

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, 9th December, 2014

Present:- Councillor Sophia Baker – in the Chair

Councillors Mrs Bates, Becket, Mrs Braithwaite, Cooper, Fear,
Mrs Hambleton, Mrs Heesom, Northcott, Proctor,
Miss Reddish, Mrs Simpson, Waring, Welsh and Williams

1. APOLOGIES

No apologies were received.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING(S)

A correction was required regarding item 8 section 14 (2). The minutes should state:

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

Resolved: That the minutes be agreed with the amendment.

4. APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE BAPTIST CHURCH, LONDON ROAD; URBAN REGENERATION (STAFFS) LTD/HEWITT & CARR ARCHITECTS; 14/00477/FUL

Mr Turner addressed the Committee and spoke against the application.

Mr Copestake addressed the Committee on behalf of the applicant.

Officers referred Members to the supplementary report which recommended that any decision be deferred pending receipt and consideration of the District Valuer's report.

Members queried whether the issues raised by Mr Turner and the survey he had carried out could be referred back to the Highway Authority. Officers confirmed that this could be done if Mr Turner were to submit the results of the survey to the Council.

Resolved: That a decision be deferred until the District Valuer's report has been received and considered.

5. APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD; ASPIRE HOUSING LTD/DESIGN BM3 ARCHITECTURE LTD; 14/00767/FUL

Officers drew Members attention to the supplementary and second supplementary agendas that had been issued.

Resolved:

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

- i) A financial contribution of £22,062, index linked towards the provision of education facilities
- ii) A financial contribution of £64,746, index linked for open space enhancement/improvements and maintenance

and subject to the Coal Authority withdrawing its objection by no later than 20th January 2015

That the application be permitted 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
- Submission of a further noise assessment relating to noise from the adjoining industrial doors business and the details of the measures to be undertaken within the development to mitigate the impact of noise arising from that and other noise sources. Implementation of the approved details.
- Prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforced.
- Requiring works of location and treatment of the shaft adjacent to 24/26 Lower Ash Road, and any other conditions considered

appropriate by the Head of Planning further to consideration of any further comments received from the Coal Authority

b) Should the matters referred to in (i) and (ii) 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 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.

c) Should the Coal Authority not withdraw their objection to the proposal by the 20th January 2015 the Head of Planning be given delegated authority to refuse the application on the grounds that it has not been demonstrated that no significant risks to the development are posed by coal mining legacies and it has not been demonstrated that the application site is, or can be made, safe and stable for the proposed development, in accordance with the requirements of the NPPF, and any other reasons reflecting whether or not the above planning obligations have been secured by that date

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

Resolved:

That the application be permitted subject to 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
9. Removal of any future permitted development right for change of use of the building from agricultural use to use as a dwelling.

7. APPLICATION FOR MINOR DEVELOPMENT - HIGH TREES, HEATH ROAD, WHITMORE; DARBY/HULME UPRIGHT MANNING; 14/00524/FUL

Resolved:

That the application be permitted subject to the following conditions:

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

8. **APPLICATION FOR OTHER DEVELOPMENT - LAND AT NEW HOUSE FARM ACTON LANE, ACTON; VODAFONE LTD & TELEFONICA UK LTD; 14/00847/TDET1**

Resolved:

- (a) That prior approval is required, and
- (b) That approval is granted.

9. **APPLICATION FOR OTHER DEVELOPMENT - SANDFIELD HOUSE, BAR HILL, MADELEY; MR DAVID A.C BARKER/CROFT ARCHITECTURE; 14/00684/FUL**

Mr Treherne addressed the Committee and spoke against the application.

Members considered the application and a Cllr moved that the application be permitted, this was seconded and a vote taken as follows:

7 members voted in favour and 6 voted against.

