

Public Document Pack

Date of meeting Tuesday, 9th December, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary 2227

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To receive the minutes of the previous meeting.
- 4 **Application for Major Development - Newcastle Baptist Church, London Road; Urban regeneration (Staffs) Ltd/Hewitt & Carr Architects; 14/00477/FUL** (Pages 9 - 22)
- 5 **Application for Major Development - Former Woodshutts Inn, Lower Ash Road; Aspire Housing Ltd/Design BM3 Architecture Ltd; 14/00767/FUL** (Pages 23 - 32)
- 6 **Application for Minor Development - Paddock adjacent to Rose Cottage, Snape Hall Road, Baldwins Gate; Mr & Mrs CJ and AJ Rudd/A-Z Designs; 14/00689/FUL** (Pages 33 - 40)
- 7 **Application for Minor Development - High trees, Heath Road, Whitmore; Darby/Hulme Upright Manning; 14/00524/FUL** (Pages 41 - 46)
- 8 **Application for Other Development - Land at New House Farm Acton Lane, Acton; Vodafone Ltd & Telefonica UK Ltd; 14/00847/TDET1** (Pages 47 - 52)
- 9 **Application for Other Development - Sandfield House, Bar Hill, Madeley; Mr David A.C Barker/Croft Architecture; 14/00684/FUL** (Pages 53 - 62)
- 10 **Application for Other Development - Advertising Site adjacent to 8 Congleton Road, Butt Lane; NULBC; 14/00832/DEEM3** (Pages 63 - 66)
- 11 **Application for Other Development - Car Park, Windsor Street, Newcastle under Lyme; NULBC; 14/00833/DEEM3** (Pages 67 - 70)
- 12 **Tree Preservation Order; Red Gates; 155B** (Pages 71 - 74)

- 13 Tree Preservation Order; High Street Wolstanton; 160 (Pages 75 - 78)
- 14 Extensions to Time Periods Within Which Obligations Under Section 106 can be Entered Into (Quarter 2 Report) (Pages 79 - 86)
- 15 Half Yearly Report on Planning Obligations (Pages 87 - 96)
- 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 Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear, Mrs Hambleton, Mrs Heesom, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, Waring, Welsh and 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. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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, 18th November, 2014

Present:- Councillor Sophia Baker – in the Chair

Councillors Mrs Bates, Becket, Fear, Mrs Heesom, Northcott,
Miss Reddish, Waring, Welsh and Williams

1. APOLOGIES

Apologies were received from Cllr Proctor, Cllr Sandra Hambleton, Cllr Simpson, Cllr Mrs Braithwaite and Cllr John Cooper.

2. DECLARATIONS OF INTEREST

Cllr John Williams declared an interest in item 9 on the agenda as he sat on the management committee for the community centre.

Cllr Becket declared a personal interest in item 9 on the agenda regarding St Johns Ambulance.

3. MINUTES OF PREVIOUS MEETING

Resolved: That the minutes of the previous meeting be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - BLACKBURN HOUSE, THE MIDWAY, NEWCASTLE UNDER LYME; MORSTON ASSETS LTD AND LADSON KEELE LTD/ADS STRUCTURAL; 14/00778/COUNOT

Resolved:

- 1) That Prior approval is required and
- 2) That the Head of Planning be authorised to take into account any comments received by 19th November in determining whether such prior approval should be given.

5. APPLICATION FOR MAJOR DEVELOPMENT - CLOUGH HALL TECHNOLOGY COLLEGE, FOURTH AVENUE, KIDSGROVE; STAFFORDSHIRE COUNTY COUNCIL; 14/00770/CPO

Resolved:

That the County Council be advised that the Borough Council objects to the application on the grounds that it is not a comprehensive and sustainable solution that provides the school and community with access to fit for purpose recreation facilities, and is thus contrary to the objective of the National Planning Policy Framework

Should the County Council be minded to permit the application then the Borough Council would recommend the following matters should be addressed by conditions:-

1. Contaminated land,
2. Hours of construction,
3. Construction Management Plan,
4. Internal Noise Levels,
5. Details of noise from equipment and machinery,
6. Waste collection and deliveries,
7. Details of kitchen ventilation equipment,
8. Prevention of food and grease debris, and
9. Artificial Lighting
10. Arboricultural Implications Assessment
11. Alignment of utility apparatus (including drainage)
12. Dimensioned Tree Protection Plan
13. Arboricultural Method Statement (detailed)
14. Schedule of works to retained trees (e.g. access facilitation pruning)
15. Arboricultural site monitoring schedule.
16. Landscaping scheme
17. Site must be drained on a separate system
18. No surface water discharged to the combined sewer network
19. Shared car parking scheme, submission and approval

The Borough Council particularly sought assurances (1) that the School would be required by a condition to submit proposals for approval of a scheme for the shared use of car parking spaces at the School, during the hours of off peak usage by the School and peak usage by the Kidsgrove Sports Centre and (2) that a community use agreement is entered into for the new sports hall, grass pitch and existing astro turf pitch.

6. APPLICATION FOR MINOR DEVELOPMENT - SANDFIELD HOUSE, BAR HILL, MADELEY; MR DAVID A.C BARKER; 14/00684/FUL

Resolved: That the application be deferred until such time as the extent of the visibility splays that can be achieved at the alternative new access have been established.

7. APPLICATION FOR MINOR DEVELOPMENT -LAND TO REAR OF GRINDLEY COTTAGE, CHURCH LANE, BETLEY; MR AND MRS M COX/MR T R TEW; 14/00700/FUL;

Resolved: That the application be refused for the following reasons:

1. The proposed development, by virtue of its siting and design, would harm the setting of the Grade I Listed Building, St Margaret's Church, contrary to Policy B5 of the Local Plan and the aims and objectives of the National Planning Policy Framework.
2. The proposed development, by virtue of its siting and design, would harm the rural setting and character of the Betley Conservation Area, contrary to Policies B9, B10 and B13 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

3. Failure to demonstrate that the proposed dwelling would not result in the loss of visually significant trees to the detriment of the character and appearance of the area and contrary to Policies N12 and B15 of the Local Plan and the aims and objectives of the National Planning Policy Framework.

8. **APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF FIELD FARM, CHURCH LANE, BETLEY; HALLMARK POWER LTD; 14/00636/FUL**

Resolved: (1) That the application be submitted subject to the following conditions:

1. Standard time limit
2. Approved plans and supporting information
3. Submission and approval of specific turbine and associated infrastructure details
4. Turbine colour
5. Notification to LPA of development commencement date
6. Temporary works reinstated once the turbine is operational
7. Development carried out in strict accordance with Delivery Route Assessment and Traffic Management Plan dated 03/10/2014, except that all construction movements along Church Lane during term time shall only be between 0915 and 1515 hours.
8. Submission and approval of further badger survey
9. Mitigation measures as per approved ecology report
10. Decommissioning and removal of all infrastructure hereby approved once it ceases to be required for energy generation purposes
11. Turbine to be located over 77 metres from any public footpath/ right of way
12. Construction hours
13. Noise limited to an LA90,10min of 35dB(A) at wind speeds of up to 10m/s-1 as measured or calculated at 10m height
14. The temporary site access of Church Lane shall be provided before the commencement of the development.

(2) That the decision notice of the authority include an advisory or warning notice about the importance of avoiding any damage to the hedgerow opposite the churchyard in Church Lane.

(3) That a letter be sent to Staffordshire County Council requesting that the parking controls referred to in the Delivery Route Assessment and Traffic Management Plan only apply to when delivery vehicles are programmed to move, not to the whole period of the work.

9. **APPLICATION FOR MINOR DEVELOPMENT - RAMSEY ROAD COMMUNITY CENTRE, CROSS HEATH; MRS GILLIAN WILLIAMS; 14/00748/FUL**

Resolved: That the application be approved subject to the following conditions:

1. Commencement of development within 3 years
2. Materials and plans as per application

10. **APPLICATION FOR MINOR DEVELOPMENT - KEELE DRIVING RANGE AND DRIVING SHOP; CTIL/WHP LTD; 14/00813/TDET**

Resolved: That prior approval is not required.

11. **APPEAL AND COSTS DECISION - SLACKEN LANE, BUTT LANE**

Resolved: That the decisions be noted.

12. **APPEAL DECISION - LAND ADJACENT TO 48 HIGH STREET, ROOKERY**

Resolved: That the decision be noted

13. **HALF YEARLY REPORT ON DEVELOPMENT MANAGEMENT AND ENFORCEMENT 2014/15 PERFORMANCE**

A report was submitted to provide members with a mid-year report on the performance recorded for Development Management (Development Control) between 1st April 2014 and 30th September 2014. Figures for 2012/13 and 2013/14 are also provided for comparison as are targets set within the Planning and Development Service Plan for 2014/15.

Officers drew members attention to the fact that the Council was currently on track to meet the target in relation to major applications and it was anticipated that a performance of around 80% would be achieved. Officers outlined reasons regarding why the Council was not on track to achieve the other targets such as staff shortages and sickness.

Members queried the performance relating to the percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control and requested additional information as to why the Council was so far behind the target and enquired about performance in determining applications for the approval of details required by conditions.

Officers stated that further information relating to this would be provided in item 14 on the agenda. In relations to conditions applications, Officers advised that in some situations additional time was given to applications to resolve any perceived problems which could have an effect on the performance levels, and that the Council was working to improve processes to improve the determination of condition applications.

Resolved:

(a) That the report be received.

(b) That the Head of the Planning and Development continue to operate mechanisms to maintain current high performance levels and improve the service provided for those procedures where our level of performance still needs to be addressed.

(c) That the next 'Development Management Performance Report' be submitted to Committee around May 2015 reporting on performance for the complete year 2014/15.

14. QUARTER 2 REPORT ON OPEN ENFORCEMENT CASES

Officers provided a graph to highlight the number of open enforcement cases at the end of each quarter in relation to the number of new enforcement cases received in each quarter. The enforcement officer carried out the initial investigations to establish whether there was a breach of planning control, but decision about whether it was expedient to take enforcement action lay within the remit of the planning officers. This performance area had been identified by the Peer Review and Officers were looking at ways to secure additional resources to support the enforcement function.

Resolved:

- a) That the report be received
- b) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

15. QUARTER 2 REPORT ON CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

Members thanked the Borough and County Council planning officers for their work relating to Doddlespool, Main Road, Betley and stated that an agreeable outcome had been achieved,

Resolved: That the information be received.

16. DISCLOSURE OF EXEMPT INFORMATION

Resolved: That the public be excluded.

17. QUARTER 2 REPORT ON A CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.

Members expressed some concern that no resolution to this had yet been achieved. Officers stated that was not the evidence to substantiate court action, and as agreed by the Planning Committee previously the views of ward members were to be obtained and would be reported back within the next quarterly report.

Resolved: That the information be noted.

18. URGENT BUSINESS

An urgent item was submitted in relation to an appeal by Keele Seddon Ltd relating to land at the University of Keele (13/00424/FUL).

Resolved:

1. That officers have the appropriate authority to negotiate the content of a Section 106 which:
 - a) Provides, upon reassessment, a 'surplus' towards the following objectives – education, affordable housing and the Newcastle Transport and Development Strategy (NTADS) – the order indicating which contributions are to be made first should a surplus become available.
 - b) Secures a mechanism for ensuring the long term maintenance of the public open space to be provided within the appeal proposal.
2. That if officers come to a satisfactory agreement, to enter into the resultant Section 106 agreement.

COUNCILLOR SOPHIA BAKER
Chair

**NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE
URBAN REGENERATION (STAFFS) LTD**

14/00477/FUL

The Application is for full planning permission for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development containing 14 two bed units and 8 one bed units with the formation of a new access (onto Vessey Terrace) and associated car parking.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map.

London Road is part of the A34

The 13 week period for this application expired on 24th September 2014, but the applicant has agreed an extension to the statutory period until 17th December 2014.

RECOMMENDATION

A. Subject to

(i) the receipt and consideration of advice from the District Valuer as to what affordable housing provision and financial contributions that this development could support, and a supplementary report to the Committee on this aspect

(ii) the applicant entering into a Section 106 obligation by agreement by 23rd January 2015 to require:-

1. Affordable housing provision (the level of which is to be recommended following the outcome of (i) above);
2. A financial contribution for the provision/maintenance of off-site public open space (the level of which to be recommended following the outcome of (i) above)

Permit subject to conditions relating to the following matters:-

1. Time limit/Plans
2. Materials
3. Boundary treatments
4. Landscaping
5. Landscape management plan
6. Provision of parking and turning areas
7. Closure of existing access on Vessey Terrace
8. Details of gates to replace the rise and fall posts shown at the access
9. Construction method statement
10. Provision of cycle parking and shelter
11. Surface water drainage interceptor
12. Written scheme of archaeological investigation
13. Construction hours
14. Piling details
15. Details of ventilation system to ensure appropriate indoor air quality
16. Further noise assessment to consider terrace noise levels
17. Internal noise levels
18. Details of any fixed mechanical ventilation or air conditioning plant
19. Details of external artificial lighting
20. Television reception study
21. Contaminated land conditions

B. Failing completion by 23rd January 2015 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 provide an appropriate level of affordable housing which is required to provide a balanced and well-functioning housing market and fails to secure the provision/maintenance of off-site public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The site is located within the urban area of Newcastle close to the town centre and is a sustainable location for new housing. The benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as an Local Planning Authority (LPA) would render a policy compliant scheme unviable.

The draft Report of the District Valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to members on this issue.

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

Officers have worked with the applicant to address all issues and the application is now 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 (CSS) 2006-2026

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in new housing areas
Policy C22: Protection of Community Facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

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

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

None considered relevant

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding access, parking and turning, closure of the existing access, construction method statement, cycle parking and drainage.

The **Police Architectural Liaison Officer** makes the following comments (on the proposals as originally submitted):

- The proposals possess some sound crime prevention attributes including the defensible space provided by a low wall with planting behind along the London Road frontage and the brick wall along the boundary of the site with the rear access track of the Grosvenor Gardens

houses. The rear car park will be enclosed and will have some overlooking from the apartment block.

- The rise and fall posts at the entrance to the car park should be replaced with automated, inward opening, visually permeable gates. The cycles store door should be relocated to a different elevation to accommodate this and the cycles store should be secured and provision made internally for cycles to be secured in situ.
- Good access control provision will need to be put in place to prevent unauthorised access to the building via the front and rear entrances for the security and benefit of the residents. Access control should be extended to cover individual floors.
- Compliance with the minimum physical security requirements contained within the Secured by Design New Homes 2014 guidance document is recommended.

The **Environment Agency** has no objections to the proposal. It is stated that the site has been occupied by a place of worship and such a use has limited potential to have caused contamination. Given the nature of the underlying strata (low permeability) there is no requirement for any further investigation of the site. The applicant should refer to the 'Groundwater Protection: Principles and Practice' document. All precautions must be taken to avoid discharges and spills to ground both during and after construction.

The **Environmental Health Division** objects to the application on the grounds that there has been no assessment of noise in relation to the roof top terrace and the information contained within the application would indicate that the noise levels within this area are likely to exceed the recommendations of the World Health Organisation and described within BS8233:2014. If approval is granted, conditions should be applied regarding hours of construction, vibration assessment, details of a ventilation system to ensure appropriate indoor air quality, assessment of roof top noise levels, internal noise levels, details of any fixed mechanical ventilation or air conditioning plant, details of artificial lighting, a television interference condition and contaminated land conditions.

Staffordshire County Council as the **Education Authority** states that no education contribution will be requested as it is not the current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments. However, the primary schools in this area are all projected to be full and so if the dwelling mix was amended they would wish to be informed.

The **Waste Management Section** has no objections and is happy with the size of the bin store area.

The **Housing Strategy Officer** states that 25% affordable housing is required which would be 6 units (4 social rented and 2 shared ownership).

The **Landscape Development Section (LDS)** states that approval of a detailed planting scheme should be conditioned and should follow the strategic landscape proposals as shown. It is questioned whether the planting beneath the proposed terrace to the rear of the building could be established successfully. The dry conditions, without an irrigation system, and poor light conditions would make this very difficult. A Public Open Space contribution of £2,943 per dwelling is requested to include a contribution for capital development/improvement of off-site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Further comments have been received stating that the play element could be removed from the 1-bed flats giving 8 at £1,482 (1-bed flats), 14 at £1,791 (2-bed flats) and 22 at £1,152 (maintenance contribution).

Staffordshire County Council Archaeologist states that an architectural and historical review of the churches and chapels of North Staffordshire (2009) identified that the Baptist Chapel makes a positive contribution to Newcastle's townscape and is worthy of local listing. In line within NPPF paragraph 128, it is advised that a heritage statement be produced. If planning permission is granted for the demolition of the Newcastle Baptist Chapel and given its recognised historical and townscape contribution to the town it is recommended that a building recording survey be carried out. This work would equate to a Level 2 survey as identified in the English Heritage volume entitled '*Understanding historic buildings: a guide to good recording practice*' (2006). This work would most appropriately be secured via a condition.

The Council's **Conservation Officer** states that the church is not on the local Register of Important Buildings and was not added this year during the review. It may be considered as a non-designated

heritage asset, and this is backed up by the Church Survey which was carried out a number of years ago. The survey sets out a relatively detailed report for the history of the church and the building. Certainly the report identifies the building as worthy of local listing and if not used as a church it could be a flexible space. The church no longer own the building and have moved on which has left it vulnerable. It is difficult to find new uses for such buildings often, and perhaps this is not the best location for conversion to residential as has been the case for other such cases. If consent were to be granted for demolition, it is concurred with the County Archaeologist that a building recording exercise should be undertaken.

No comments have been received from the **Greater Town Centre Locality Action Partnership** and given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

Four letters of representation have been received. Objection is made on the following grounds:

- Loss of privacy and overlooking
- Overshadowing and loss of light as the building would be significantly taller than the existing building
- Impact on view
- Noise and pollution during building work
- Impact on property value
- Parking impact on streets where there is already a parking problem
- Highway safety concerns regarding proposed access opposite existing pub entrance

Applicant's/Agent's submission

The applicant has submitted a Design and Access Statement, an Air Quality Assessment, an Acoustic Survey and a Geo-Environmental Desk Study. Details of the application are available to view via the following link www.newcastle-staffs.gov.uk/planning/1400477FUL

Key Issues

1.1 Full planning permission is sought for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development comprising 14 two-bed units and 8 one-bed units, with the formation of a new access and associated car parking.

