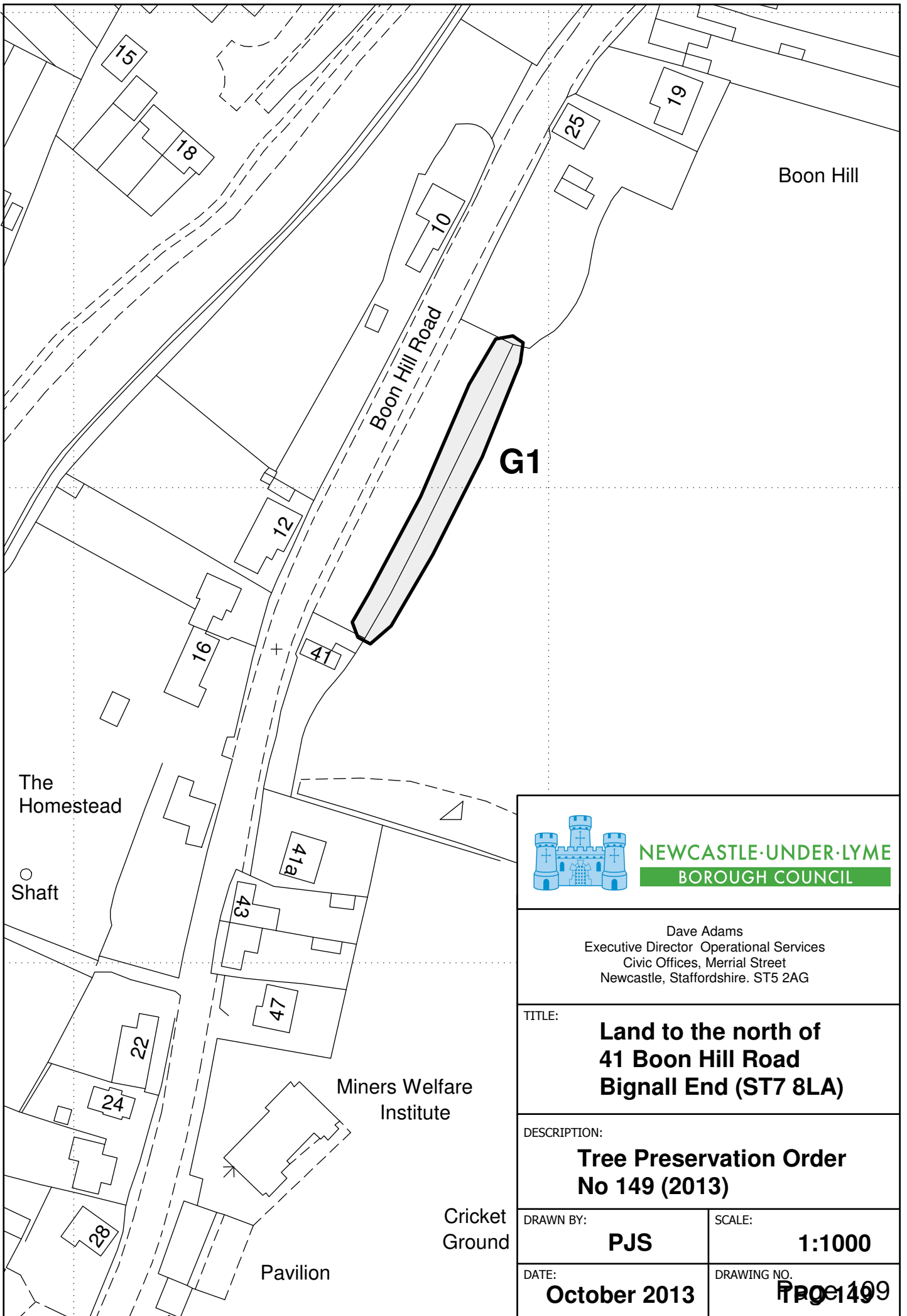
- 2.1 The Order protects a group of 11 sycamore trees to the rear of a narrow strip of vacant land situated south of Bignall End to the east side of Boon Hill Road and to the north of 41 Boon Hill Road.
- 2.2 The Order was made to safeguard the longer term visual amenity that the trees provide as a result of a planning application being made in August 2013 (13/000662/OUT) to build two dwellings on the site. The relationship between the trees and the proposed dwellings was poor, and the trees would have been likely to have been resented by the occupants of the dwellings, which in turn would have been likely to result in the trees being felled. There was concern also that the trees could be felled to remove them as an obstacle to future development.
- 2.3 The planning application was subsequently refused in November 2013 and one of the reasons for refusal was the poor relationship of the development to the protected trees, and the likely resultant pressure for either the felling or pruning of the trees. Accordingly the development was considered to be contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and aims and objective of the National Planning Policy Framework.