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

- 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

10. **APPLICATION FOR OTHER DEVELOPMENT - ADVERTISING SITE ADJACENT TO 8 CONGLETON ROAD, BUTT LANE; NULBC; 14/00832/DEEM3**

Resolved: That the application be permitted subject to conditions relating to approved plans.

11. **APPLICATION FOR OTHER DEVELOPMENT - CAR PARK, WINDSOR STREET, NEWCASTLE UNDER LYME; NULBC; 14/00833/DEEM3**

Resolved: That the application be permitted subject to conditions relating to approved plans.

12. **TREE PRESERVATION ORDER; RED GATES; 155B**

Resolved: 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.

13. **TREE PRESERVATION ORDER; HIGH STREET WOLSTANTON; 160**

Resolved: 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.

14. **TREE PRESERVATION ORDER BUCKMASTER AVENUE; 158**

Resolved: That Tree Preservation Order No 158 (2014), land adjacent to 86 Buckmaster Avenue be confirmed as made and that the owners of the site be informed accordingly

15. **EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO (QUARTER 2 REPORT)**

Resolved: 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.

16. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Resolved:

a) That the report be noted

b) That the Head of Planning 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

17. **URGENT BUSINESS**

1. Land off Sandbach Road North

The Borough Council had been consulted by Cheshire East Council on an application (14/3919C) for outline planning permission for major residential development for 130 dwellings. The same proposal was understood to be at appeal (reference 12/4872C), the Inquiry being expected to finish on the afternoon of 9th December.

The site was located to the north west of Alsager, in open countryside but adjacent to the built up area and not within the Green Belt.

The matter was brought to the Committee as an item of urgency because of the timing of the appeal inquiry, and the Inspector having asked for confirmation of the Borough Council's current position

Resolved:

That the Council notify Cheshire East Council that the Borough Council OBJECTS to the application and the appeal on the grounds that major development in this location

would be likely to undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Joint Core Strategy.

2. Consultation on Safeguarding Direction for HS2

Resolved:

That the Committee asks the Executive Director of Regeneration & Development and the HS2 Portfolio holder, Councillor Turner, to consider making the comments listed in the attached report to the Government on the questions posed in the safeguarding direction consultation

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.

A decision on the application was deferred at the meeting of the Committee held on 9th December until the advice of the District Valuer has been received and considered.

The 13 week period for this application expired on 24th September 2014, but the applicant has agreed an extension to the statutory period until 14th January 2015.

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 9th February 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. Details of the materials of the acoustic barrier
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 9th February 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 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 (HA)** 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.

Further comments from the HA have been received following the receipt of a traffic survey from a neighbouring resident. These comments are detailed below in paragraph 6.4 of the report.

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** has no objections to the proposal subject to conditions regarding hours of construction, vibration assessment, details of a ventilation system to ensure appropriate indoor air quality, internal noise levels, details of the materials of the acoustic barrier, 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

Five 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
- There is no provision for operational space for commercial and service vehicles to park or manoeuvre to exit in a forward gear
- There is no provision for parking for people with disabilities
- There are no parking spaces reserved for motorcycles

A traffic and pedestrian survey has also been received from a resident which states that six separate 1 hour surveys of flows at the junction of London Road and Vessey Terrace were carried out in November 2014 on three separate weekdays and three separate weekends. A survey was also carried out of parked cars at the Cherry Tree Public House which is marked out with 57 parking spaces. A Table is submitted giving average numbers of vehicles and pedestrians for each hour.

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.

2.2 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).

2.3 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.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

3.0 Is the loss of a community facility acceptable?

3.1 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.

3.2 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.

4.0 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?

4.1 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.

4.2 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.

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

4.4 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.

4.5 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.

4.6 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.

4.7 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.

5.0 Would there be any adverse impact on residential amenity?

5.1 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

5.2 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.

5.3 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

5.4 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.

5.5 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.

5.6 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.

6.0 Is the impact of the development on highway safety acceptable?

6.1 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.

6.2 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.

6.3 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 Authority 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.