1.2 The application site is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the loss of a community facility acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area both in relation to the loss of the existing building, and to the impact of the proposed development?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Is the proposal acceptable in terms of its landscaping and open space provision?
- Is affordable housing provision required and if so how should it be delivered?
- 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?
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?

2.0 Is the principle of residential development on the site acceptable?

2.1 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Newcastle.

2.1 Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - 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 (within which the site lies).

2.2 Policy SP1 of the CSS 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 Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.3 This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough and beyond. It is considered that the site provides a sustainable location for additional residential development.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise 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 Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Is the loss of a community facility acceptable?

Policy C22 of the NLP relates to the Protection of Community Facilities and advises that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

The site is currently occupied by the former Newcastle Baptist Church building which has been vacant for some time. Newcastle Baptist Church has relocated to a building in the Westlands and therefore this particular community facility remains provided nearby. In terms of churches and associated community facilities generally, there are a number in the locality and therefore, it is not considered that an objection could be sustained on the grounds of the loss of a community facility.

Is the proposal acceptable in terms of its impact on the form and character of the area both in relation to the loss of the existing building, and to the impact of the proposed development?

The existing building is identified on the Staffordshire Historic Environment Record (HER). An architectural and historic review of the churches and chapels of North Staffordshire (2009) identified that the Baptist Chapel was built in 1914 by the architects George Baines & Son who are noted designers of non-conformist chapels. The review contended that the Baptist Chapel makes a positive contribution to Newcastle's townscape and is worthy of local listing.

The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Although this is a building of architectural merit, the review states that it has been altered externally and contains no furnishings of great interest. The building is not Listed and is not on the Council's Register of Locally Important Buildings and Structures. On balance therefore, it is not considered that an objection to the loss of the building could be sustained. However, given its recognised historical and townscape contribution it is considered that a condition should be imposed requiring a building survey to be carried out.

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.

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. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

The site occupies a prominent location at the junction of London Road and Vessey Terrace just outside Newcastle Town Centre. It lies within a predominantly residential area with a large Public House, 'The Cherry Tree', to the south-east on the opposite corner of Vessey Terrace. The existing structure on the application site is a single-storey building. The building would be predominantly four storeys with two of the 22 units at fifth floor level. The main elevation of the building would front London Road with a secondary elevation to Vessey Terrace. Both elevations would be sited close to back of pavement. Vehicular access would be from Vessey Terrace via a bridged entrance and pedestrian access would be on the corner of London Road and Vessey Terrace. Car parking is proposed to the rear with 22 spaces and an enclosed bin store and secure cycle store. The proposed materials comprise red facing brickwork, off-white render, timber cladding and grey aluminium windows and trimming details. The building would have a flat roof.

In terms of its scale, the building is significantly larger than the current building on the site. However, the adjacent development to the north-west on the London Road frontage comprises substantial brick-built Victorian terraced properties with three floors of accommodation and a steeply pitched roof. The ground level of the Public House to the south-east is raised up significantly above the level of the road and Vessey Terrace slopes up from the site to the east away from London Road. The 'proposed elevations' drawing indicates that the London Road elevation would be very similar in height to the adjacent properties to the north-west. The site occupies a prominent position on a main approach into the Town Centre and your Officer considers that a building of this scale would be appropriate in its context. Urban Vision Design Review Panel considered a similar scheme for the site at pre-application stage, which although it has now been altered in elevational treatment, was very similar in terms of its height and massing. The Panel considered that in this location fronting a main dual carriageway road, the scale and massing of the building would be acceptable.

In terms of architectural detailing, the scheme that was considered by Urban Vision differed from that now submitted. The variation in the different materials used was applied horizontally across the building and Urban Vision considered that this did not respond to the vertical rhythm of the dwellings in the surrounding area. It was considered that greater regard should be had to the distinctive character of the surrounding area by reducing the number of surface materials used and articulating

the individual residential units in a more vertical rhythm. These comments have been taken on board in the current scheme. The amount of render has been reduced and the building now has more of a vertical emphasis. The variation in materials and the addition of a fifth storey set back from the main elevations provides some articulation and it is considered that the clean, contemporary design is appropriate in this location.

Would there be any adverse impact on residential amenity?

Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook.

1. The impact of the development on existing neighbouring living conditions

A number of objections have been received from residents of Grosvenor Gardens to the north-east of the site. Residents express concerns regarding loss of privacy and light and regarding impact on view and the value of their property. Issues of impact on view and property value are not material planning considerations. Regarding privacy and light, the Council's Space Around Dwellings SPG sets out the Council's objectives for space about new dwellings including the need for privacy, daylight standards and environmental considerations. That part of the building that fronts onto London Road would be approximately 33m from the rear of the properties on Grosvenor Gardens, whilst that part of the building which fronts onto Vessey Terrace is closer, but is not directly behind the Grosvenor Gardens houses. The SPG recommends at least 21m between dwellings where the facing walls contain windows of principal rooms and goes on to state that where one or both facing dwellings are over two storeys high the distance between principal windows should be 21m plus an additional set back of 3m for each additional storey. In this case, there are no principal windows in the north-east elevation of the fifth storey and the 33m achieved exceeds the 27m distance recommended for a 4-storey building. In addition, the land slopes up to the north-east and therefore, the ground level of the dwellings on Grosvenor Gardens is several metres above the level of the application site. The existing dwellings on Grosvenor Gardens have substantial rear boundary treatments and therefore, there is existing screening of those gardens from the proposed car parking. The neighbouring dwelling on Vessey Terrace has no windows in its side elevation and has no amenity space to its south-west.

Given the above, it is not considered that there would be any significant adverse impact upon the amenity of the occupiers of the existing dwellings.

2. The adequacy of the expected living conditions of future occupants of the units proposed

In terms of the amenity of the future occupiers of the proposed units, Urban Vision considered that in the pre-application scheme an unacceptable level of amenity space was provided. It was considered that the over-intensive nature of the development meant that no shared outdoor amenity space was provided for the occupiers of the apartments.

In the application scheme a raised landscaped deck has been provided at first floor. It would measure 6m x 14.5m and would include decking, lawn and planting. Access would be available for all residents. Although the amenity area is relatively limited in size, it would enable the residents to enjoy some outside space, without unduly compromising the amenity of the occupiers of the houses in Grosvenor Gardens.

The Environmental Health Division (EHD) has expressed concern that the submitted Noise Assessment does not consider the noise environment on the roof top balcony/terrace. Discussions have taken place between the applicant's noise consultant and the EHD and your officer has been advised that an amended noise assessment report is to be submitted very soon. The EHD has advised that it is satisfied that mitigation measures can be incorporated (probably the addition of a glazed screen around the boundary of the balcony/terrace) to ensure acceptable noise levels. On this basis and subject to the imposition of conditions, it is not considered that an objection could be sustained on such grounds.

Is the impact of the development on highway safety acceptable?

The access to the site would be via Vessey Terrace. Based on the maximum parking standards in the

Local Plan, the development should not be permitted to provide more than 39 spaces. 22 spaces are proposed. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

One space is proposed for each apartment and this is a particularly sustainable location in easy walking distance of the shops and bus services in Newcastle Town Centre. There is no particular need to promote more sustainable modes of travel by the residents (for example by the provision of an annual bus pass on first occupation as has been done elsewhere), or to require a residential Travel Plan, given the inherent features of the location and the size of the scheme. For these reasons it is considered that in this instance the level of car parking proposed is sufficient, and it is not considered that the proposal would create or materially aggravate a local on street parking or traffic problem, let alone cause a severe highways impact.

Subject to conditions, the Highway Authority has not raised any objections to the scheme in relation to either the access or the acceptability of the proposed car parking provision. Although a condition requiring revised access details is recommended, the Highway Engineer has confirmed that this request was simply intended to achieve clarification regarding visibility. The pavement here is reasonably wide and your Officer is satisfied that acceptable visibility can be achieved. It is not considered necessary to attach a condition requiring revised access or details of visibility splays.

On the basis of the above, it is not considered that an objection could be sustained on the grounds of impact on highway safety.

Is the proposal acceptable in terms of its landscaping and open space provision?

A very narrow landscaped buffer is proposed to the front of the London Road elevation of the development and some planting is proposed to the rear of the building adjacent to the car parking area. A raised landscaped amenity deck is also proposed at first floor level. The Landscape Development Section (LDS) has no objections to the landscaping subject to a condition requiring the submission of a detailed planting scheme to follow the strategic landscape proposals as indicated. Although the extent of the proposed landscaping is very limited, it compensates somewhat for the lack of an active street level frontage on the London Road frontage the development when viewed from London Road and the landscaped amenity deck to the rear would provide some further visual amenity to the rear. On balance, it is considered that the landscaping as proposed is acceptable. Given the challenge provided by a location close to a primary route, and the prominence of the site, it is considered that a condition securing a landscape management plan would be appropriate if planning permission is to be granted.

In terms of open space provision, 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. 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.

This development would not include an area of public open space within the site. The LDS therefore considers that a financial contribution is required to include a contribution for capital development/improvement of off-site green space in addition to a contribution to maintenance costs for 10 years. Given that 1-bed apartments are very unlikely to be occupied by families with children, the LDS has advised that the play element of the sum for the capital development/improvement of off-site open space could be removed from those units. This would give a total contribution requirement of £62,274 which could be secured through a planning obligation achieved by agreement.

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

Policy CSP6 of the CSS states that 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.

On the basis of the number of dwellings proposed, the affordable housing requirement for this site would be 6 units. The applicant has advised that in this case however, the development could not support financially any element of affordable units. The issue of viability will be considered fully later in the report.

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 conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?

As indicated above, to comply with policy, certain contributions would be required to make the development acceptable. These are either financial contributions or ones in kind, but they are all capable of being costed, and they would be considered by a developer to be “additional” costs. These are, in no particular order, the provision of affordable housing (currently an uncalculated value) and a contribution of £62,274 towards the provision and maintenance of Public Open Space.

A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable. The assessment concludes that the development could support neither any affordable housing provision nor any substantial financial contribution.

The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of “viability” and it starts with the point that any developer contributions required will need to comply with the tests set out in the then circular on planning obligations, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects. Although the circular has since been superseded the principles continue to apply.

The Council’s position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council’s requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a ‘site by site’ basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

The applicant in this case has submitted financial information to substantiate their claim that the Council’s requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for

further advice. There have been discussions between the District Valuer and the applicants' agents with a range of supporting material being provided.

As indicated above the contributions being sought are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being 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.

Your officers are awaiting the receipt of a draft Report by the District Valuer setting out his appraisal of the development's viability and will report further on this issue.

Background papers

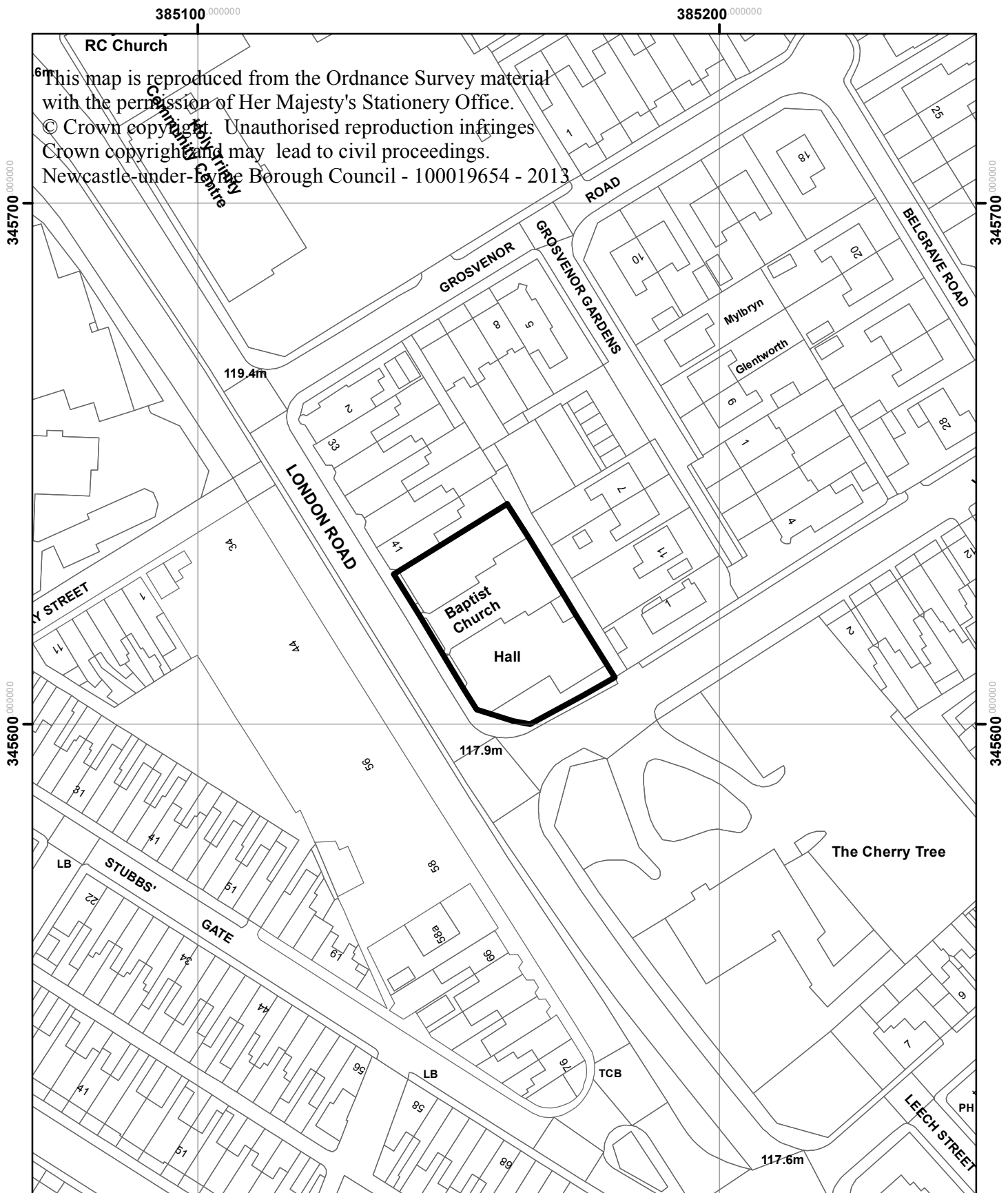
Planning files referred to
Planning Documents referred to

Date report prepared

26th November 2014

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Newcastle Baptist Church London Road - 14/00477/FUL



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**SITE OF FORMER WOODSHUTTS INN, LOWER ASH ROAD
ASPIRE HOUSING LTD**

14/00767/FUL

The application is for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows. All the dwellings are to be accessed from Lower Ash Road, the majority via an access adjoining nos 24/2 Lower Ash Road, and three dwellings are to be accessed between 10 and 12 Lower Ash Road.

The site, of approximately 0.5 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 2nd January 2015.

RECOMMENDATION

a) Subject to the applicant entering into a S106 obligation by agreement by 20th January 2015 to secure the following:

- **A financial contribution of £22,062 towards the provision of education facilities**
- **A financial contribution of £64,746 for open space enhancement/ improvements and maintenance**
- **Any further matters that are considered appropriate following further consideration of the issue of affordable housing and public open space.**

b) subject to the receipt of a further noise assessment, the consideration of the comments of the Environmental Health Division upon that assessment and the inclusion of any reasonable conditions

Permit subject to conditions relating to the following matters:

- **Standard Time limit condition**
- **Approved plans/drawings/documents**
- **Approval of all external facing and roofing materials**
- **Inclusion of windows in side elevation of plots 21 and 22**
- **Landscaping scheme**
- **Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap**
- **Construction Method Statement.**
- **Provision of access drives, parking and turning prior to occupation.**
- **Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.**
- **Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.**
- **Permanently closure of redundant access.**
- **Driveways to be surfaced in a bound material for 5m from the highway boundary.**
- **Surface water interceptors to be provided where driveways fall towards the public highway.**
- **Contaminated land conditions**
- **Site to be drained on a separate system with no surface water to be discharged into combined sewer network.**
- **Provision of 10m access strip to public sewer crossing site.**
- **Updating of ventilation system of adjoining fish and chip shop**

b) Should the matters referred to in (i) and (iii) 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 such matters being secured the development would fail to secure provision for education; and for affordable housing and the provision of adequate public open space as applicable, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The method of securing an appropriate level of affordable housing within the development is being explored with the applicant and further information will be reported.

The principle of the use of the site for residential development is acceptable. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. Subject to the applicant demonstrating that noise from the adjoining business can be suitably addressed in the design of the development through the submission of a further Noise Assessment there are no other material considerations which would justify a refusal of this submission.

The development would also 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. A planning obligation is required to secure such matters.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance 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 (CSS) 2006-2026

Policy SP1: Spatial principles of Targeted Regeneration
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy H4: Housing Development and Retention of Parking Facilities.
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

Developer Contributions SPD (September 2007)
Affordable Housing SPD (2009)
Space Around Dwellings SPG (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

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

Relevant Planning History

None

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions regarding:

- The provision of access drives, parking and turning areas before the development is occupied.
- The access to plots 4 to 11 to be provided in accordance with the submitted Cameron Rose Associates plan.
- Driveways to be surfaced in a bound material for a minimum distance of 5m from the highway boundary.
- Surface water interceptors to be provided where driveways fall towards the public highway.
- The private driveway to plots 1 to 3 to be a minimum width of 4.5m for the first 6m rear of the highway boundary.

- No occupation until redundant accesses are permanently closed and the access crossings reinstate as footway.
- Construction Method Statement

The **Police Architectural Liaison Officer** supports the redevelopment of the site for housing and considers that the layout plan indicates that sound crime prevention principles have been adhered to. It is recommended that windows are added at the sides of the properties on plots 21-22 to overlook the parking. Unauthorised access from the front to the back of properties should be prevented by 1.8m high fencing and lockable gating. Use of external hedging is encouraged to provide a subtle defensive barrier. The gap in the existing barrier to the rear of the adjoining shops should be blocked and ideally the existing fence hidden given its unpleasant appearance. The applicant is urged to seek Secured by Design accreditation for this development.

Kidsgrove Town Council fully supports the application indicating that new affordable homes are much needed in Butt Lane, and will allow people to remain in the area in which they grew up, rather than moving elsewhere.

The County Council as the **Education Authority** advises that the development falls within the catchments of St. Saviour's CE Primary School and Clough Hall Technology School. The development is scheduled to provide 16 dwellings. Excluding the six apartments and excluding 10 RSL dwellings from the secondary school calculation only, a development of this size could add 2 Primary School aged pupils and Clough Hall Technology School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. St. Saviour's CE Primary School is projected to be full for the foreseeable future. They would therefore seek an Education Contribution of 2 Primary School places (2 x £11,031) giving a total request of £22,062.