3 Issues

- 3.1 The trees stand along the rear boundary of a narrow strip of land along the eastern side of Boon Hill Road. There are open fields to the rear. The trees are early mature sycamores growing with some other species. The trees are clearly visible from the main road, are a significant feature along the road corridor and provide an important contribution to the area. There are few comparable groups of trees in the vicinity. The loss of the trees would have a detrimental affect on the visual amenity, not only of the site but also to the locality and the wider surrounding area.
- 3.2 Your officers inspected the trees in the beginning of October 2013, carried out a TPO assessment, and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 15th October 2013 in order to protect the long term well-being of the trees. No representations were received.
- 3.3 The refusal of planning permission to develop the site for two residential properties, partly due to the threat to the sycamore trees, gives rise to concern that the trees may be felled to remove them as an obstacle to future development.
- 3.4 Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

4 Recommendation

- 4.1 That Tree Preservation Order No 149 (2013), land to the north of 41 Boon Hill Road, Bignall End be confirmed as made and that the owners of the site be informed accordingly.



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Dave Adams
Executive Director Operational Services
Civic Offices, Merrial Street
Newcastle, Staffordshire. ST5 2AG

TITLE:
**Land to the north of
41 Boon Hill Road
Bignall End (ST7 8LA)**

DESCRIPTION:
**Tree Preservation Order
No 149 (2013)**

DRAWN BY:
PJS

SCALE:
1:1000

DATE:
October 2013

DRAWING NO.
Page 109

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DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 2012
Town & Country Planning (Trees)
Regulations 1999
Tree Preservation Order No.150 (2013)
Land adjacent to
31 Banbury Street, Talke (ST7 1JG)

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 22nd October 2013, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The Order protects a single sycamore tree on vacant land behind the Cooperative Food Store on Cedar Avenue and to the west of 31 Banbury Street, Talke.
- 2.2 The Order was made to safeguard the longer term visual amenity that the tree provides arising from concerns that it might be felled as part of a proposed development to construct fifteen dwellings on the site had been received by the councils Planning Department in October 2013 (Application 13/00785/FUL). Ring barking had been carried out to all of the trees stems and the application included for the removal of the tree. However it is considered that the tree will recover from the damage and should be retained. The planning application was subsequently withdrawn.
- 2.3 A further planning application was received in January 2014 for 13 dwellings on the site (14/00027/FUL) which includes for the tree to be retained. This was permitted at the Planning Committee meeting of 11 March 2014.