6.4 A traffic and pedestrian survey received from a local resident was forwarded to the Highway Authority for their consideration. They have commented that as part of the assessment of the application, the effect of the development on the highway network including vehicle movements, pedestrian connectivity and the site location was considered. They took into account the existing permitted use of the site as a church and hall without any off street parking provision and the potential vehicle/pedestrian movements that the authorised use could generate. They state that the proposal provides a betterment with the provision of 22 off-road parking spaces and also secure covered cycle parking. In conclusion they consider that the proposal is acceptable subject to the conditions previously recommended.

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

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

7.1 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.

7.2 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.

7.3 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.

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

8.1 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.

8.2 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.

9.0 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?

9.1 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.

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

10.1 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.

10.2 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.

10.3 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.

10.4 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.

10.5 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.

10.6 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.

10.7 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.

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

Background papers

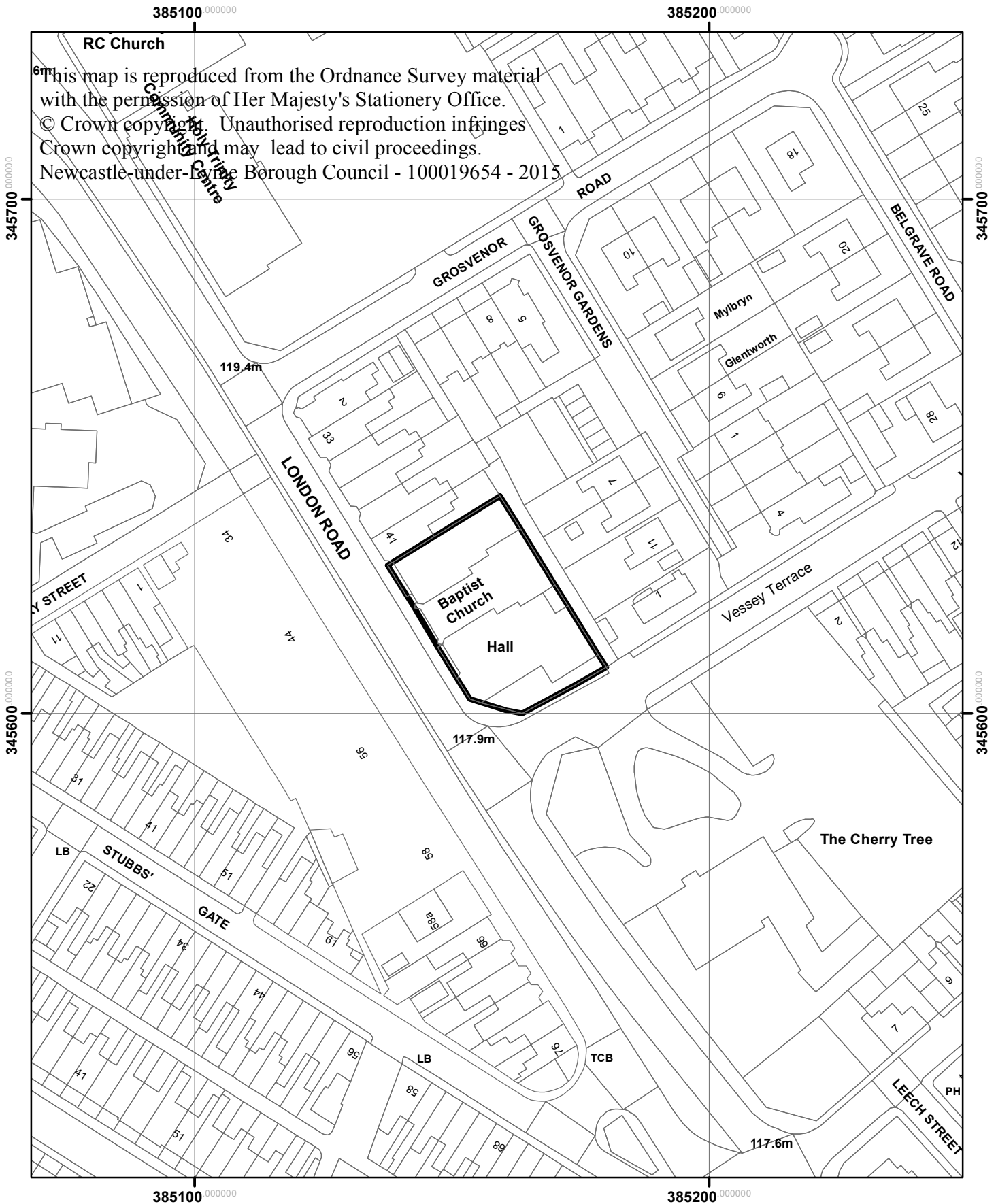
Planning files referred to
Planning Documents referred to