United Utilities have no objections subject to the following conditions:

- Site to be drained on a separate system, with only foul drainage connected into the foul sewer and restricted surface water flow into the surface water drains.
- No surface water to be discharged either directly or indirectly to the combined sewer network.
- An access strip width of 10m is to be provided, 5m either side of the centre line of the public sewer that crosses the site.

Housing Strategy is supportive of the scheme which stems from the fact that there is a demonstrable need for affordable housing within the Borough. The development will include a mixture of bungalows and 1 and 2 bed properties and will address the acute need for older people accommodation and the provision for smaller affordable housing units within the Borough.

The **Environmental Health Division** objects as the submitted noise assessment has not considered the potential noise impacts from the business, Midway Industrial Doors, which is directly behind the proposed development. They also recommend that if permission is granted it should be subject to contaminated land conditions.

The **Landscape Development Section** has no objections subject to a condition requiring a landscaping scheme and securing a contribution for capital development/improvement of off-site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years which amounts to a total contribution of £2,943 per dwelling

Representations

Two representations in support of the application, one from ward **Councillor Kyle Robinson**. It is indicated that this type of development is welcomed in the Butt Lane area as social housing is in very much demand. The local community have been calling for smaller and affordable properties for many years. The development of this site would help to reduce anti-social behaviour in the area. The former Woodshutts pub was marred by criminal activity to a point a Home Office report was required to push for demolition. The community will welcome the clean-up of the site and look forward to a development that will be aesthetically pleasing. This part of the ward offers an array of convenience shops and a park. These properties would be the ideal location for a small family.

Applicant's/Agent's submission

The application is accompanied by the following:

- A Design and Access Statement
- Phase 1 and 2 Ground Investigation
- A Noise Impact Assessment

All of which are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400767FUL

Key Issues

The application is for full planning permission for a residential development of 22 dwellings.

The issues for consideration now are:-

- Is the principle of development acceptable?
- Is adequate provision made to provide Affordable housing on the site?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety?
- Will appropriate open space provision be made?

Is the principle of development acceptable?

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 an indicative target of at least 600 dwellings within Kidsgrove.

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.

Importantly, the Council is currently unable to demonstrate a five year supply of housing land. Where Local Planning Authorities cannot demonstrate an up-to-date 5 year supply of deliverable housing sites, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

In terms of sustainability, the site is located close to the A34 and the A500 with its links to the M6 motorway. Butt Lane has a number of shops and services and bus stops are located on Congleton Road less than 750m from the site with a bus service running every 20 minutes connecting Hanley, Newcastle and Kidsgrove with its railway station. It is considered that this site represents a sustainable location therefore.

There are currently four garages on part of the site of which three are leased to local residents. The applicant advises that there is another garage site on Lower Ash Road in very close proximity to the site and the tenants of the garages on site will be given to the opportunity to relocate to a garage on that site, five of which are currently not in use. As such alternative parking of equivalent capacity and accessibility is available and as such it is considered that the loss of the parking facilities would not be contrary to Policy H4 of the Local Plan.

The nature of the site and in the context of the Council's inability to demonstrate a five year supply of housing land is such that the principle of residential development is considered acceptable.

Is adequate provision made to provide Affordable housing on the site?

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. This equates to 6 units, however the proposal is for all of the units being affordable houses for rent.

Whilst the intention is that all of the development will be affordable housing, to comply with policy it would be normal practice that affordable housing to meet policy requirements is secured in perpetuity via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement. However, in respect of other applications for residential development by the same applicant it has been accepted that the affordable housing requirement was not secured directly by a section 106 obligation or by condition in part because this would have prevented the applicant securing a substantial amount of funding from the Homes and Community Agency (HCA).

The applicant has not, in support of this application, put forward such a case and this is being explored in more detail with the applicant to ensure that suitable levels of affordable housing provision is secured in perpetuity within this development in a manner which does not jeopardise the implementation of any planning permission given the importance of this development as highlighted in the comments of Housing Strategy above.

Is the proposal acceptable in terms of its design and impact on the form and character of the area?

The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

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

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

R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

The development is made up of a block of three storey flats, two storey dwellings and bungalows. The flats are located at the junction of Lower Ash Road and Harecastle Avenue. The scale then steps down to the two storey dwellings on both road frontages providing an appropriate transition between the development and the adjoining two storey buildings on Lower Ash Road, and the single storey commercial building (Midway Industrial Doors) on Harecastle Avenue. The bungalows are all located away from the road frontages to the site, to the rear of properties.

The design and appearance of all the buildings proposed incorporates red brickwork and concrete interlocking slates which reflect the materials of the traditional buildings in the surrounding area. Certain of the buildings within the development, where they are located on road frontages, also incorporate quite significant areas of fibre cement board cladding that has the appearance of wood.

Such a material is considered to be an acceptable contrast, and would achieve the applicant's aim to create a mini landmark in place of the demolished pub.

The layout and density of the proposed scheme and the proposed house types reflect and complement the local character, and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

Would there be any adverse impact on residential amenity?

This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

The proposed layout achieves, in respect of most plots, separation distances that accord with the guidance set out in the Council's Supplementary Planning Guidance (SPG) relating to Space about Dwellings. The separation distance between the side elevation of the bungalow on plot 2 and the rear elevation of 12 Lower Ash Road is 8m which does not achieve the guidance set out in the SPG of a separation distance of 10.7m between a principal window and a blank wall. The affected principal window in this property No.12 Lower Ash Road is a first bedroom window which would look out onto the hipped roof of the proposed bungalow adjoining, as such the impact of the development would be limited and it is considered that the relationship between this existing property and the development would be acceptable even with such a shortfall.

Amenity of future occupiers of the development

The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG and as such it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

The site is located adjoining a fish and chip shop which currently does not have a suitable extraction system. There are concerns that the odours from this use will adversely affect the living conditions of the residents of the proposed development. The applicant, however, also owns the premises containing the fish and chip shop and have committed to updating the ventilation system to address odours and noise. This could be secured by a negatively worded condition.

Whilst the application is supported by a Noise Assessment, this does not address noise arising from the adjoining commercial use, Midway Industrial Doors. The applicant has commissioned a further assessment to address this matter and it is anticipated that this will be received prior to the Committee meeting. The conclusions of the further assessment and the comments of the Environmental Health Division will be reported.

Would there be any adverse impact upon highway safety?

All houses and bungalows would have at least one off-road parking space and the six flats would share six spaces. In addition within the development are 5 additional visitors' car parking spaces provided.

The Highway Authority has no objections to the detail of the proposal subject to conditions and therefore, the proposal is considered acceptable in terms of impact on highway safety.

During the course of the application, the applicant has providing further information demonstrating, to the satisfaction of the Highway Authority, that a refuse vehicle can enter the site, turn and exit in a forward gear. The proposed development, therefore, would not result in any highway safety concerns as a result of the servicing of the development.

Will appropriate open space provision be made?

NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. 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.

Whilst the views of the Landscape Development Section have requested a contribution to improve off site open space facilities. It is proposed to spend this £64,746 contribution within Clough Hall Park, a neighbourhood park approximately 200m walking distance from the development where improvements have been identified as required.

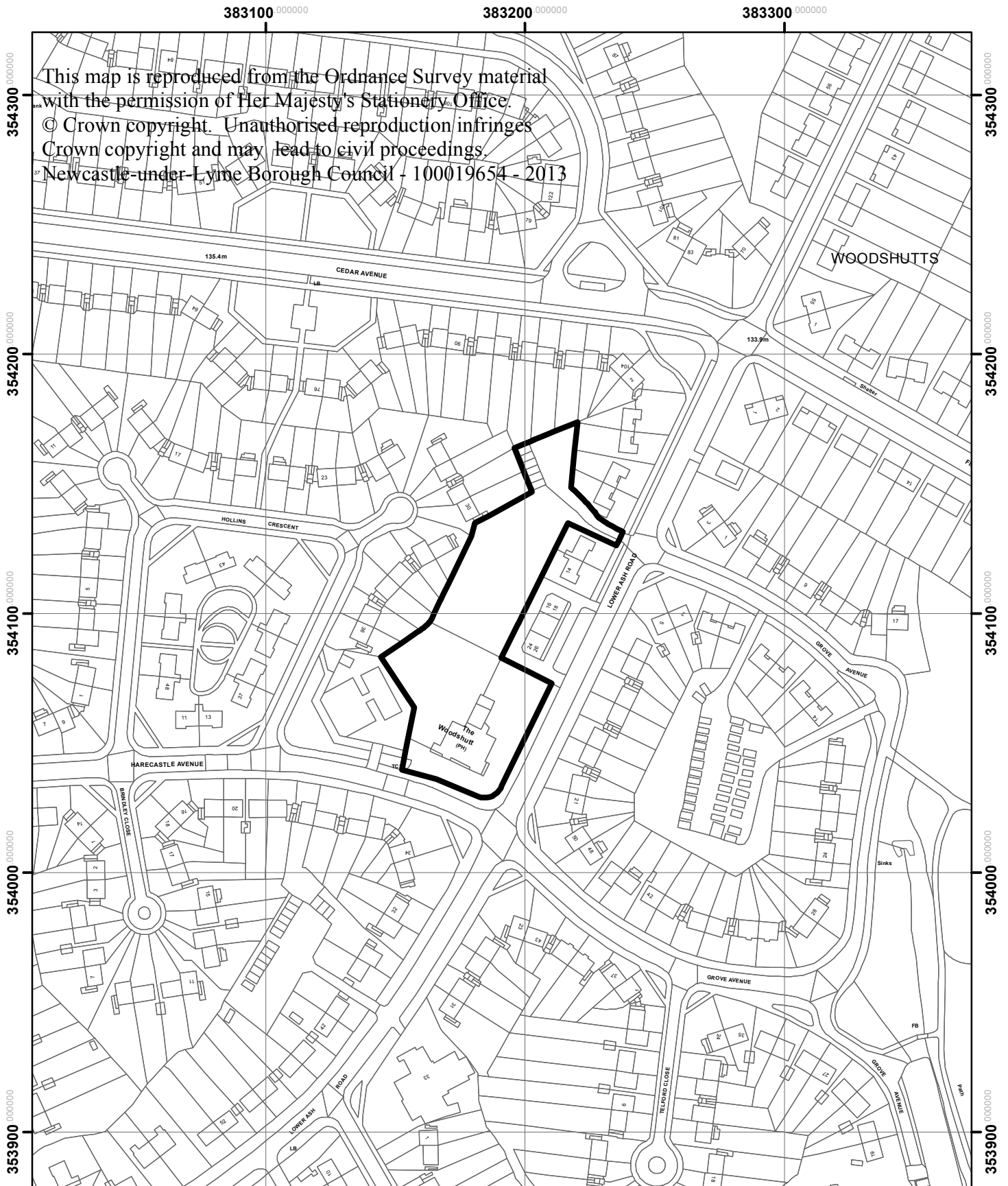
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th November 2014

Former Woodshutts Inn, Lower Ash Road, Kidsgrove 14/00767/FUL



Newcastle under Lyme Borough Council
Planning & Development Services
Date 09.12.2014



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PADDOCK ADJ TO ROSE COTTAGE, SNAPE HALL ROAD, BALDWINS GATE
MR. AND MRS RUDD

14/00689/FUL

The Application is for full planning permission for the change of use of agricultural land to a paddock for the keeping of horses and the erection of a stable block adjacent to the newly built residential property.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and a Landscape Maintenance Area (Policy N19), as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on the 29th October 2014

RECOMMENDATION

Subject to details being received from the Applicant that further grazing land is available, permit subject the following conditions;

- 1. Standard time limit**
- 2. Approved plans**
- 3. Materials as per approved plans**
- 4. Existing planting removed within one month**
- 5. Details of boundary treatment within one month**
- 6. Tree and hedgerow protection measures**
- 7. No external lighting**
- 8. Stable waste details**

Reason for Recommendation

The proposed development, whilst involving an element of inappropriate development within the Green Belt (i.e. the change of use of land to the keeping of horses), is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would go hand in hand with the stable block which is appropriate development within the Green Belt. Conditions are considered necessary to separate the land from the residential property in order to control the development and to protect the openness of the Green Belt.

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

Further information has been requested from the applicant to address concerns and subject to this being received it is considered to be a sustainable form of development that 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 ASP 6: Rural Area spatial policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011(NLP)

Policy S3: Development in the Green Belt
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)
Whitmore Village Design Statement

Relevant Planning History

08/00289/FUL Replacement dwelling Permit

Views of Consultees

Whitmore Parish Council objects to the application due to the size being too big and contravening Whitmore Village Design Statement whilst also having a highway safety implication due to its location. The Parish Council also detail that the site is within the Green Belt, zoned as 'agricultural and a material change of use has occurred, it currently looks to be a garden and is very tidy, Rose Cottage never was a farm, there are no windows shown in the plan and the access doors to the individual stalls seem rather narrow for horse access.

The **Landscape Development Section** raise no objections but advise that the location of the building should be adjusted slightly to allow access for maintaining the existing retained roadside hedgerow. They also advise that native hedgerow species (rather than Laurel which has been recently planted within the paddock area) would be more appropriate in this rural countryside setting, (Laurel is also poisonous for horses).

The **Environmental Health Division** raises no objections subject to a lighting condition and details of waste storage and disposal arrangements.

Representations

No letters of representation have been received.

Applicant/agent's submission

The applicant has provided a statement to address the concerns of the Parish Council. The applicant details the following:-

The plan clearly shows that the stable block is at least 1m from the curved boundary and there is a high hedge and shrubs on the verge before the highway/lane. Furthermore the stable is at least 1.5 m lower than the highway, the hedge and shrubs are at least 3-3.5m above the verge, therefore as the building is only 3.95m high to the ridge it will be barely visible from the highway. The paddock is in the condition that it is, having been reinstated from the former derelict farm yard that was on this site, as can be seen on an aerial photograph provided.

The applicant has also detailed that they are seeking written confirmation from the adjacent land owner that the applicant has access to an additional 5 acres, which adjoins his paddock. The applicant also details that they consider that the proposal can be classed as appropriate development because it comprises facilities for outdoor recreation, and would in this location preserve the openness of the Green Belt. It would not conflict with any of the purposes of including land within the Green Belt.

The applicants intend to stable a retired horse on this site. The horse would be from Sefton Lodge, Newmarket. The retired horse would not require access to the same extent of land as a younger and more active horse, and the existing paddock edged red on the application drawings is more than adequate for one or two retired race horses.

Whilst the drawings do show two stables, at first it is the applicants' intention to take care of one retired horse. The other stable would be used when the horse has to move stables for deep clean matters (or for overspill of feed, bedding and hay in winter months).

Further, the horse would receive exercise by all the hacking that is available to the applicant in the local area, if necessary.

The application details can be viewed at the Guildhall or by using the following www.newcastle-staffs.gov.uk/planning/1400689FUL

KEY ISSUES

The application is for full planning permission for the change of use of agricultural land to a paddock for the keeping of horses and the erection of a stable block adjacent to the newly built residential property located within the open countryside. The site is within the North Staffordshire Green Belt on land designated as an Area of Landscape Maintenance (policy N19), as detailed on the Local Development Framework proposals map.

In terms of the determination of this application whilst the decision should be made in accordance with the provisions of the development plan and all other material considerations the NPPF indicates that as from 29th March 2013 only due weight is to be given to the relevant policies in the 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).

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The design of the proposals and the impact on the landscape, and
- Other matters
- if not appropriate do the required very special circumstances exist?

Appropriate development within the Green Belt?

Paragraph 79 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF details in paragraph 89 that the provision of appropriate facilities for outdoor sport and outdoor recreation can be classed as appropriate development within the Green Belt as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed stable building will be traditional in appearance and modest non-commercial stable buildings are a common feature within rural landscapes. Insofar as it includes a log store – presumably for use in connection with the adjacent house, that element would be for a residential, ie inappropriate use, but in substance the building, as described, is for outdoor sport and recreational purposes.

In order to reach the conclusion that the building is appropriate in the Green Belt it is necessary to assess whether it is suitable for the identified purposes. It is noted that the land associated with the building is very limited and would not meet the guidance from the British Horse Society in respect of the necessary grazing land for one horse. The applicants indicate, however, that further grazing is available on adjacent land. The site is also within the rural landscape with hacking routes available for exercise. In light of this it is considered that the stable represents an appropriate facility for outdoor sport which, due to its scale, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and as such is considered to be appropriate development within the Green Belt.

Paragraph 90 of the NPPF indicates that certain other forms of development, in addition to the construction of new buildings in exceptional cases, are also not inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Whilst the use of the land as a paddock would not be harmful to the openness of the Green Belt the NPPF does

not identify changes of use as being appropriate in the Green Belt and as such it must be concluded that this element of the proposal involves inappropriate development.

The design of the proposals and the impact on the landscape

NLP Policy N19 details that the Council will support proposals that will maintain the character and quality of the landscape.

The proposed building would measure 6.9 metres by 9.7 metres with a height of 3.95 metres and accommodate two stables, store and an open sided log/ wood store.

The building would be timber framed with oak timber boarding and a tile/ slate roof. The general size and appearance of the building will be of a high quality and is set down behind a natural hedgerow. Therefore due to its location, high quality design and natural screening it is considered that the proposal would not harm the appearance of the landscape or the amenity of the area in general.

The paddock and the building would be located adjacent to the main dwelling house and it is considered to represent a sustainable form of development in the rural area that meets the requirements of the NPPF.

In consideration of the above, the proposals are considered to represent acceptable designs that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

Other matters

The Parish Council has raised a concern that the proposed stable would result in a loss of visibility at the junction of Snape Hall Road and Common Lane. However, the proposed stable is set down compared to the highway, and behind a hedge that already obstructs forward visibility. Therefore an objection on these grounds cannot be sustained.

The Landscape Development Section has raised concerns about the proximity of the proposed stable to the existing hedgerow. In this instance a one metre gap between the stable and the existing hedgerow would be maintained and subject to protection measures during construction this is considered acceptable.

The planting that has taken place has a suburbanised appearance and is not considered acceptable. In addition there is no boundary treatment between the residential curtilage and the paddock area (as there should be in accordance with a condition of the planning permission for the house). Therefore a condition is considered necessary seeking a suitable boundary treatment to differentiate the two along with the removal of the planting to ensure that it does not become residential garden land.

Do the required very special circumstances exist?