3 Issues

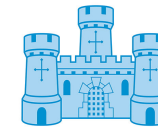
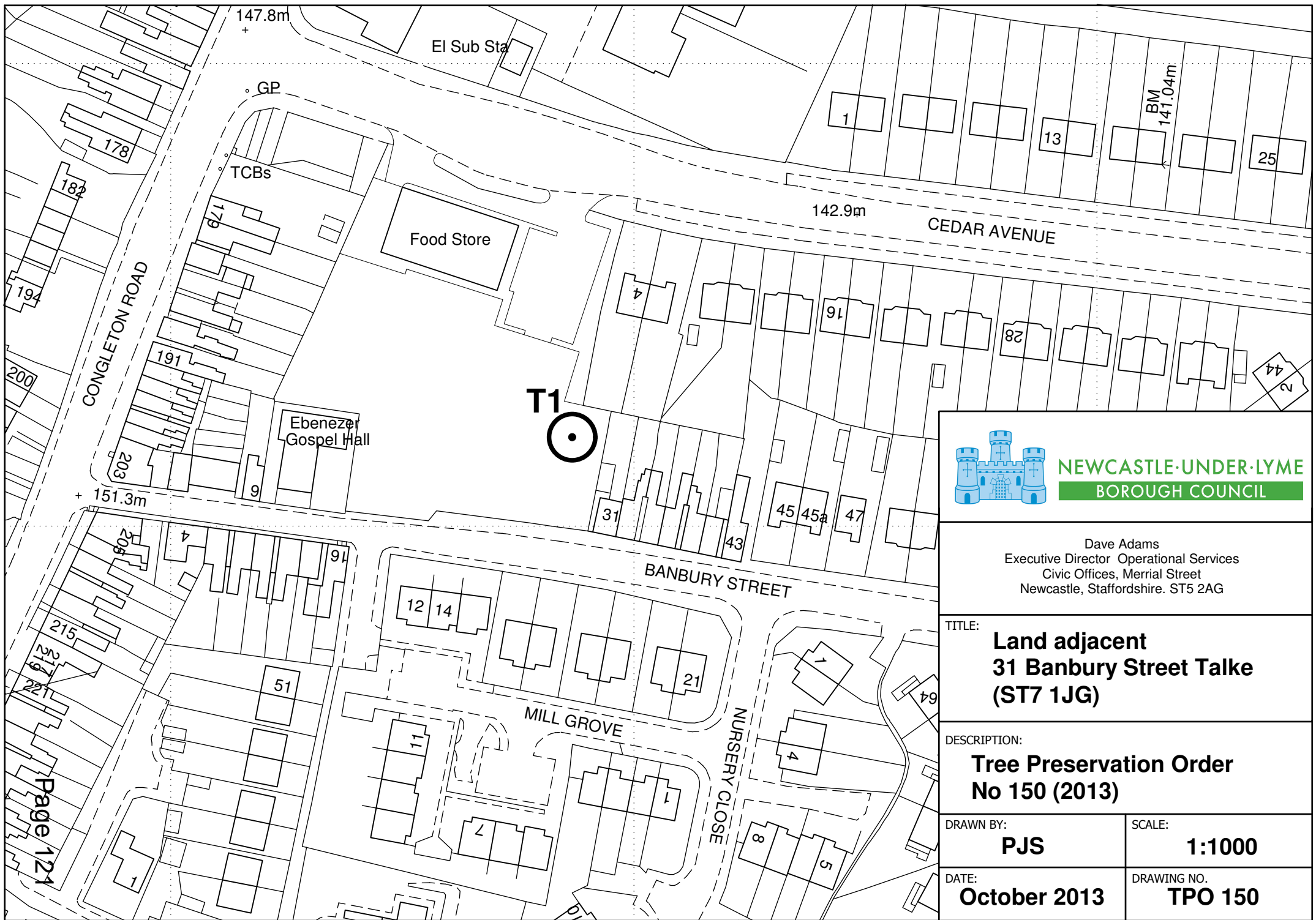
- 3.1 The tree is a mature sycamore with four stems, growing close to the eastern side of the development site, and is the only mature tree growing within the plot. The tree is clearly visible from Cedar Avenue and Banbury Street, is a significant feature, and provides an important contribution to the area. There are few other trees of a comparable standing in the area. The loss of the tree would have a detrimental

affect on the visual amenity, not only of the site but also of the locality.

- 3.2 Planning applications to develop the site were made in October 2013 and January 2014 resulting in concern that the tree could be lost.
- 3.3 Your officers inspected the sycamore tree and carried out a Tree Preservation Order assessment, and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. A Provisional Order was made and served on 22nd October 2013 in order to protect the long term well-being of the tree. No representations were received.
- 3.4 On 11 March 2014 planning permission was granted for 13 dwellings to be built on the site subject to prior approval and implementation of a detailed Arboricultural site monitoring schedule, and appropriate Arboricultural works to the sycamore tree.
- 3.5 Your officers are of the opinion that making the Order will ensure the preservation of the sycamore tree for the construction period and beyond. The trees longer-term visual amenity is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree, is generally healthy at present and is of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and to provide public amenity value due to its form and visibility from adjacent public locations. The making of the Order will not prevent the owner from carrying out good management of the tree, it will give the Council the opportunity to control the works and prevent unnecessary felling or lopping. The owner will be able to apply for permission to carry out maintenance work to the tree and if in the future, the tree does deteriorate in condition the owner will be able to apply for permission to carry out work which is necessary to safely manage the tree.

4 Recommendation

- 4.1 That Tree Preservation Order No 150 (2013), Land adjacent to 31 Banbury Street Talke, be confirmed as made and that the owners of the tree be informed accordingly.



NEWCASTLE UNDER LYME
BOROUGH COUNCIL

Dave Adams
Executive Director Operational Services
Civic Offices, Merril Street
Newcastle, Staffordshire. ST5 2AG

TITLE:
**Land adjacent
31 Banbury Street Talke
(ST7 1JG)**

DESCRIPTION:
**Tree Preservation Order
No 150 (2013)**

DRAWN BY:
PJS

SCALE:
1:1000

DATE:
October 2013

DRAWING NO.
TPO 150

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