Date report prepared

19th December 2014

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Newcastle Baptist Church,
 London Road, Newcastle -
 14/00477/FUL



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LAND ADJOINING THE OWL HOUSE, TOWER ROAD, ASHLEY
MRS B FLACKETT

14/00854/FUL

The application is for full planning permission for the erection of a detached bungalow and the formation of new access off Birks Drive. The footprint of the bungalow measures 14 metres by 9 metres with a roof ridge height of 6.2 metres.

The application site is located beyond the village envelope of Loggerheads as specified on the Local Development Framework Proposals Map. There are also protected trees in the vicinity.

The 8 week period for the determination of this application expires on the 7th January 2014.

RECOMMENDATION

Permit subject to conditions relating to:

1. **Time Limit.**
2. **Plans.**
3. **Prior approval of external facing materials.**
4. **Tree and hedgerow protection measures.**
5. **Landscaping.**
6. **Construction hours be limited to 7am to 6pm Monday to Friday and not at any time on Sundays or Bank Holidays or after 1pm on any Saturday.**
7. **Report of unexpected land contamination and gas remediation.**
8. **Provision of access, parking and turning areas.**
9. **Prior approval of surfacing and drainage provision.**
10. **Removal of permitted development rights for dormer windows and roof lights on the rear elevation of the property.**

Reason for Recommendation

Proposals for a detached dwelling house on this site have previously been refused by the Authority in 2011 (under planning application reference number 11/00225/OUT), due to conflict with prevailing housing distribution policies seeking to direct development to the most sustainable locations using previously developed land, which was upheld at appeal. However the planning application now made must be considered in the context of current planning policy and circumstances. Since the adoption of the National Planning Policy Framework March 2012 and in the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites currently standing at 3.12 years, and acknowledging the proximity to existing local services it is no longer appropriate to resist the development on the grounds that the site is within the rural area outside of a recognised rural service centre. The negative impacts of the development – principally the site being Greenfield land outside of a rural service centre or village envelope and the loss of some greenery to accommodate the dwelling within the locality do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply. Accordingly there has been a material change in circumstances and permission should be granted.

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 development is considered 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 SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy N12	Development and the protection of trees
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

Other Material Considerations

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (July 2004)

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

Relevant Planning History

11/00225/OUT	Erection of detached house	Refused	2011
<i>An appeal for that application was subsequently dismissed in 2012.</i>			
73/06120/TP	Erection of a detached dwelling	Withdrawn	1973
64/03177/TP	Erection of bungalow	Refused	1964

Views of Consultees

Loggerheads Parish Council comment that this new application for the erection of a bungalow poses the same issues as previous applications, nothing has changed. Previous applications were refused and dismissed at appeal in 2012.

The **Highway Authority** had until the 5 December to comment on the proposal. No comments have been received it is therefore assumed they have no comments to the proposal. In response to the application in 2011 (11/00225/OUT) they had no objections subject to conditions relating to the provision of parking, turning and servicing within the site curtilage; means of surface water drainage and surfacing materials.