The NPPF details that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The history of the site suggests that it has always been in agricultural use despite it being referred to as a paddock in previous applications. The use of land as a paddock would be closely associated with the stable which is accepted as an appropriate facility for outdoor sport and would not harm the Green Belt's openness or to any of the purposes of including land within. It is considered that, as the stabling is accepted as appropriate development, it would be unreasonable to not allow the change of use of the land, which would go hand in hand with the stables.

In conclusion any element of harm arising from just the fact that the development is inappropriate is considered to be clearly outweighed by the above considerations, and the required very special circumstances can be considered to exist in this case.

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

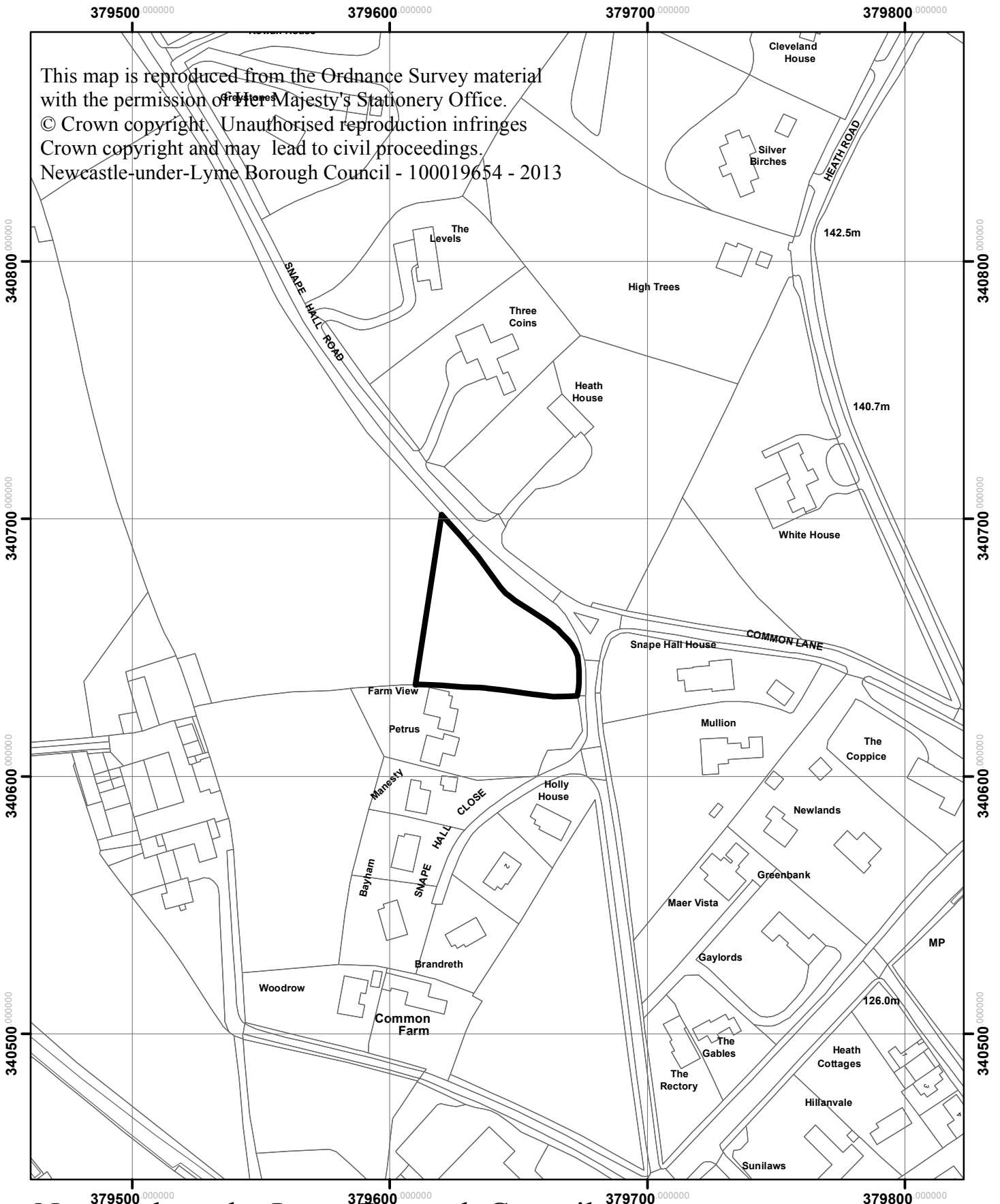
25th November 2014

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Paddock adjacent to Rose Cottage, Snape Hall Road, Baldwins Gate 14/00689/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2013



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HIGH TREES, HEATH ROAD, WHITMORE HEATH
MR S DARBY

14/00524/FUL

The Application is for the variation of condition 2 of planning permission 13/00567/FUL through the substitution of a revised plan for the permitted gym/ plant room building and the landscaping around it.

The application site is located within Whitmore Heath outside of the village envelope of Baldwins Gate. The site is also within the North Staffordshire Green Belt and on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on 2nd September 2014

RECOMMENDATION

PERMIT subject to conditions relating to :-

- i) New approved plans and supporting information**
- ii) Replacement trees**
- iii) Tree loss mitigation measures**
- iv) Conditions of 13/00567/FUL to still apply**

Reason for Recommendation

The proposed development is still considered to represent inappropriate development within the Green Belt because it forms part of the wider replacement of the original dwelling that would be materially larger. The proposed amendment to the scheme, whilst materially different, would not have a harmful impact on the openness of the Green Belt. The works should not result in the loss of trees covered by a TPO or visually significant trees subject to appropriate conditions. The proposed development therefore accords with policies of the development plan and the requirements of the National Planning Policy Framework.

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

Discussions prior to the application being submitted and during its determination were undertaken with the applicant and subject to appropriate conditions it is now 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 (CSS)

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
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 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local species

Policy N8: Protection of Key Habitats
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N19: Area of Landscape Maintenance

Other material considerations include:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)
Planning for Landscape Change: Supplementary Planning Guidance to the

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

Relevant Planning History

13/00567/FUL	Replacement dwelling with detached plant room and gym	Permit
13/00347/FUL	Replacement dwelling with detached plant room/gym	Withdrawn
NNR1359 (1956)	Erection of Detached House and Garage	Permit

Views of Consultees

The **Landscape Development Section** detail that contrary to conditions 7 and 8 of the original planning permission works have been carried out for the current application within the construction exclusion zone that has caused damage to existing trees. Works carried out have compromised a holly tree T117 which is likely to result in its loss. A birch tree (T122) has been removed and works have resulted in root damage to a number of trees but as yet are not showing any sign of stress. A landmark Scots pine has also seen root damage and is now showing signs of 'red band needle blight' which requires further testing. The proposed dry-stone wall adjacent to the tree is within its root protection area. Two Lawson trees have also been blown over which need to be replaced. 10 trees scheduled to be retained have also been lost elsewhere on the site to the south of the dwelling. The applicant has revised the planting scheme to replace these with suitable semi-mature specimens.

Whitmore Parish Council raises no objections.

Representations

No letters of representation have been received.

Applicant/agent's submission

A tree schedule and tree plan have been submitted to support the application along with the requisite plans and elevations which are available at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400524FUL

KEY ISSUES

Full planning permission was granted in 2013 for a replacement dwelling with detached plant room and gym. The application submitted seeks to amend the size and appearance of the detached plant room/ gym and the landscaping around it which would include a walled courtyard. A further courtyard to house plant and wood is also proposed.

The site is within the North Staffordshire Green Belt and on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The site is also covered by a Tree Preservation Order no. 62 and the development has the potential to impact on trees.

The key issues in the determination of the development are:

- Impact on the Green Belt
- Design of the proposals and the impact on the area of landscape maintenance,
- The impact on trees, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Impact on the Green Belt

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The replacement dwelling and outbuilding were classed as inappropriate development within the Green Belt due to it being for a replacement building that would be materially larger than the building it was proposed to replace.

In this instance the owner/ applicant seeks to change the size and appearance of the outbuilding previously proposed but with hard landscaping works in the form of walls and retaining walls being constructed. Therefore whilst the outbuilding would be reduced in size the amount of works would be similar to that previously approved. In consideration of this the development is still classed as inappropriate development because the works still form part of the wider replacement of the dwelling approved under 13/00567/FUL.

Design of the proposals and the impact on the area of landscape maintenance

As discussed the works proposed are an amendment to the previously approved scheme which is for a smaller outbuilding but a walled courtyard and retaining wall with plant and wood store proposed.

The works are considered to represent development that would not significantly harm the appearance and character of the landscape and as with the previously approved proposals they would be set within the bank and the landscaping scheme which would minimise any views and any harm would be minimal.

The amended proposal is considered to comply with the guidance and requirements of the NPPF whilst also being in accordance with policy N17 and N19 of the local plan.

The impact on trees

The existing site is heavily wooded with the trees being the subject of a Tree Preservation Order based upon their value as a significant group in the landscape of Whitmore Heath.

The previously approved application was supported by an Arboricultural Report and a Landscaping master plan for the site. Conditions were also attached to the previous permission and the applicant submitted information to ensure the development is carried out in accordance with the requirements of the conditions which sought to protect trees during construction. However, the owner (when carrying out the works to date) has caused damage and loss to protected trees despite the previous conditions and tree protection measures being approved. This is being investigated by the Council.

In terms of this planning application the Landscape Section has requested additional conditions that secure replacement trees which should be semi-mature specimens. The biggest concern is the damage caused to a landmark Scots Pine tree. Subject to mitigation measures to ensure that this tree

is not lost and appropriate replacement planting it is considered that the proposed works are acceptable and comply with policy N12 of the local plan.

Do the required very special circumstances exist (to justify inappropriate development)?

Paragraph 79 of the recently published NPPF states that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposals are similar to the previously approved scheme when it was accepted that the applicant could carry out extensions to the existing property that would have a similar volume and would not be classed as disproportionate additions. It was concluded that the permitted scheme would have no greater harm on the openness of the Green Belt than extensions to the existing dwelling and this would therefore be a fall-back position and amounts to the very special circumstances required to justify the development. Whilst walls and retaining walls are currently proposed which were not permitted in the previous scheme they would not have a significantly greater harm on the openness of the Green Belt given that the gym and plant room has reduced in scale. This is considered to amount to the very special circumstances required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

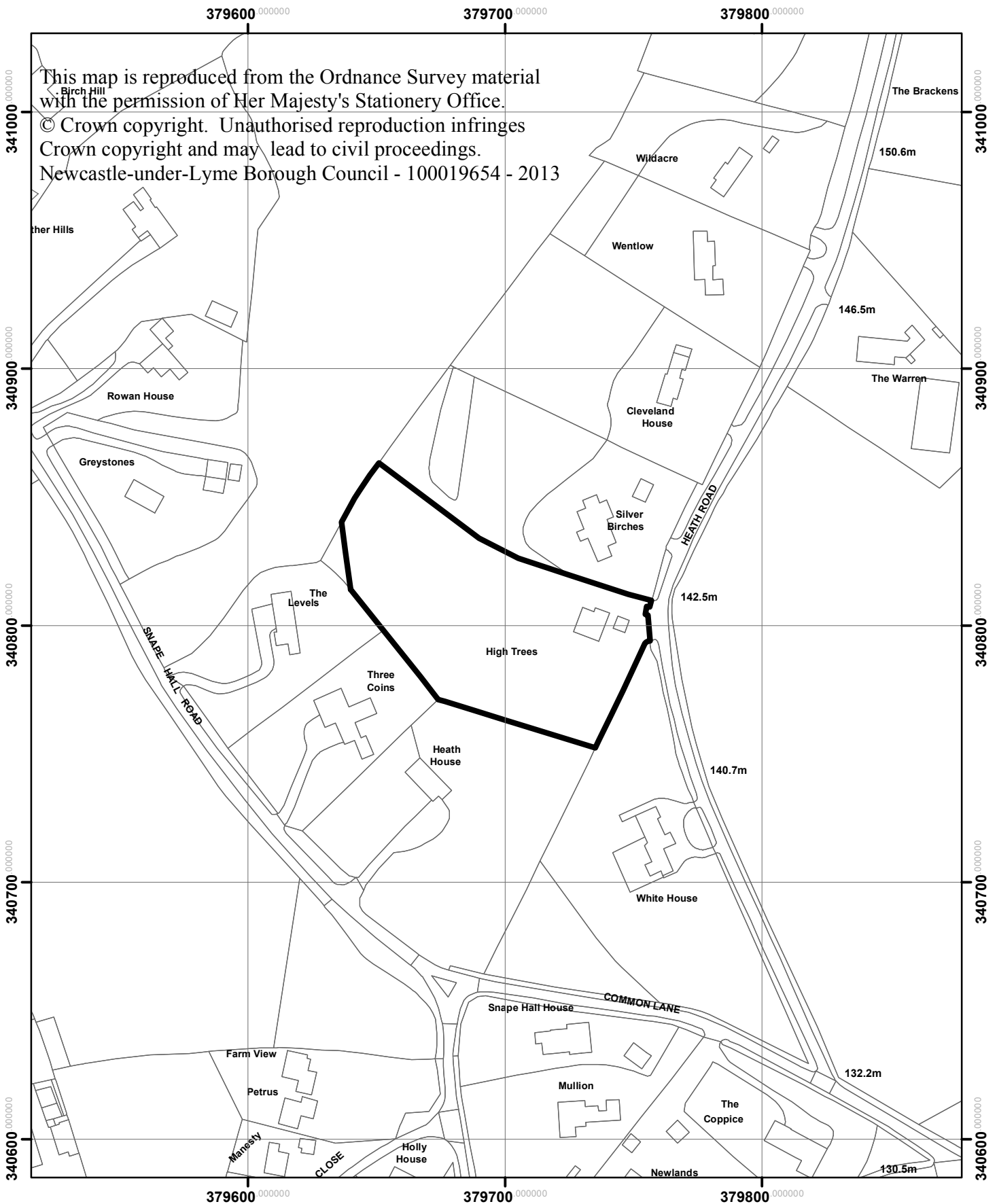
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th November 2014

High Trees, Heath Road, Whitmore 14/00524/FUL



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LAND AT NEWHOUSE FARM, ACTON LANE, ACTON
VODAFONE LTD – TELEFONICA LTD

14/00847/TDET1

The application is for a determination as to whether prior approval is required for the siting and appearance of a proposed upgrade of existing telecommunications equipment. The existing 16.9 metre lattice column on the site is to be removed and replaced with a new 23 metre lattice structure. The replacement lattice will be situated on a 4.5 metre by 4.5 metre concrete base with 6 antennas mounted on support poles at the top of the structure. A small dish of approximately 260 millimetres in diameter is also proposed around 19 metres above ground level attached to the mast.

The development is required to allow increased network capacity in the area to be shared by operators Vodafone and O2.

The proposal site lies within the open countryside and an Area of Landscape Maintenance (Policy N19) and Green Belt as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 28th December 2014 the development will be able to proceed as proposed.

RECOMMENDATION

- (a) Prior approval is required, and**
- (b) Approval is GRANTED.**

Reason for Recommendation

The appearance and siting of the development would have an impact upon the visual appearance of the surrounding landscape taking into account intervening woodland, land topography and also the scale of development involved. Therefore it is considered that prior approval for the development is required. However in the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network. The proposal accords with the requirements of the NPPF, saved policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

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

ASP6: Rural Area Spatial Strategy

Newcastle Under Lyme Local Plan 2011(NLP)

Policy S3: Development and the Green Belt

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

Policy N17: Landscape character – general considerations

Policy N19: Area of Landscape Maintenance

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

None.

Views of Consultees

Environmental Protection has no objections.

Whitmore Parish Council has no objections to the application provided it is in line with the Core Spatial Strategy, the Green Site Strategy and the Assets Strategy, in the interests of the Borough.

Representations

No letters of representation have been received.

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network coverage. The main points of the statement are as follows:

- It is positioned adjacent to a densely wooded area in a remote location and benefits from a back drop of mature trees at approximately 11m in height immediately adjacent to the structure. The trees within the wood are considerably taller than 1m and would shield the structure ensuring the openness of the Green Belt is not compromised.
- Policy states that applications for the siting of telecommunications equipment will be approved provided that they do not unacceptably harm the visual quality and character of sensitive areas such as the Green Belt.
- There are no alternative more suitable sites available which would meet the operational requirements for the equipment, it is not feasible to share existing facilities and in the case of radio masts there is no possibility of erecting antennae on an existing building or structure.
- The proposal would utilise the existing site with only a minimal change in appearance to the lattice structure. As such, the character and appearance of the area would be maintained and the development would accord with the objectives of this policy.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

The full documents are available for inspection at the Guildhall and on the Council's website www.newcastle-staffs.gov.uk/planning/1400847TDET1

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of an upgrade of existing telecommunications equipment involving a new 23 metre replacement lattice tower with 6 antenna and ancillary development. The site is located within an area of landscape maintenance (Policy N19) and the Green Belt.

The National Planning Policy Framework (NPPF) at paragraph 42 details that "*advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.*"

At paragraph 43 it goes on to the state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

As such there is national policy support in principle for telecommunications development and this must be taken into consideration when reaching an initial decision on whether prior approval is required, and if so into the consideration as to whether prior approval should be granted.

Is prior approval is required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The increase in the height of the replacement lattice mast is a significant change. The existing mast is around 17 metres above ground level and the new replacement mast would be approximately 23 metres tall. Although the installation is located adjacent to a belt of woodland it is open to views from the agricultural land to the south. Therefore the prior approval for the siting and appearance of the development is deemed to be required. Accordingly it is necessary to now assess whether such prior approval should be given.

Should prior approval be granted?

Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The main issue for consideration in the determination as to whether prior approval should be granted is the impact on the visual amenity of the area. The design of the development is functional and involves the best environmental solution available replacing an existing lattice structure which is appropriately positioned to be as least prominent as possible against a background of mature woodland. The harm to the landscape and visual amenity of the area is minimal and would not outweigh the benefits arising from the proposed upgrade. There is no conflict with any Development Plan or national policies therefore prior approval should be granted.

Background Papers

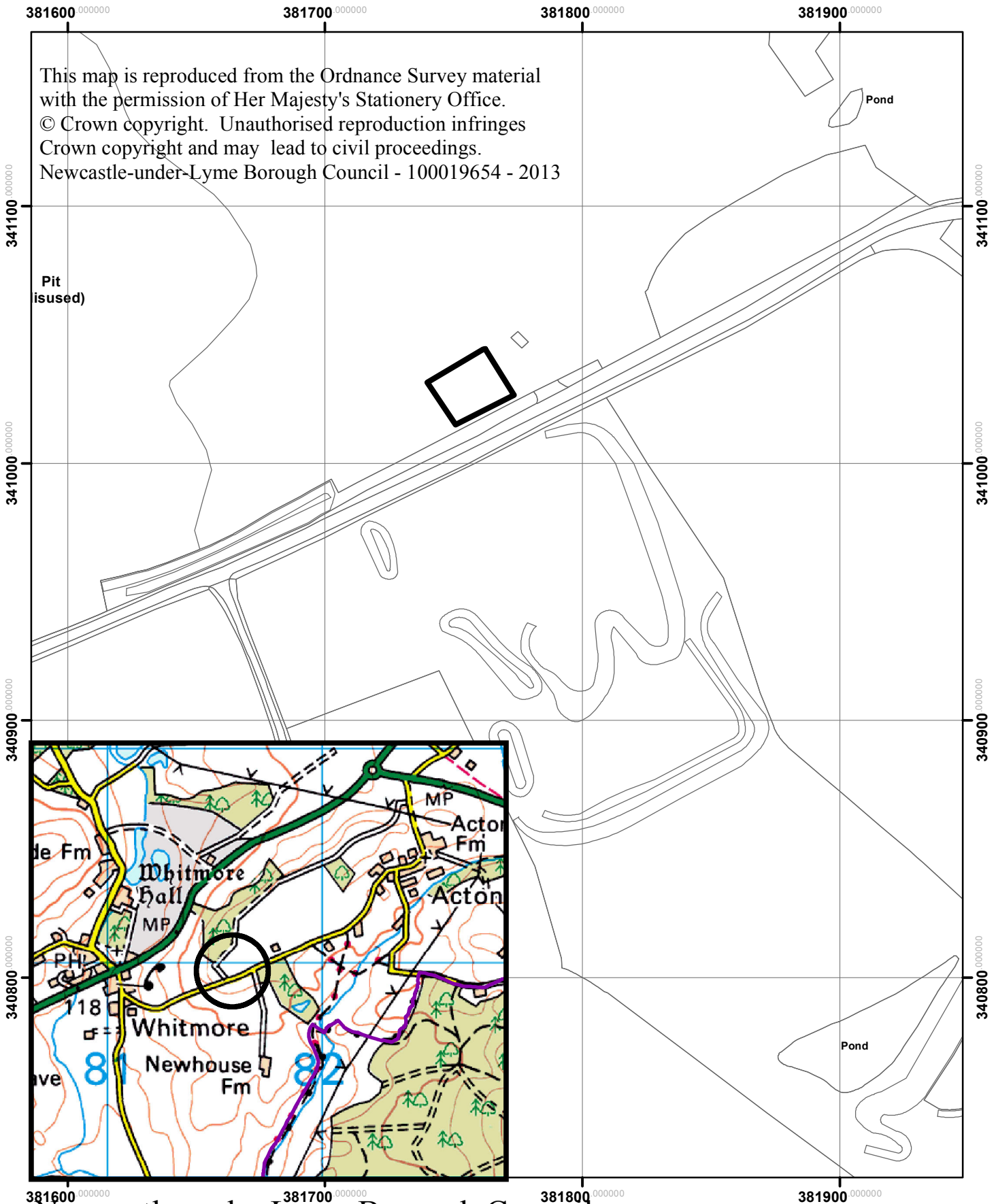
Planning File referred to
Planning Documents referred to

Date report prepared

24th November 2014

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Land at New House Farm
Acton Lane,, Acton
14/00847/TDET1



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**SANDFIELD HOUSE, BAR HILL, MADELEY
MR D. A. C. BARKER**

14/00684/FUL

The Application is for the relocation of the access driveway and the change of use of the associated area to residential.

The site lies within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The application has been brought before the Planning Committee at the request of two Councillors on the grounds of road safety and inappropriate development to an already developed property.

A decision on the application was deferred at the meeting of the Committee held on 28th October to enable the applicant to explore alternative options for providing a safe access within the existing curtilage. A decision was deferred again at the meeting of the Committee held on 18th November to enable the extent of the visibility splays that can be achieved at the alternative new access to be established.

The 8 week period for this application expired on 30th October 2014.

RECOMMENDATION

Subject to the outcome of the arranged site meeting to assess visibility at an alternative new access within the curtilage of the dwelling EITHER

(A) Refuse on the grounds that the development involves encroachment into the open countryside contrary to policy resulting in an unacceptable visual impact on the landscape which is not outweighed by highway safety benefits and an alternative access with an acceptable visibility can be provided within the existing curtilage of the property;

OR if it is demonstrated on site that an access with suitable visibility splays cannot be achieved without encroachment into the open countryside

(B) Permit (subject to conditions relating to the following:-

- **Standard time limit**
- **Approved plans**
- **Removal of permitted development rights for outbuildings on area around the access.**
- **The land between the 1.2m high timber picket fence and existing post and rail timber fence is not domestic garden, for the avoidance of doubt.**
- **Landscaping scheme including details of removal and reinstatement of hedgerows**
- **Details of boundary treatments**
- **Provision of visibility splays prior to the commencement of the construction of the access.**
- **Provision of access, driveway, parking and turning areas in accordance with approved drawings**
- **Closure of existing site access**
- **Details of surfacing materials for driveway**

Reason for Recommendation

A site meeting has been arranged to establish what visibility splays can be achieved at an alternative, new access within the existing domestic curtilage and in the absence of such information at this time it is not possible to reach a recommendation as to whether the proposal should be refused as the new

access has not been justified on highway safety grounds or permitted because the new access provides highway safety improvement as the only suitable replacement of a substandard access.

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 were 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 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 N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Relevant Planning History

09/00714/FUL	Two storey rear extension and ground floor side extension	Approved
10/00571/FUL	Replacement two storey four bedroom dwelling	Approved
12/00058/FUL	Erection of detached double garage	Approved
14/00761/FUL	Relocation of access driveway and associated change of use of the area to residential	Withdrawn

Views of Consultees

Madeley Parish Council objects on the following grounds:

- Loss of open and viable agricultural land
- Unnecessary development as the existing entrance could be altered to achieve increased safety for vehicles.
- Action in being taken at the moment by agencies including Staffordshire Police and a Community Speedwatch to address speeding vehicles on Bar Hill which should reduce the hazards around the current access.
- There was a similar application by a neighbour in 2013 that was dismissed on appeal by the Inspector who referred to the unsustainable location and the harm to the character of the open countryside.
- The development is unnecessary and inappropriate.

The **Highway Authority** has no objections to the proposed development subject to conditions regarding visibility splays, provision of the access, driveway, parking and turning areas in accordance with the approved plans, the existing site access to be permanently closed and the access crossing reinstated as hedgerow, and the submission of details of the surfacing materials and surface water drainage for the driveway. It is stated that the existing access serving Sandfield House is substandard

because it has restricted visibility. The design of the proposed access provides betterment in relation to highway safety as visibility splays are being provided in accordance with recorded traffic speeds on the A525 Bar Hill. In addition a turning head is proposed which will allow delivery vehicles and visitors to enter and exit the site in a forward gear.

Further views of the Highway Authority were received in response to the submissions received by the applicant and in representations. Regarding the applicant's submission in respect of the alternative new access within the curtilage of the dwelling, the comments of the Highway Authority are as follows:

- The BT pole can be relocated. It is noted that there are no wires yet connected to the pole and so the applicant should discuss relocation of the pole with BT as soon as possible.
- It will be acceptable for a telegraph pole to be located within the visibility splay in this case.
- The drawing proposes a driveway of 1:30 gradient. It can be designed to a steeper gradient up to 1:10. This would lessen the requirement to reduce ground levels across the site frontage.
- Drawing Fig A which shows the alternative new access does not appear to be to scale and the full extent of the visibility splays are not shown. No comment can be given on the note that 40m of land would need to be purchased/negotiated to provide the visibility splays.
- The visibility splays would appear to require the removal of a section of hedgerow that would need to be replaced rear of the splay.
- Whilst desirable, a turning head is not an essential requirement and there does appear to be sufficient space within the site curtilage for vehicles to turn. The vast majority of properties on Bar Hill already reverse out on the highway.
- In conclusion, the existing access has restricted visibility and the proposed access as broadly detailed on drawing Fig. A will provide an improvement to the existing access in relation to visibility and highway safety as there would be an overall betterment to the existing access arrangements.

Regarding the representations received, the comments of the Highway Authority are as follows:

- The visibility splay of 54m to the east of the property is ideally required given the speed survey results. However, given the restricted visibility at the existing access any improvements to visibility would provide betterment in relation to highway safety.
- The only accurate way to establish the extent of the visibility splay would be for the applicant to set out the splay on site. From the submitted drawing it does not appear to encroach over third party land and there is an existing verge area adjacent to the carriageway. It should be noted that guidance within Manual for Streets 2 states that the splay can be measured to the nearside edge of the vehicle track which would allow the splay to be off-set a distance of 0.5m from the carriageway edge.
- Whilst desirable, a turning head prior to gates is not an essential requirement.

The **Landscape Development Section** states that permission under the hedgerow regulations is not needed for the removal of the hedgerow on the grounds that the reason for the works is "to get access in place of an existing opening" and that the developer "intends to plant a new stretch of hedgerow to fill the original entrance". An appropriate landscaping condition is recommended to secure full landscaping details for removal and reinstatement/replacement of hedgerows and other boundary treatment.

Representations

21 letters of objection have been received and from Madeley Conservation Group. A summary of the comments made is as follows:-

- The site notice states that the proposed development does not accord with the provisions of the development plan in force in the area. If the LPA decides against the development plan then questions will be asked.
- There is no satisfactory explanation as to why the existing access cannot be improved.

- The proposed new access will be opposite properties that have cars parked outside on the road as they have no off-road parking. This would be more dangerous than the existing situation.
- An application on adjacent land was dismissed at appeal on the grounds that the destruction of at least 5m of hedgerow would be significant and the engineering works and visibility splays would harm the character and appearance of the surrounding area and the same applies here.
- Changing the use of the land would reduce the open agricultural land.
- The primary objective of this application seems to be to incorporate adjacent agricultural land into the domestic curtilage.
- Noise of development will be potentially disturbing to the quiet area.
- It appears that it would not be feasible to achieve and guarantee maintenance of the visibility splays as more than half is not in the ownership of the applicants.
- Should a change of use be granted, the LPA would have no control over the placement of domestic paraphernalia.
- There is inconsistency between the comments of the Highway Authority in relation to this current proposal and the previous withdrawn application. The questions that they posed remain the same.
- In pre-application correspondence between the agent and the LPA, the agent stated that “The owner has previously stated that the leftover strip currently has no agricultural use, and has no intention for the land to be used as agricultural land”. It is asked whether if members of the public decided to acquire parcels of agricultural land randomly with no intention for the land to be used as agricultural land and used this as justification to convert agricultural land to residential land, what would the open countryside look like?
- The Landscape Officer’s comments stated that no objection would be raised to the proposal should the affected section of hedgerow be entirely within or on a domestic boundary. None of the affected hedgerow is on a domestic boundary.
- The Highway Authority has stated that the existing access is substandard but in 2010 the Highway Authority gave full support for the access subject to conditions which have been met. Since that decision was made, there has been no change to the size of the property, the number of residents or the number of vehicles using it. Many things in the countryside would be considered to be ‘substandard’ by modern standards, but that was the situation when the applicants chose to develop the site.
- The Highway Authority does not state that the relocation of the access is essential or necessary.
- The application states that for ten years, the applicant has explored ways to improve the entrance but nothing has been done except to allow the hedge to grow very high making visibility worse.
- It would be possible to relocate the access to the east within the existing garden and give better visibility in both directions.
- No proper assessment has been made as to how this change would benefit other residents and road users. Recently, there was a collision between two vehicles passing where there is on-road parking and this occurred at the spot where the new entrance is proposed. There have been no such accidents at the current entrance where the road is free of parked vehicles.
- Notwithstanding what is set out in the report the Committee did not agree to defer the decision to enable the applicant alternative options for providing a safe access within the existing curtilage. What Committee asked for was evidence as to what had been already done to improve the existing access.
- The report does not acknowledge that the visibility splays that are required to the proposed access involves land not in the applicant’s ownership.
- The argument advanced by the applicant that an access within the residential curtilage is unviable because it involves land not in the applicant’s ownership and in which the applicant holds no ties and would involve purchasing/negotiating with the land owner to the East land for a distance in excess of 40m is flawed. Logically if the proposal remains as submitted then 50m of land to the East would have to be purchased.
- A viable new access can be provided within the curtilage that ensures safety and avoids encroachment into the open countryside with benefits summarised as follows:
 - Land either side is in the ownership of the applicant.

- Repositioning the gates 6m from the highway will result in a larger garden than at present.
- Room for a turning head if required.
- Ground levels are the same as the proposed new access.
- The existing drive can be grassed over resulting in no loss of garden facility.
- The hedge to be removed would be within the residential curtilage.
- The access onto the highway would be at a point where there are no parked vehicles.
- Would be perfectly aligned with the proposed new garage.

Four letters of support have been received. It is stated that the A525 is a dangerous road and the driveway to Sandfield House is very unsafe. This application would move it to where there is much better visibility and it would be a much safer option for everyone. It would only require small alterations to the land and hedging. Also, having a more obvious entrance on that side of the road would make motorists slow down which would certainly be welcomed. It is not considered that the proposal would have any great impact on the countryside.

Applicant's/Agent's submission

A Design and Access Statement has been submitted which concludes that the existing visibility splay to the existing access is considerably below the required standards. It is therefore considered that the driveway access is a material consideration on the grounds of safety and to comply with Staffordshire County Council's Residential Design Guide.

A Transport Statement has been submitted and a summary is as follows:

- The ground level either side of the existing access from Sandfield House is considerably higher than the level of the road, obstructing visibility.
- Visibility is also limited by the hedging which is close to the kerb line as there is no footpath on this side of the road.
- The existing visibility splay is considerably below the required standards and for vehicles travelling in a westbound direction, the visibility splay is effectively zero.
- The required works to enable the existing access driveway to be upgraded would require the removal and cutting back of the hedge and the surrounding ground level would have to be lowered for a considerable distance.
- This would require considerable works to be undertaken on land which does not belong to the applicant.
- Therefore on the grounds of safety and to comply with Staffordshire County Council's Residential Design Guide a new access driveway is to be provided to the eastern part of the site to enable the construction and maintenance of the required visibility splays.
- The line of the visibility splay should be kept free of all obstructions in the vertical plane measured from the driver's eye-height of no less than 1.05m above the road surface to a point no less than 0.6m above the road surface in accordance with Staffordshire County Council's Residential Design Guide and the Manual for Streets document.

A letter has been received clarifying points raised in letters of representation. The following points are made:-

- The applicant is applying for the change of use of land for the construction of an improved relocated driveway, to provide a permanent safe access solution to exclusively serve a single existing family home on land within the client's ownership. At no point has the applicant attempted to, or even expressed a desire to, build additional dwellings on their land.
- The works will include the making good, infilling and improvement of the existing hedgerow and associated landscaping with respect to the surrounding area and open countryside.
- A large proportion of the representations state that "The proposed development does not accord with the provisions of the development plan in force in the area in which the application relates" and object on these grounds. This is a statement of fact but the safety of local residents in terms of improving access, should overcome policy.
- The applicant has openly and willingly worked with the Local Authority to achieve a solution which is deemed appropriate and in accordance with the local character. No buildings or outbuildings will be placed within the change of use land and whilst some elements of the

hedgerow will be removed, the client is proposing to infill, replant and improve the existing hedgerow.

- Previous applications for a new dwelling and access made by a neighbour and referred to in some responses are not related to this application.
- A number of responses question what can be done to improve the existing access. Expert opinion in the transport assessment and design and access statement clearly defines and documents expert opinion. For the past ten years the applicant has attempted to live with the existing access and has explored ways to improve it, including a convex mirror and additional road signage, all of which proved not to be acceptable or a long term solution. Further, it would not be logical to look to remove a large section of working agricultural land not in the applicant's ownership, when the proposed solution is on unused land within the client's ownership.
- The applicant has already stated that he would not challenge any reasonable planning conditions being applied to any permission.

Further information has been provided by the applicant's agent as follows:

- The applicant has maintained a clear and open dialogue with the Council throughout and has agreed that confidential pre-application advice be made publicly and freely available.
- Improvements to the existing driveway is an unviable option for the following reasons:
 - Works to achieve the required standards and visibility splays would involve the removal and cutting back of the hedge and lowering of surrounding ground levels for a considerable distance.
 - Considerable works would be required on land which does not belong to the applicant and in which the applicant owns no ties and would involve purchasing/negotiating with the land owner to the East for a distance in excess of 55m.
 - The land needed to be purchased to implement the required visibility splay is active working agricultural land.
 - A BT pole (recently installed) will interfere with the visibility splay to the east (i.e. visibility splay for on-coming traffic travelling west on the access side of the road).
 - It would result in the loss of amenity space to the 4 bedroom house.
 - A retaining wall and turning head would be required proving expensive.
 - Requires re-grading of existing driveway to achieve necessary highway standards.
 - Is financially unviable.
- An alternative, new access within the curtilage is also unviable for similar reasons set out above, with the following amendments/additional reasons:
 - Would involve purchasing/negotiating with the land owner to the East for a distance in excess of 40m.
 - Existing established garden and landscaping would be destroyed.
 - Poor and unacceptable design
 - Visibility splays require additional land/permission to West and East.
 - Introduces greater amounts of engineered elements into the rural location.
 - Would result in the loss of greater amounts of existing hedgerow than the design of the access applied for.
- The application proposal incorporates the following positive aspects:
 - This is achieved on unused land within the applicant's ownership.
 - There are clear highway safety benefits to all users of the A525, verified by the Highway Authority and an independent transport consultant.
 - Visibility splays can be provided in accordance with the recorded traffic speeds. A turning head will allow vehicles to enter and leave in a forward gear.
 - The access is located within a natural splay of the existing hedge, resulting in less work to the hedgerow.
 - A landscaping plan will be provided incorporating necessary infilling and improvement works to the existing hedgerow to ensure minimum impact upon the landscape.
 - The remaining land will remain as agricultural land.
 - There would be no challenge to any reasonable planning conditions.

Key Issues

Permission is sought for the relocation of the access driveway that serves the property and the change of use of the associated area to residential curtilage.

The site is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. It is considered that the key issue to be addressed in consideration of this application is whether the proposed encroachment into the open countryside is acceptable, having regard to matters of highway safety and visual impact.