The **Environmental Health Division** has no objections subject to conditions relating to:

- Construction hours being limited to 7am to 6pm Monday to Friday and not at any time on Sundays, Bank Holidays or after 1pm on any Saturday.

The **Landscape Development Section** has some concerns about the very limited space that will be available for lawn/garden area due to shading caused by existing tree cover.

They confirm that appropriate adherence to BSS5837:2012 the proposed building could be constructed without detrimental impact on trees which are protected by Tree Preservation Order number T7/9.

Construction access on this site is extremely tight and machinery and plant will need to access the site via restricted space. Careful planning and management of works is required to ensure that retained trees (including their roots) are not damaged during the construction process. The arboricultural consultant has given some sensible indication as to how this can be achieved however it is suggested that additional site specific information is provided. Therefore the following planning conditions would be appropriate:

- Tree Protection in accordance with BS5837:2012 and the information provided in the arboricultural report.
- Additional site specific detail (BS5837:2012 Construction Method Statement) providing detail of position of compound, scaffolding, materials storage and description of methods and plant used to get materials onto and off this restricted site.
- Schedule of works to retained trees (e.g. access facilitation pruning).
- Arboricultural site monitoring schedule.

Representations

12 letters of representation have been submitted raising the following concerns:

1. The proposal is at odds with the prevailing character of the area which comprises of dwellings in large sized plots in a semi-woodland setting.
2. An additional dwelling on the plot would further exacerbate the poor condition of Birks Drive and or lead to further vehicles using Tower Road which is already heavily used due to the condition of Birks Drive.
3. A decision to approve the proposal goes against the appeal decision previously made against a proposal for a dwelling on the site.
4. The dwelling would appear squashed onto the site and would spoil the open feel of the area.
5. The un-adopted access of Tower Road and Birks Drive would be put under even more pressure further deteriorating its condition.
6. The application would set precedent for other similar developments in the area which relate to garden grabbing.
7. Tree loss will damage the character of the area.
8. The application is damaging to flora and fauna.
9. A dwelling in the location proposed would spoil the open feel of the area.
10. Works to allow access to the site have already commenced with certain trees and hedgerow removed.

Applicant/agent's submission

A Design and Access Statement, Tree Report has been submitted. These documents are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1400854FUL

Key Issues

The application is for the erection of a detached bungalow and the formation of a new access off Birks Drive. The footprint of the dwelling measures 14 metres by 9 metres with a roof ridge height of 6.2 metres. There are protected trees in the vicinity.

There have been previous unsuccessful attempts to secure planning permission for a new dwelling on the site. The most recent was planning application reference number 11/00225/OUT, considered by the Authority in 2011. The application was refused on the grounds that the development of this greenfield site within the open countryside would be contrary to the objective of maximising the re-use of previously developed land, in sustainable locations as supported by national planning policy (prevailing at that time) and the Councils own Development Plan. That decision was upheld at appeal, February 2012. The planning Inspector who determined that appeal agreed that the proposal *would significantly harm the Council's strategies for targeted regeneration and sustainable development in the borough.*

She also acknowledged that *whilst this is a small scale proposal for a single dwelling, there are many other similarly sized gardens within this area which, if a precedent were set should this appeal be allowed, could be developed causing further, widespread harm to the Council's regeneration strategies.* The National Planning Policy Framework was still in draft format at that time and was not fully adopted until March 2012 and the Inspector.

In light of the application now submitted, the Authority must assess current circumstances with regard to any changes in national planning policy or other material factors in order to determine if refusal of planning permission is still appropriate taking into account the previous determinations referred to.