The proposal would involve the extension of the domestic curtilage of the property out into the open countryside by approximately 18m. A new driveway is proposed to the east of the dwelling which would run parallel to the side elevation of the house and would curve to the rear to provide access to a proposed garage, granted planning permission in 2012 (12/00058/FUL). A turning head is proposed to the front of the house.

Both the development plan and the NPPF aim to protect the open countryside from encroachment. The NPPF also states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

The Design & Access Statement that accompanies the application states that the existing visibility splay is considerably below the required standards. It argues that the new access will improve visibility and that highway safety is a material consideration.

The current access is to the west of the dwelling. The existing visibility is significantly below the required standards due to the fact that the ground level either side of the existing access is considerably higher than the level of the road and there is a hedgerow close to the kerbline. A Transport Statement submitted with the application has stated that improvements to the existing access would require the surrounding ground levels to be lowered for a considerable distance which would require works to be undertaken on land which does not belong to the applicant. In addition, the works would require the removal of the boundary hedge. Your Officer agrees that improvements to the existing access appear difficult to achieve.

A decision on this application was deferred at the meeting of the Committee held on 28th October to enable the applicant to explore more fully alternative options for providing a safe access within the existing curtilage. The applicant's agent submitted additional information which was reported at the meeting of the Committee held on 18th November along with the comments of the Highway Authority on both that information and on the representations received. At that meeting, a decision was deferred a second time to enable the extent of the visibility splays that can be achieved at the alternative new access to be established. A site meeting has been arranged for 1st December and therefore your Officer intends to report any further information in a supplementary report to Members.

The information obtained at the site meeting in respect of the visibility splays that can be achieved at the alternative, new access will provide the basis upon which an informed recommendation can be reached as to whether there is a highway safety justification to encroach into the open countryside. Consideration is given below to the two scenarios that could arise dependent upon what is established on site:

(a) If it is demonstrated that a safe and suitable access cannot be provided within the curtilage of the dwelling:

The new access to the east of the site would enable the provision of the visibility splays that are required given the traffic speed established in the speed survey that has been undertaken. The Highway Authority has no objections to the proposal subject to conditions and has advised informally that although there have been no recorded accidents in the vicinity, visibility from the existing access is substandard and therefore the proposal would result in betterment in terms of highway safety.

The site lies within an Area of Landscape Restoration and NLP policy N21 states that within such areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. To achieve the required visibility splay, some of the existing hedgerow along the boundary with the highway will have to be relocated and no objections have been raised by the

Landscape Development Section subject to a condition seeking full landscaping details for the removal and reinstatement of such hedgerows.

Many of the representations that have been received refer to an application on adjacent land that was dismissed at appeal (Ref. 12/00694/FUL). In considering that appeal the Inspector concluded that the creation of a new access would introduce an engineered feature into the landscape and result in the loss of at least 5m of a mature and visually attractive hedgerow and would materially harm the character and appearance of the surrounding area. It should be noted that the application which was subject to the appeal differs from the current proposal however, in that it was for a new dwelling whereas this is an application for a new, safer access in association with an existing dwelling. It cannot be assumed, therefore, that the Inspector would have reached the same conclusion if presented with a case that the access was required to improve highway safety.

Representations have also been raised on the grounds of a perceived inconsistency between the comments of the Highway Authority in relation to this current proposal and the previous withdrawn application. The Highway Authority objected to the application that was withdrawn on the grounds of insufficient information. Additional information was requested including details of visibility splays and clarification as to why the existing access cannot be improved. This information has now been submitted in a Transport Statement that accompanies the application and on the basis of that information; the Highway Authority has no objection.

As indicated above the formation of the new access involves an encroachment into the open countryside and an enlargement of the existing residential curtilage of the property. In response to concerns expressed prior to the submission of the application the extension of the domestic curtilage has been limited to that necessary to provide the new access other than a small amount of additional land in the south west corner to achieve a straight boundary fence line. An additional strip of land beyond to the east of the access, which is in the applicant's ownership, has been excluded from the extended residential curtilage to minimise the amount of encroachment arising. For the avoidance of doubt it is considered that a condition should be imposed which states that this area of land does not form part of the domestic curtilage.

In conclusion, if it is established that a safe and suitable access cannot be provided within the curtilage of the dwelling then it is considered that although the proposal would involve an encroachment into the open countryside, given the highway safety benefits and the lack of any significant adverse impact upon the landscape, it is not considered that an objection could be sustained.

(b) If it is demonstrated that a safe and suitable access can be provided within the curtilage of the dwelling;

If following the meeting on site it is established that an access can be provided within the existing domestic curtilage that achieves visibility of an acceptable standard then it is considered that there is no justification for the access proposed in this application. As indicated above the proposed access is not within the existing domestic curtilage and involves an encroachment into the open countryside. The associated visual impact that arises from the introduction of the access into the landscape would not be outweighed by the highway safety benefits and if a suitable access can be achieved without encroachment into the open countryside.

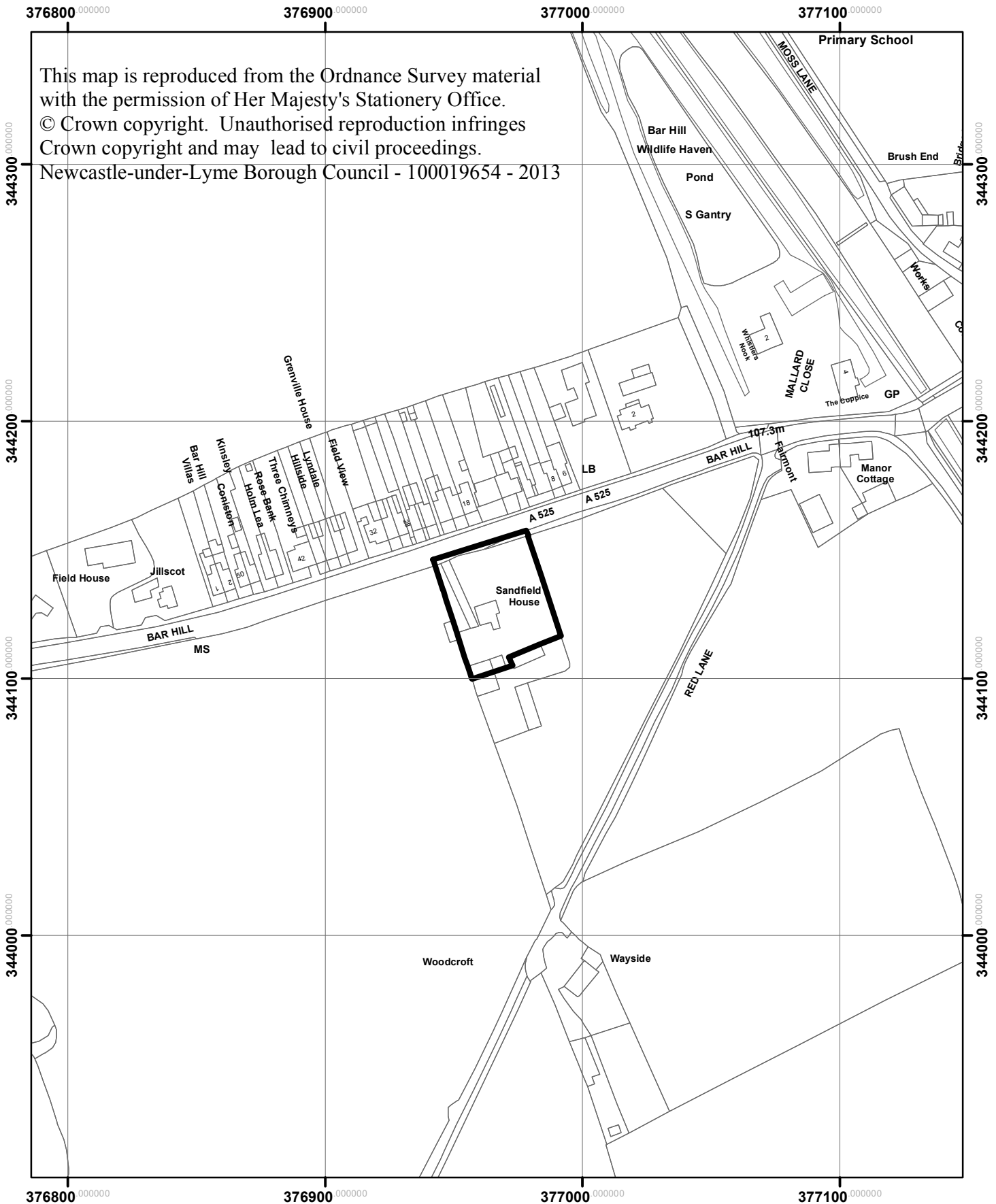
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

26th November 2014

Sandfield House Bar Hill, Madeley 14/00684/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2013



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SITE ADJACENT 8 CONGLETON ROAD, BUTT LANE
NEWCASTLE BOROUGH COUNCIL

14/00832/DEEM3

The application is for advertisement consent for the replacement of two existing advertising hoardings, which were removed from site earlier this year, with two new hoarding structures adjacent 8 Congleton Road, Butt Lane.

The site lies within the urban area of Kidsgrove as specified on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 17th December 2014.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**

Reason for Recommendation

There will be no harm to the visual amenity of the area or to public safety as a result of the advertisements applied for.

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 proposal is considered to be a sustainable form of development and complies with the aims and objectives 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 CSP1 Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

None

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (NPPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

Highway Authority standing advice applies and there are no objections.

Kidsgrove Town Council – Support the application

Representations

One representation has been received, which raises the following points:

- There are rats on the site
- Questions the need for the advertising boards within a quarter of a mile of those on Cedar Avenue

Applicant/agent's submission

The requisite application forms and plans have been submitted, along with a supporting statement containing structural calculations.

These documents are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1400832DEEM3

Key Issues

The application is for advertisement consent for the replacement of two advertisement boards at land adjacent to 8 Congleton Road, Butt Lane, which lies within the urban area of Kidsgrove as indicated by the Local Development Framework Proposals Map. The previous hoardings have been removed from the site. Each hoarding would be supported by 4 No. galvanised steel posts, and the adverts would be displayed 1800mm above ground level. Each advertisement would measure 6100mm by 3050mm by 150mm.

The NPPF states 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.

Amenity

The proposed advertisement hoardings are replacements for those previously located at this site. The hoardings screen, to some extent the side elevation of 8 Congleton Road and would not obscure any architectural features that are important to the local characteristics of the neighbourhood. The advertisement hoardings detailed within the application are proportionate in scale, appropriately designed and positioned in the context of neighbouring buildings and the immediate surroundings of the locality. The impact to the visual amenity of the area is therefore acceptable.

Public safety

The advertisements are not considered harmful to public safety as they would not obscure visibility or distract or confuse drivers. There are no significant public safety concerns to address therefore.

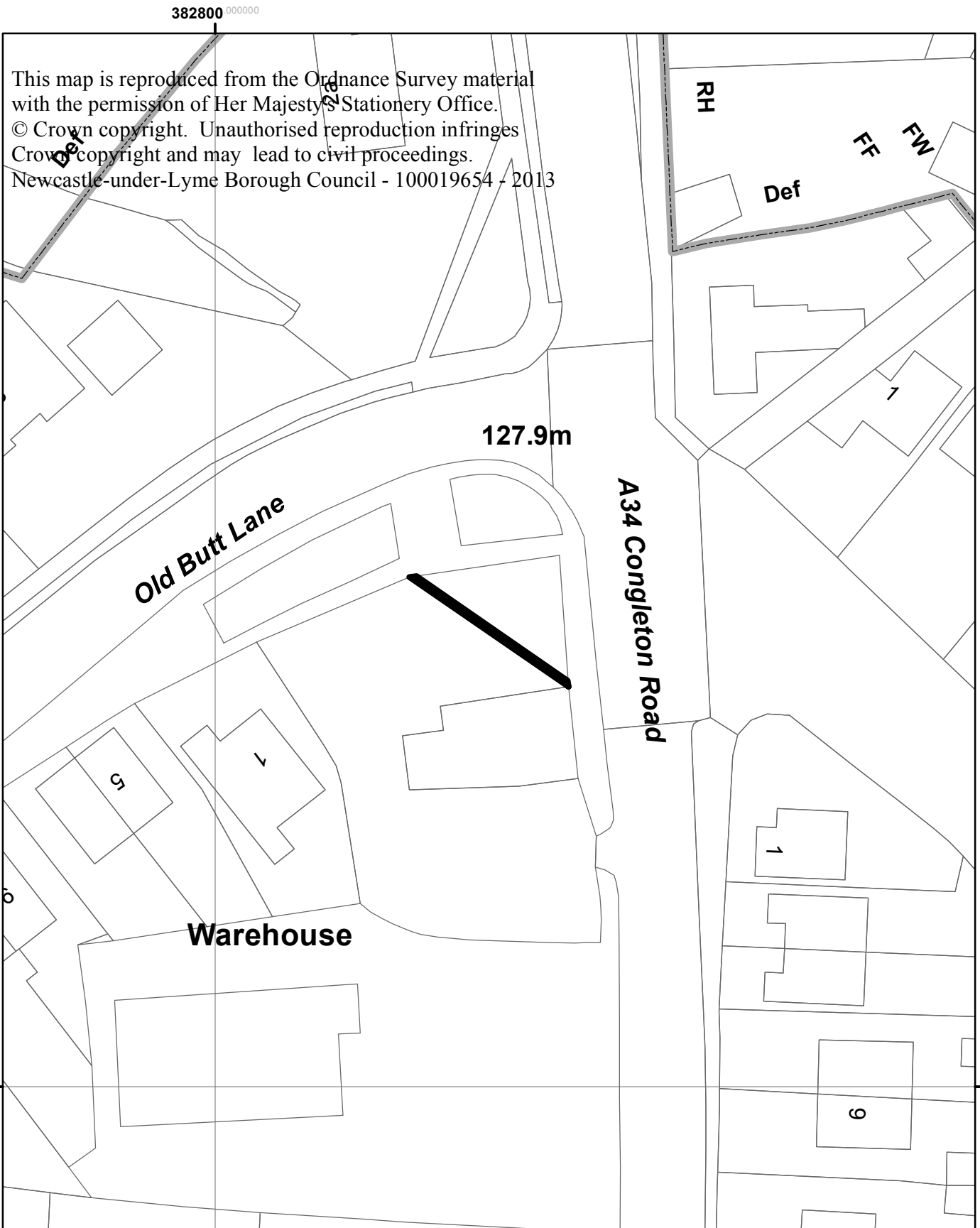
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

24th November 2014

Advertising site adj 8 Congleton Road Butt Lane 14/00832/DEEM3



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CAR PARK, WINDSOR STREET, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL

14/00833/DEEM3

The application is for advertisement consent for the erection of 3 replacement advertisement hoardings measuring 6.1m by 3m in area displayed attached to wooden posts at 1.8m in height above ground level.

The site lies within the Town Centre Conservation Area boundary as defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on the 24th December 2014.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**

Reason for Recommendation

There will be no harm to the visual amenity of the area which includes the special character and appearance of the Town Centre Conservation Area or to public safety as a result of the advertisements applied for.

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 proposal is considered to be a sustainable form of development and complies with the aims and objectives 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 CSP1 Design Quality
Policy CSP2 Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B9 Prevention of harm to Conservation Areas
Policy B10 The requirement to preserve or enhance the character or appearance of a conservation area
Policy B13 Design and Development in Conservation Areas
Policy B14 Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)
National Planning Practice Guidance (NPPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

The **Environmental Health Division** and the **Highway Authority** have no objections.

The views of the **Conservation and Urban Design Officer** have been sought but as no comments were received by the due date of the 20th November it is assumed that there are no comments.

Representations

None received.

Applicant/agent's submission

A Heritage Statement has been submitted with the application. All documents associated to the application are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1400833DEEM3

Key Issues

The application is for advertisement consent for the erection of 3 free standing signs each measuring 6.1 metres by 3 metres in dimensions. All signs will be erected on supporting poles and displayed 1.8 metres above ground level. The signs are located within the confines of Windsor Street car park facing onto Barracks Road. The site lies within the Town Centre Conservation Area boundary as defined by the Local Development Framework Proposals Map.

The NPPF states 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.

Amenity

The proposed advertisement hoardings are replacements for those that are currently located at this site. They are in a very prominent position in close proximity to the Town Centre location facing towards the inner ring road. This is a location where commercial hoardings of this nature are typical and in this case the position of the hoardings does not adversely affect the character and appearance of the Conservation Area particularly as it they replace similar hoardings already on site. The signs are proportionate in scale, appropriately designed and positioned in the context of neighbouring buildings and the immediate surroundings of the locality. The impact to the visual amenity of the area is acceptable.