The main issues for consideration in the determination of this application therefore are:

1. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
2. Is the design and appearance of the development acceptable?
3. Is the impact to trees acceptable?
4. Are adequate residential amenity levels provided?
5. The acceptability of access in highway safety terms; and
6. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

The site was originally part of the garden area serving the Owl House but is now considered to be a separate planning unit in its own right. For development management purposes the land is greenfield. The site is located within an attractive area of low density residential development built mainly in the 1960's and 1970's in a woodland setting, approximately 1km from most of the facilities in the key rural service centre of Loggerheads. The two possible routes from the site to those facilities both involve a considerable distance along unmade and unlit roads of some gradient where there is an absence of street lighting. An hourly bus service on Newcastle Road is available as an alternative to motor car use but it is very likely that the occupiers of the proposed dwelling would depend on a car for most journeys. However relative to many other sites outside of Rural Service Centres it is closer to village services than many of the existing properties within the Loggerheads village envelope boundary. It cannot be said to be in an isolated location.

Policy SP1 of the Core Spatial Strategy (the CSS) seeks to direct new housing towards sites within identified urban centres and targeted regeneration areas to make sure that investment opportunities and population are not drawn away from where they are needed to areas that are more immediately attractive for development. Policy ASP6 of the CSS seeks to restrict new housing development in rural areas to brownfield land within the village envelopes of key rural service centres to meet identified local requirements. The development plan also consists of saved Local Plan policy H1 which directs new housing to the urban areas and village envelopes.

The NPPF, however, states at paragraph 49 that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

The Borough is currently unable to demonstrate a five year supply of deliverable housing sites as required by paragraph 47 of the NPPF and as such, taking into consideration paragraph 49, policies such as NLP H1 with its reference to the village envelope, and policy CSS ASP6 with its reference to Rural Service Centres have to be considered to be out of date, at least until there is once again a 5 year housing land supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise, that where the development plan is absent, silent or relevant policies are out-of-date, as in this case, granting permission unless:-

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

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

The Council has taken the view in consideration of recent applications in similar locations that due to the public transport opportunities and services that development would be sustainable. As such and in accordance with paragraph 14, there is a presumption in favour of this development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Such impacts are explored below.

In reaching this conclusion it is noted that when the appeal on the previous application was dismissed the LPA was also in a position where it did not have a five year housing land supply. The Inspector gave limited weight in view of the draft status of the NPPF at that time. As such the policy context for the determination of this application therefore is materially different to the appeal.

2. The acceptability of the design and appearance of the development

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

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

The site does not have a specific landscape character designation in terms of the Development Plan. The area is characterised by low density residential development with a variety of housing styles within generally large plots situated in the context of established tall trees and hedgerows.

The plot, due to the presence of mature trees and hedgerow, is almost entirely shielded from view from both Birks Drive and Tower Road with limited views where the access would be created. Due to the size of the application site and the size of the plot which has been retained for the Owl House, it is not considered that the proposal would have a detrimental impact upon the character of the area. The dwelling proposed is of an appropriate scale. There are some concerns regarding the appropriateness of the materials envisaged which comprise of a mixture of stone and brickwork however these can be properly addressed by planning condition to ensure quality standards are met.

3. Is the impact to trees acceptable?

Policy N12 states that the Council will resist development that would involve the removal of any significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate developers will be

expected to set out what measures will be taken during the development to protect trees from damage.

The applicant proposes to remove a number of trees from the site which are not suitable for retention following consideration of an independent tree report. The Councils Landscape Development Section, following an assessment of the submitted information has no objections subject to conditions. Certain works to clear dead and unwanted plantings to tidy up the land and enable access have already been undertaken but these particular works do not cause concern with respect to tree preservation matters. Accordingly subject to planning conditions the requirements of policy N12 can be satisfied.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook.

The SPG recommends that a distance of at least 10.7 metres be maintained between single storey buildings where one of the properties concerned does not have any principal windows. The proposed dwelling has been designed so that there are no principal windows overlooking the Owl House. A distance of 12 metres separates the proposed dwelling from the existing neighbouring property. It is considered necessary that permitted development rights are removed for dormer windows and roof lights on the rear roof slope of the proposed dwelling to ensure adequate levels of privacy are maintained.