Public safety

The advertisements are not considered harmful to public safety by virtue of their scale or location. There are no significant public safety concerns to address.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

25 November 2014.

Car Park Windsor Street Newcastle - 14/00833/DEEM3

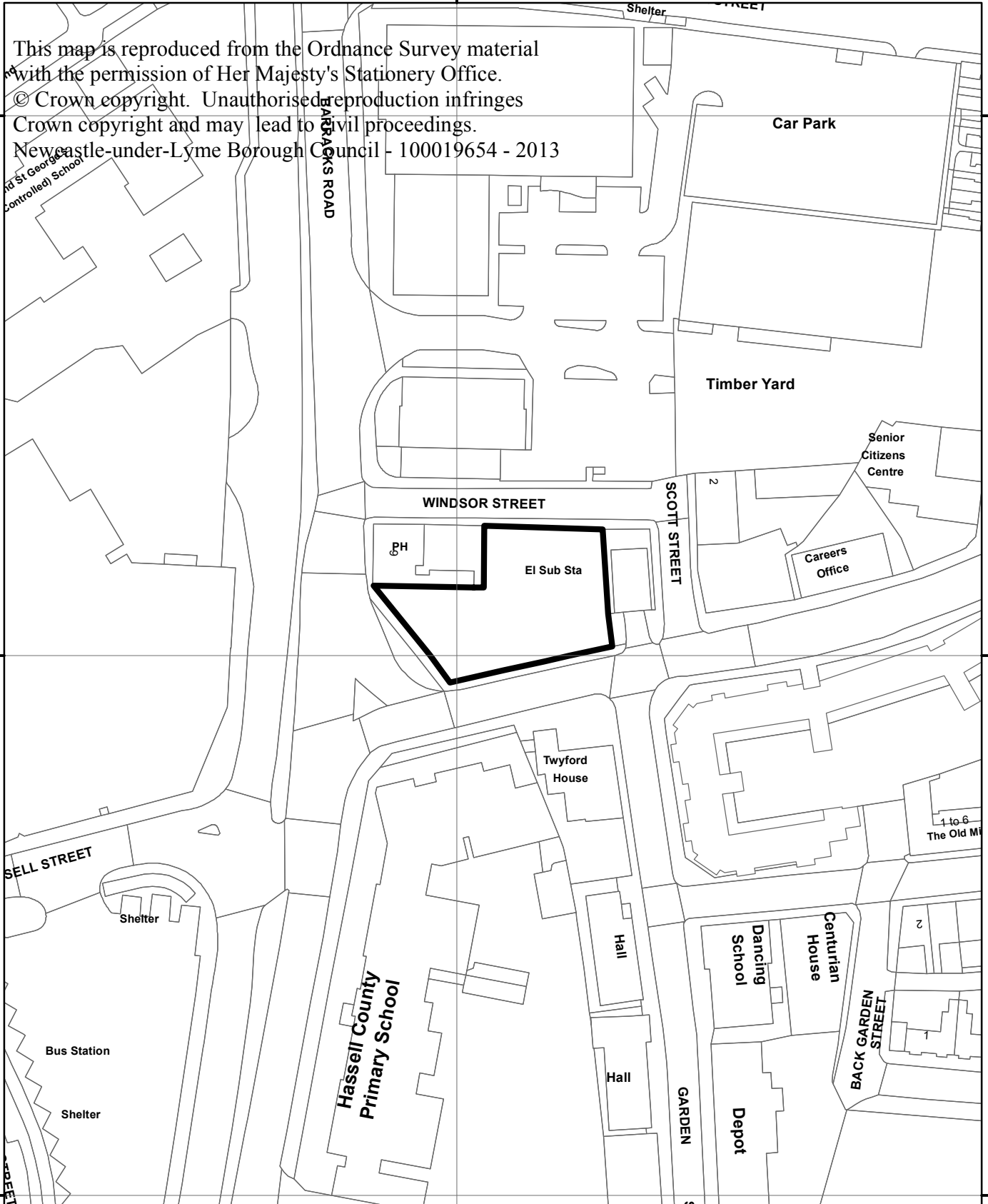


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DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 2012
Town & Country Planning (Trees)
Regulations 1999
Tree Preservation Order No.155B (2014)
Red Gates, Haddon Lane,
Chapel Chorlton, ST5 5JL.

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 26th September 2014, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The Order protects a single beech tree within the grounds of Red Gates, Haddon Lane, Chapel Chorlton.
- 2.2 The Order was made to safeguard the longer term visual amenity that the tree provides arising from concerns that it would be felled after a planning application to construct a dwelling on the plot was refused by the Councils Planning Department.

3 Issues

- 3.1 The tree is an early mature purple beech growing in the front garden close to the boundary with number 8. It is the only mature tree growing to the front of the properties in the immediate vicinity, is clearly visible from Haddon Lane and is a significant feature. The tree provides an important contribution to the area and its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.
- 3.2 Planning application number 13/00907/OUT was submitted in November 2013 for the erection of a new dwelling on the property. The applicant failed to demonstrate that the tree would not be affected by the proposals, resulting in concern that the tree would be lost. The application was subsequently refused. Previous applications in 2002, 2004 and 2007 for a dwelling on the site have also been refused. Although the possible loss of the tree was not given as a reason for the latest refusal, it remains a potential obstacle for any future development of the site and it is considered still to be at risk.

3.3 Your officers inspected the beech tree and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in good health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was initially made and served on 10th of February 2014 in order to protect the long term well-being of the tree, however this was not confirmed within the required timescale and was re-served on 26th September 2014.

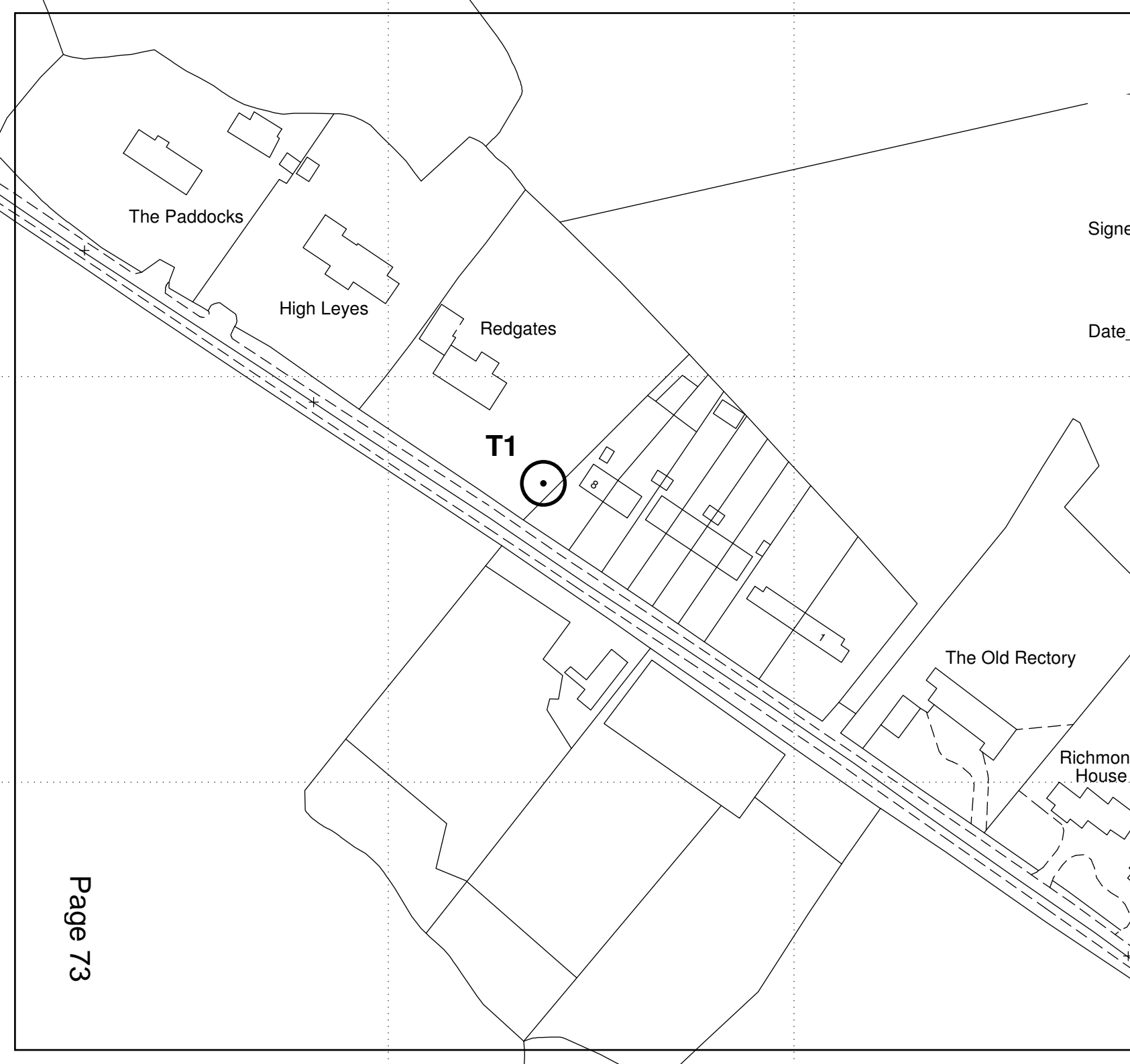
3.4 One written representation has been received from the daughter of the occupant of the adjacent property, 8 Haddon Lane, for whom she has power of attorney, objecting to the TPO on behalf of her mother. Her mother is 92 and is concerned about the proximity of the tree to her house which is within falling distance.

The owner of Red Gates has also emailed with regard to a crack in the concrete of the drive of 8 Haddon Lane, stating that if repairs are required he will contact the council to ensure that they are carried out in a way that does not harm the tree.

3.5 Your officers are of the opinion that making the Order will ensure the preservation of the beech tree and that 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. It is not considered that the proximity of the tree to the adjacent properties is such that it is likely to cause any substantial long term difficulties providing the tree is maintained in a safe condition. The making of the Order will not prevent the owner from carrying out good management of the tree and 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 155B (2014), Land at Red Gates, Haddon Lane, Chapel Chorlton, ST5 5JL, be confirmed as made and that the owner of the tree be informed accordingly.



Signed _____

Date _____



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

TITLE: **Redgates
 Haddon Lane
 Chapel Chorlton
 ST5 5JL**

DESCRIPTION:
**Tree Preservation Order
 No 155B (2014)**

DRAWN BY:
PJS

SCALE:
1:1250@ A4

DATE:
September 2014

DRAWING NO.
TPO 154B

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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.160 (2014)
Land at 2 High Street, Wolstanton.

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 6th October 2014, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The Order protects a single beech tree within the front garden of 2 The High Street Wolstanton. ST5 0HB.
- 2.2 The Order was made to safeguard the longer term visual amenity that the tree provides arising from an enquiry to the Borough Council on its status in connection with the sale of the property.

3 Issues

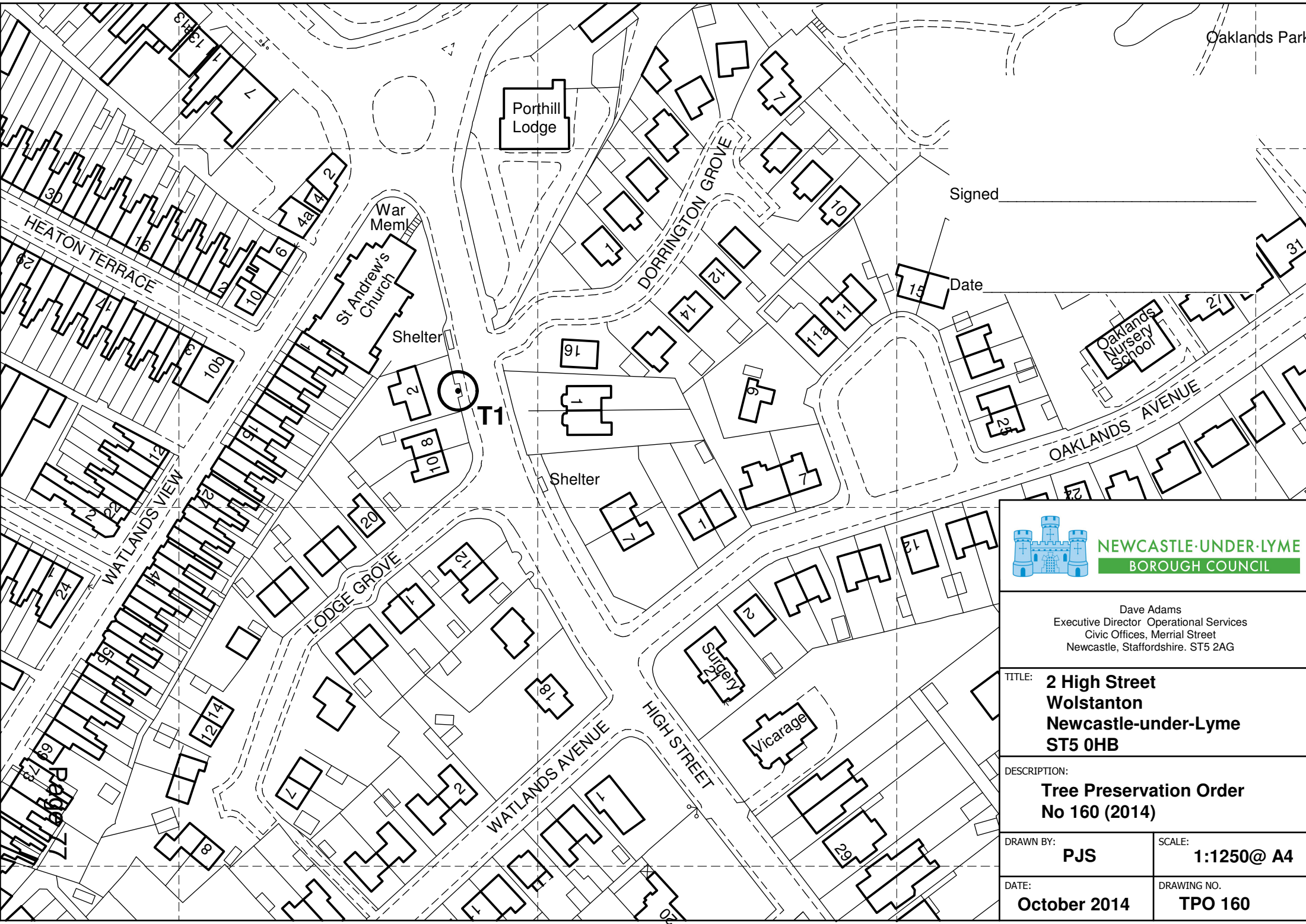
- 3.1 The beech tree stands on the front boundary of the property adjacent to the High Street. It is clearly visible from the High Street which is a main arterial route and entrance to Wolstanton, and also from Dorrington Grove. There are several single mature specimen trees along this section of the High Street which are important to the character of the area and to which the beech tree plays an important role. It is a mature tree and a prominent feature and provides an important contribution to 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 A Tree Status Enquiry (number 14/00120/TENQ) was submitted to the Borough Council in September 2014 regarding the tree. This was in relation to the sale of the property giving rise to concern that the tree could be felled to remove it as an obstacle to the purchase or development of the site.
- 3.3 Your officers inspected the beech tree and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in good 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 6th October 2014 in order to protect the long term well-being of the tree. No representations were received.

- 3.4 Your officers are of the opinion that making the Tree Preservation Order will ensure protection of the tree and secure its longer-term visual amenity. 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 160 (2014) Land at 2 High Street Wolstanton, 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: 2 High Street Wolstanton Newcastle-under-Lyme ST5 0HB	
DESCRIPTION: Tree Preservation Order No 160 (2014)	
DRAWN BY: PJS	SCALE: 1:1250@ A4
DATE: October 2014	DRAWING NO. TPO 160

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SECOND QUARTER 2014/15 REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report on a quarterly basis on the exercise of his authority, to extend the period of time for an applicant to enter into the Section 106 obligations.

Introduction

The Committee have usually, when resolving to permit an application subject to the prior entering into of a planning obligation, also agreed to authorise the Head of Planning to extend the period of time for an applicant to enter into the Section 106 obligations if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought.

This report covers the period between 26th August 2014 (when the Committee last received a similar report) and the date of the preparation of this report (25th November 2014).

In the period since the Committee's consideration of the last quarterly report section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, with respect to some 10 applications.

Whilst the report is only concerned with those cases where decisions have had to be made on whether or not to agree to provide an extended period, it is evident from that there have been problems in concluding obligations across a number of cases. Insofar as the Council is concerned (obligations involve a number of parties) this reflects workload pressures within both Planning and Legal services. With respect to the latter there have been particular pressures as a result of the two appeals that are being heard at Public Local Inquiries.

It is recognised that the Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee.

As from 1st October 2013 Local Planning Authorities have been required, as part of the so called Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the

application is to be determined within an extended period and the application has been determined 'in time'. This applies to applications received after the 1st October 2013. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

Members will recall that the Planning Peer Review Action Plan, currently under call in, contains a number of proposed actions with respect to the completion of planning obligations, in response to a recommendation of the Review Team. It is hoped that these will result in an improvement in performance in this area, although there are many factors affecting performance including ones that are not within the control of the Council.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the signing of the final document he retains the right to bring the matter back to the Planning Committee. Applicants are also asked to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided.

Details of the applications involved are provided below:-

(1) Application 13/00245/FUL – Old Springs Farm, Stoneyford (HLW Farms)

The proposal for the retention of an agricultural building for chopping and storage of Miscanthus came before the Planning Committee at its meeting on the 4th June 2013 (at around week 7). The resolution of the Committee was that planning permission should be granted subject to the prior securing of a planning obligation (relating to the routing of hgv's) by the 17th July 2013, and that if the obligation was not secured by that date, then the Head of Planning should consult with the Chairman and Vice Chairman prior to making any decision on whether to extend the period within the obligation could be secured.

The obligation was not secured by the 17th July 2013 and was subsequently extended, in consultation with the Chair and Vice Chair, to the 6th September 2013, to the 16th May 2014, and then to the 16th September 2014 (the date of the Planning Committee to which a report on the application was then taken).

The Planning Committee on the 16th September 2014 set a new date – the 7th October – for completion of the agreement, whilst again providing authority to extend that date if considered appropriate

The 7th October passed without the agreement being secured and this remains the position. Given that the delays have been on the Council's side your officer has had no alternative but to decline to exercise the authority to refuse the application, and a new date of the 6th December has now been agreed. At the time of writing some 84 weeks have passed since the application was received (before the introduction of the Planning Guarantee), and considerably beyond the timescale which the applicant has been prepared to agree.

An update on the position will be provided to the Committee.

(2) Application 13/00712/FUL – Blackfriars, Lower Street, Newcastle

This application, for a new foodstore with associated parking, servicing and landscaping first came before the Planning Committee at its meeting on the 10th December 2013 (at around week 13). The resolutions of the Committee inter alia required that certain obligations, relating to the payment of contributions to NTADS, travel plan monitoring, the use of an automatic number plate recognition system, the improvement of nearby

subways and the provision of a future footpath, be entered into by the 31st January 2014, unless your Officer considered it appropriate to extend the period. That did not occur and the application came back before the Planning Committee at its meeting on the 18th February 2014, both to address the issue of whether additional time should be provided for the agreement to be completed, and because of the outstanding objection from the Environment Agency.

The Committee having agreed that the development was acceptable, extended the period of time within which the same obligations had to be entered into until the 7th March 2014. That date passed without the obligations being secured, although a contributory factor was that the Secretary of State had not at that time determined whether or not to 'call-in' the application (which had been referred to him under the Consultation Direction as flood risk area development). He made that decision on the 1st April, advising the LPA that they could proceed to determine the application. In the interim a draft agreement had been prepared and the agreement sought of the County Council to its contents – the County being required to be a party to the agreement. Your officer agreed on the 1st April, on the basis that there was not yet an agreement approved by the Councils available to the applicant, that it was reasonable and appropriate to permit the applicant additional time until the 25th April to conclude the agreement - having secured from the applicant their agreement to similarly extend the statutory period (within which they cannot appeal against the Council's non-determination of the application). Subsequently when this 25th April date was not met a further extension of time, until 23rd June, was then agreed, and following that the 29th August was agreed.

The Committee on the 26th August were advised that the 29th August date would not be met, and that a further modest extension would be likely to be required. The agreement was eventually completed on the 8th September within that extension, and the decision notice of approval was issued on that same day within the extended statutory timescale agreed by the applicant – i.e 'in time'.

By the time of the decision some 52 weeks had passed since the application was received (before the introduction of the Planning Guarantee).

(3) Application 13/00625/OUT – Unit 7, Linley Trading Estate, Butt Lane

This application for the erection of up to 139 dwellings and associated works first came before the Planning Committee at its meeting on the 7th January 2014 (at around week 13). The resolutions of the Committee inter alia required that planning obligations be obtained by agreement by 3rd March to secure financial contributions towards the provision of education facilities, the provision of 2 affordable units, a management agreement for the long term maintenance of the open space on the site, a contribution towards travel planning monitoring, and that the financial viability assessment be reviewed if the development has not been substantially commenced within 12 months of the grant of planning permission and appropriate adjustments made to the contributions and provision, unless your Officer considered it appropriate to extend the period for the securing of these obligations.

Subsequently a report was brought before the Planning Committee on the 11th March and the Committee accepted certain recommendations as to the content of the planning obligations which were to be sought, whilst at the same time allowing the applicant until the 22nd April to conclude the legal agreement. This deadline was not met.

As previously reported an extension until the 22nd May was subsequently agreed. The agreement was not secured by that date, but the applicants continued to actively pursue the matter, and your officer considered that refusal in such circumstances would have been unreasonable. In early July it was agreed to allow until the 1st August for the agreement to be concluded, but that date too was not achieved, for various reasons. The applicants expressed strong concerns about delays. A number of drafts of the agreement

had been produced and circulated amongst the various parties, and with further instructions then provided by your officers it was reported to the August meeting that it was hoped that the matter would soon be concluded, although the agreement of a considerable number of parties was required in this case. A new backstop date of the 5th September was agreed.

The agreement was eventually completed on the 10th September following one more extension of time, and the decision notice of approval was issued on the 12th November, within the extended statutory timescale agreed by the applicant – i.e. ‘in time’.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 48 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(4) Application 14/00077/FUL – Maer Hall, Maer

This application came before the Planning Committee on the 11th March 2014 (at around week 5), the Committee giving until 24th March for the completion of an obligation restricting various uses and activities and preventing severance. Your officer agreed to extend the deadline to the 5th May 2014 for the securing of the obligation.

The 5th May date passed without completion of the obligation. In the last quarterly report members were advised that the wording of the planning obligation had been agreed but the applicant had asked to see the draft decision notice before signing the agreement. That had been provided to him but there had been a further delay it would appear due to his absence abroad. Given the very advanced stage the matter had reached your officers had not issued a notice of refusal, but they were pressing the applicant to bring the matter to a resolution, failing which the Authority could refuse the application. By the time of the actual meeting on the 26th August members were advised that the agreement had by then been completed and as a result the decision would be able to be issued (and it would be ‘in time’).

The decision was issued on the 29th August and within the extended statutory timescale agreed by the applicant.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 30 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(5) Application 08/00795/EXTN2 – Former Holdcroft Garage, Knutton Lane, Wolstanton

The application for permission to renew a previous permission for residential development on this site came before the Planning Committee at its meeting on the 7th January 2014 (at around week 7). The resolutions of the Committee inter alia required that obligations securing financial contributions to NTADS and open space enhancement be secured by 7th February unless your officer considered it appropriate to extend the period.

The previous quarterly report advised that a new deadline had been specified – 18th September 2014. That date passed without the obligation being secured, and a number of extensions of time were agreed by your officer, given that the delay was on the Council’s side, the most recent one being to 6th November. The agreement was completed on the 4th November, and the decision notice itself issued on the 7th November, within the extended statutory timescale agreed by the applicant – i.e. ‘in time’.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 50 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(6) Application 14/00027/FUL Land adjacent to 31 Banbury Street

This application for permission for the erection of 13 dwellings came before the Planning Committee at its meeting on the 11th March 2014 (at around week 7). The resolutions of the Committee inter alia required that obligations securing financial contributions to NTADS, education provision and open space improvement be secured by the 14th April.

As previously reported the applicant has informed the authority that such a level of contributions would make the scheme unviable. It was previously agreed to extend the period within which an agreement can be secured and it was indicated that the intention was to bring a report to the 13th May Committee, if the applicant provided additional information and assisted in its appraisal – because any decision to alter the contributions secured would have to be made by the Committee. Your officers understood that additional information would be submitted, but this was not forthcoming at that time.

As was reported last time the matter was taken up again with the applicant, and in order to allow time for an independent viability assessment to be undertaken and the matter to potentially come back before the Committee, an extension until the 8th October was agreed.

The matter has not been progressed as promptly as it should have been - the applicant instructing new agents, and there being correspondence between the parties about who should undertake and pay for a viability appraisal. The 8th October date passed without the obligations being secured, and a new date of the 15th November was then set. This too has passed without completion – the agent now actively pursuing the viability case of his client.

At the time of writing some 44 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no fee is refundable in this case.

A further update will be provided to the Committee on this case.

(7) Application 13/00990/OUT Land Adjacent To Rowley House, Moss Lane, Madeley

This application for the erection for 42 dwellings and associated works came before the Planning Committee initially on the 3rd April, the decision was deferred to for a site visit, and the application was determined at its meeting on the 22nd April 2014 (at around week 11). The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by the 20th May 2014. The obligations to be secured relate to education and public open space contributions which are to be applied on a sequential basis, as well as affordable housing.

As previously reported, there were delays in instructing Legal Services in this matter, and as a consequence it was considered appropriate to agree to extend the period initially until 23rd June. That date passed without the securing of the agreement, but again bearing in mind that the delay was on the Council's side, it was considered unreasonable to refuse the application. The applicants then took over preparation of the initial draft agreement.

Your Officer agreed to extend the period for securing the obligations to 31st August, and then to 19th September. The applicants submitted their draft of the agreement on the 26th August, a substantive response to it was sent on the 16th October, and at present the

agreement has not yet been concluded. A further extension was given until the 6th November and consideration is now being given to what further period to give.

At the time of writing some 42 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee but no repayment of fee will be required in this particular case.

A further update on this case will be provided to the Committee.

(8) Application 13/00525/OUT Land Between Apedale Road and Palatine Drive, Chesterton

This application for the erection of up to 350 dwellings including open space, new vehicular access, infrastructure, ancillary development and associated earthworks which came first before the Planning Committee at its meeting on the 28th January, when it was deferred for a site visit and further advice, before being determined at the meeting on the 11th March 2014 (at around week 35). The resolution of the Committee was that planning permission should be granted subject to prior securing of a planning obligation by the 29th May 2014. The obligations sought include an NTADS contribution, a contribution towards an extended bus service, an education contribution, affordable housing, a travel plan monitoring contribution and a reappraisal mechanism.

There were extensive negotiations between March and August with the applicants regarding the details prior to the instruction of solicitors. The applicant has shown every wish to conclude an agreement, and in the circumstances appropriate extensions of time have been agreed by your officers. The most recent period expired on 14th November.

At the time of writing some 72 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee but no repayment of fee will be required in this particular case.

It is hoped to provide the Committee with an update via a supplementary report.

(9) Application 14/00217/FUL Land At High Street/Marsh Avenue/Silverdale Road, High Street, Wolstanton

The proposal before the Authority was to vary condition 6 of planning permission 13/00487/FUL that permitted 62 No. 1, 2, and 3 bedroom apartments for persons aged over 55, with associated works. The variation of condition 6 sought a change to the floor plans to include 2 additional apartments and additional floor space.

The application came before the Planning Committee at its meeting on the 10th June 2014. The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by the 10th July 2014 (at around week 12). The obligation being sought is similar to that which has been previously achieved on this site.

Given that the applicant had been pressing to conclude this agreement, and the delay had been largely on the Council's side your officer agreed to extend the period of time for the completion of the S106 to the 7th August 2014 and then subsequently to 5th September as previously reported. That date too passed without the matter being finalised and in the circumstances a further period of time was agreed, the agreement was completed by 9th September and the decision notice issued on the 10th September, within the extended statutory timescale agreed by the applicant – i.e 'in time'.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 25 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(10) Application 14/00362/FUL Unit 7 Linley Road, Trading Estate, Butt Lane

This application for a variation of conditions of an outline planning permission granted on appeal for a retail development with commercial units came before the Planning Committee on the 15th July 2014 (at around week 12). The resolution of the Committee was that planning permission should be granted subject to the prior securing by the 13th August of a planning obligation for a contribution to travel plan monitoring.

That date passed without the drafting of the obligation by the Council having commenced and so your officer concluded that it would be appropriate to allow for a further period. As previously reported an extension was given to the 15th September.

The agreement was completed in this case on the 10th September, and the decision issued on the 12th September, within the extended statutory timescale agreed by the applicant – i.e. ‘in time’.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 17 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(11) Application 13/00970/FUL Land off Pepper Street, Keele

This application for the erection of up to 100 dwellings came before the Planning Committee initially on the 15th July, was the subject of a site visit, and was then determined on the 5th August 2014 (at around week 33). The resolution of the Planning Committee was that planning permission should be granted subject to the prior securing of a number of planning obligations by the 5th October 2014.

That date passed without the securing of the planning obligations. In this case the applicant has elected, following a lack of progress by the Authority, to prepare the first draft of the agreement. This was received on the 9th October and a response, albeit a not fully complete one, was provided to that draft on the 20th November, and your Officer has agreed in the circumstances to extend the period to the 18th December, to reflect that the Council’s solicitor is awaiting on further instructions, the applicant’s solicitor’s response is awaited, the County Council’s views have not yet been obtained and the practical consequences of the number of parties that will require to be signatories to the agreement.

At the time of writing some 48 weeks has passed since the receipt of this application. No refund of the planning fee is due in this instance.

(13) Application 14/00476/FUL The Homestead, May Bank

This application for the erection of a 65 apartment extra care scheme with allied facilities came before the Planning Committee on the 7th October (at around week 14). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to the payment of a public open space contribution and a contribution towards Travel Plan monitoring costs – of the 18th November, with the usual caveat that your Officer could extend that period if he considered it appropriate.

In this case the applicant’s solicitor has initiated the process with the submission of a draft agreement on the 6th November. It did not prove possible to finalise the document by the 18th November and in the circumstances the view has been taken that it is appropriate to extend the period – until the 2nd December. A revised draft agreement has now been prepared and is on circulation. It would appear likely that a modest extension is going to be required.

At the time of writing some 21 weeks has passed since receipt of the application.

A further update on this case will provided to the Committee.

Date Report prepared
27th November 2014

HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, works that have been funded in part or in whole by planning obligations within this period and compliance with their requirements

Recommendations

- a) That the report be noted
- b) That the Head of Planning and Development continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements

Introduction

In January 2013 the Committee received the first half yearly report on planning obligations which had been secured over the preceding 6 months, works that had been funded during that period in whole or in part by planning obligations and on compliance with their requirements.

Members will recall that the last half yearly report covering the period October 2013 to March 2014 was only presented to the Committee at its meeting on 28th October 2014. The Committee asked that this half yearly report would be reported before the end of 2014 for the period April 2014 to September 2014 which would bring members up to date.

One of the areas of work within the Planning Service relates to the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended. This database requires updating.

One of the purposes of this report is to provide Members with information on what planning obligations have been secured over the six month period (April 2014 – September 2014). Some of the developments will be familiar to the Committee given that they have come before the Planning Committee for decision, but others the Committee may not be familiar with because they relate to planning applications that have been determined under delegated authority. The Council's Scheme of Delegation gives to the Planning Committee only the authority to create by agreement planning obligations. Where applications are accompanied by obligations by unilateral undertaking then they do not have to be determined by the Planning Committee unless for some other reason. Planning obligations may relate to the payment of financial contributions but others have no financial contribution requirement but have been entered into to control or restrict the development in question in some way when it has been considered planning conditions are not the appropriate method of dealing with such issues.

The information is provided on a number of Tables which come after this page.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (April 2014 – September 2014)

The following Table identifies developments where planning obligations by agreement or undertaking have been entered into by developers/owners. It does not include the obligations entered into by the public authorities, except where they are the landowner/developer. The cases involve both financial contributions, the provision of development such as affordable housing and those which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment “trigger”), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Permission reference	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
13/00625/OUT	Linley Trading Estate Linley Road Talke Stoke-On-Trent	Erection of up to 139 dwellings and associated works	Affordable Housing (two units)	Not applicable
			Education contribution	£313,926 (Index Linked)
			Travel Plan Monitoring	£2,150 (Index Linked)
			Open space management agreement	Not applicable
			Viability assessment in the event of lack of delivery	Not applicable
13/00712/FUL	Land At The Junction Of Blackfriars Road And Lower Street Newcastle-under-Lyme Staffordshire ST5 2ED	Construction of new foodstore (Class A1) with associated car parking, servicing and landscaping.	Newcastle (urban) Transport and Development Strategy (NTADS)	£46,552 (index linked)
			Travel Plan Monitoring	£2,150 (Index Linked)
			Subway improvement contribution	£78,000 (Index Linked)
			Automatic Number Plate Recognition	Not applicable
			Potential footpath provision opportunity	Not applicable
14/00077/FUL	Maer Hall	Variation of condition 1	Ownership restriction	Not applicable

	Maer Staffordshire ST5 5EF	(restricting occupancy to short term holiday accommodation) of planning permission 06/00723/FUL for conversion of redundant hall outbuildings to form 3 holiday cottages, reception, managers flat and construction of car park		
14/00217/FUL	Land At High Street/Marsh Avenue/Silverdale Road High Street Wolstanton	Variation of condition 6 of planning permission 13/00487/FUL (Development of Use Class C2 residential accommodation with care, comprising 62 No. 1, 2, and 3 bedroom apartments for persons aged over 55, with associated works) so as to change the floor plans to include 2 additional apartments and a further 19.9m2 of floor space	Occupancy Restriction	Not applicable
14/00284/FUL	Priory Day Centre Lymewood Grove Newcastle Under Lyme	Demolition of the redundant day care centre and the construction of 13 new single storey dwellings	Off site public open space	£34,242 (index linked)
14/00362/FUL	Unit 7 Linley Trading Estate Linley Road Talke Stoke-On-Trent Staffordshire ST7 1XS	Variation of conditions of planning permission 10/00080/OUT (outline planning application for commercial business uses (Class B1, B2, and B8) and small/medium sized A1 retail foodstore) as follows Condition 5 regarding revised right turning facility and access	Travel Plan Monitoring Contribution	£2,200 (index linked)

		<p>works; Condition 18 to allow gross retail floorspace up to 1,384sq.m.; and Condition 20 to require that at least 80% of the net sales floorspace is devoted to the retailing of convenience goods.</p> <p>In addition the removal of condition 19 which prevents the retail floorspace from being operated by Tesco, Sainsbury's, Asda or Morrisons, and condition 21 which requires that a minimum of 2,434sq m of floorspace for business, industrial or storage for made available before the foodstore is available for letting or sale</p>		
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Table 2 - Development where financial contributions have been made (April 2014 – September 2014)

The following Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
10/00278/EXTN	Former Squires Copper Mount Road Kidsgrove ST7 4AY	Extension of time limit for implementing planning permission 10/00278/OUT for 12 dwellings	Newcastle (urban) Transport and Development Strategy (NTADS)	£8,000 (Index linked)
			Public open space enhancements. Improvement and maintenance	£35,316 (Index linked)

Table 3 - Development where financial contribution have been spent. (April 2014 – September 2014)

The following Table identifies those developments where the spending authority have advised the Planning Authority that they have spent the financial contribution secured via planning obligations within the above period. These figures may differ from the contribution provided by an individual scheme, given that contributions may be targetted to a number of projects or the project may be an on-going one. **Information has not however been sought from the County Council for this period.** That information, and that for the previous period (October 2013 to March 2014) is to be sought and if available will be provided within the next half yearly report.

Permission reference	Location of development	Development	Amount of and purpose of contribution	How the contribution has been spent
Nil	-	-	-	-

Table 4 - Development where apparent breaches of planning obligation has been identified (April 2014 – September 2014)

The following Table identifies a development where either the triggers for the payment of financial contribution have been achieved and no payment has yet been received or there is some other current breach in terms of the obligation/undertaking. It includes cases brought forward from previous periods, which have not yet been resolved

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw Hassell Street Newcastle	Residential Development	Public Open Space contribution (£900 x 45 units) £40,500 – Apparent non payment of the contribution.	Legal Services have identified principal owners of the development and Financial Service have raised a debtors invoice to recover the outstanding monies. Court proceedings however had to be withdrawn. Owners identified as a company registered in the British Virgin Islands. Case conference to be called to decide upon next steps. An update may be able to be provided to the Committee.
10/00480/FUL	Former Corona Works, Sandford Street Chesterton	Residential Development	Public Open Space contribution totally £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment achieved, no payment received to date	The Planning Committee at its meeting on 16 th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9 th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party, despite several

				approaches by the Council's solicitors. The ninth dwelling has not commenced and the development of the site appears to have stalled. In the circumstances it would not be expedient to seek compliance with the original agreement, given the resolution of the Committee.
10/00110/FUL	61-63 High Street Silverdale	Two storey side extension and single storey rear extension	Newcastle (urban) Transport and Development Strategy (NTADS) contribution of £1800 (index linked)	Staffordshire County Council (SCC) have agreed with the developer to a 4 phased payments of this contribution over a 12 period. SCC has confirmed that three of the four payments have now been made. The last payment should have been received by September 2014. SCC have been contacted for an update on this final payment.
07/00196/FUL	Former Brooks Laundry Oxford Road Basford ST5 0PZ	Erection of 14 two storey townhouses and associated garages (Amendment to plots 5-18 as approved under 06/00659/FUL)	Public Open Space contribution (£900 x 14 units) £12,600 – Apparent non payment of the contribution.	The developer has been contacted and advised that the Borough Council has no records that the contribution has been paid. Their response is awaited. Officers have both written to and telephoned the developer about this matter but no formal response has

09/00387/FUL, 06/00774/FUL & 99/00341/OUT	Land Off, Keele Road (Milliners Green)	Residential development	Public Open space contributions – non payment of these contributions	<p>been forthcoming to date</p> <p>The developer has been contacted and has responded querying the actual sum involved but has indicated their willingness to pay the agreed sum. Legal advice has been also been obtained to confirm which of a number of agreements is applicable. Progression on this case is dependent upon the issue of the decision notice for application 09/00387/FUL, which requires a site visit first, and then contact with the developer. An update will be provided to the Committee as to the progress made.</p>
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