5. Highway safety issues

Although no comments have been received from the Highway Authority with respect to the current application they have previously had no objections to a dwelling on the site and there have been no significant changes in circumstances to warrant a different conclusion inclusive of regard to the condition of Birks Drive and Tower Road. This is because adequate visibility can be provided for the access sought and the vehicle movements associated to a further single additional dwelling would not have a significant detrimental impact on existing public safety levels. Subject to standard conditions relating to the formation of the proposed access, parking and turning area provision, drainage and surfacing details prior to occupation the impact to highway safety is acceptable.

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

In consideration of the above points, the development would result in some local impact on the character and appearance of the area in that a portion of open greenery would be lost to accommodate a dwelling. However, there is no demonstrable harm to the visual appearance of the area inclusive of the potential for tree loss and the proposal otherwise represents sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough. Overall, the impacts which arise, namely the development of greenfield land, outside of the village envelope of Loggerheads, do not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

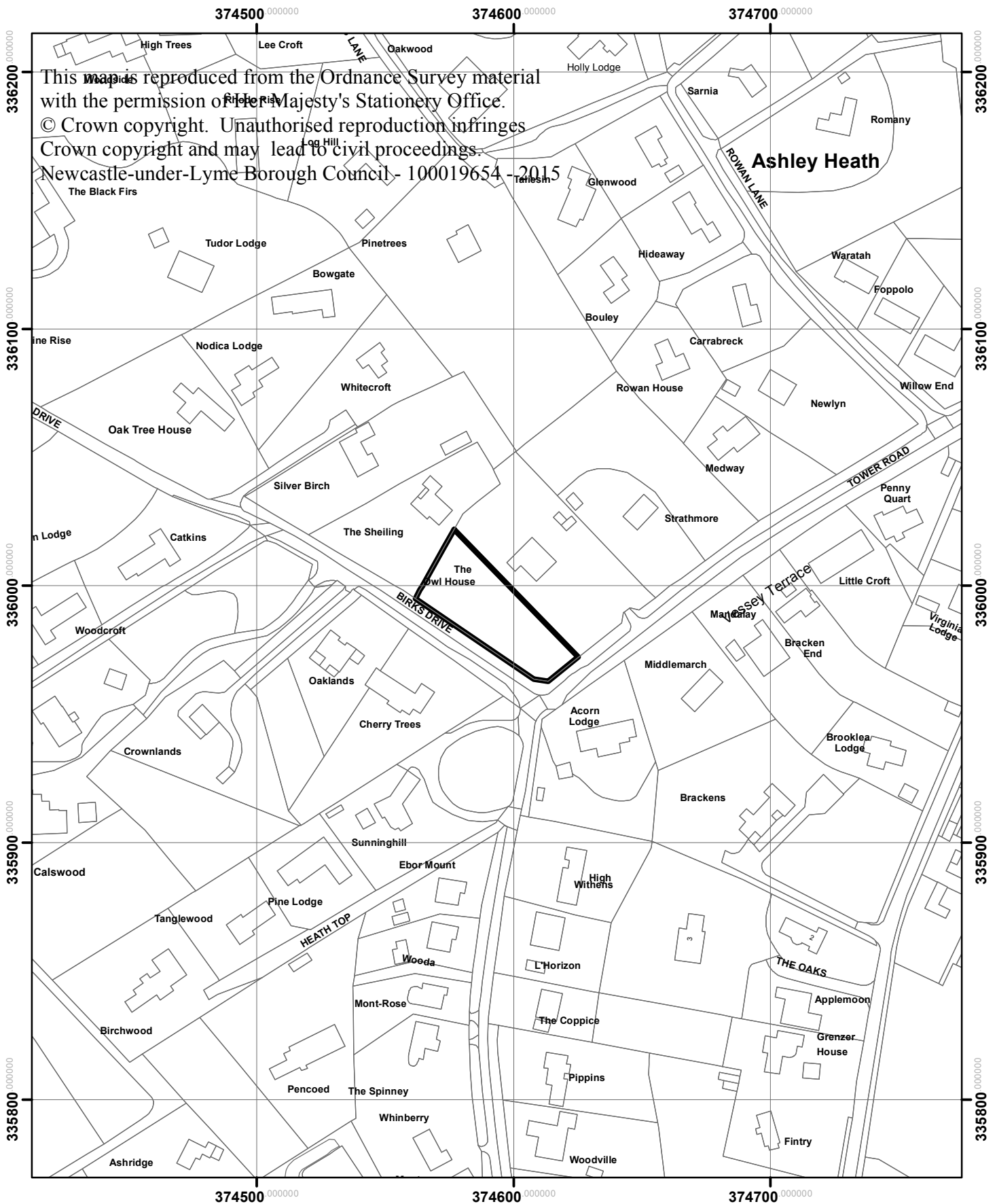
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

17 December 2014.

Land adjacent to the Owl House,
Tower Road Ashley
14/00854/FUL



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LAND AT BOWHILL LANE, BETLEY
CTIL & VODAFONE LTD

14/00878/TDET

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 proposal is for the replacement of an existing 17.2m structure with a 20m monopole with antennas, dishes and ancillary equipment.

The proposal site lies within the open countryside and an Area of Active Landscape Conservation (Policy N18) 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 25th January 2015 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is required, and

(b) Should the decision on (a) be agreed then the recommendation is that prior 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 due to the increased height and the amount of equipment proposed. However in the absence of any significant visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network it is considered that 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 N18: Area of Active Landscape Conservation

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

03/00346/FUL 15.2m telecommunications monopole, 4 antennae, radio equipment housing and ancillary development Refused but Allowed on appeal

Views of Consultees

Environmental Protection detail that a declaration of ICNIRP compliance has been issued, (dated 12th November 2014) and they raise no objections to the application.

Betley, Balterley and Wrinehill Parish Council have been consulted and any comments received will be reported accordingly.

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. The main points of the statement are as follows:

- The height increase is imperative for the combined O2 and Vodafone network coverage,
- The mast will provide environmental and commercial efficiencies by removing the need for an additional independent mast within the immediate vicinity.
- It is imperative to consider that this is not a new additional mast but an upgrade replacement to the existing.
- The mast benefits from a back drop of mature trees at an approx. height of 15 metres.
- Although this site is for Vodafone only the upgraded mast will fit into the wider O2/ VF site sharing network and thus the facility adheres to the site sharing policies of the LPA and the NPPF.

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/1400878TDET

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance for the replacement (upgrade) of the existing 17.2 metre structure with a 20 metre monopole, antennas, dishes and ancillary equipment. The site is located within the North Staffordshire Green Belt and an Area of Active Conservation (Policy N18).

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 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 monopole and additional equipment is considered to represent a significant change. The existing monopole at a height of 15 metres plus antenna (17.2 metres) has a similar height to the adjacent trees which provide significant screening. The proposed monopole at 20 metres in height would further protrude above this tree line. 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 would be viewed alongside the two existing telecommunications structures which are also located adjacent to the line of mature trees. The three existing structures have a similar height to the existing trees and so they are well screened with minimal harm to any main vantage points. The proposed replacement monopole would still have a functional and slimline appearance but it would have a large head frame due to the upgrading of the equipment and the number of antenna. The upper part of the structure would be more visible above the tree line. However, the impact on the visual amenity of the area and landscape would be limited with the lower sections being predominantly screened by the trees from views from the south, with the benefit of a backdrop of trees from views from the north. It is considered that any adverse visual impact would be outweighed by the technical justification and there is no conflict with development plan or national policies and on balance it is considered that prior approval should be granted.

Background Papers

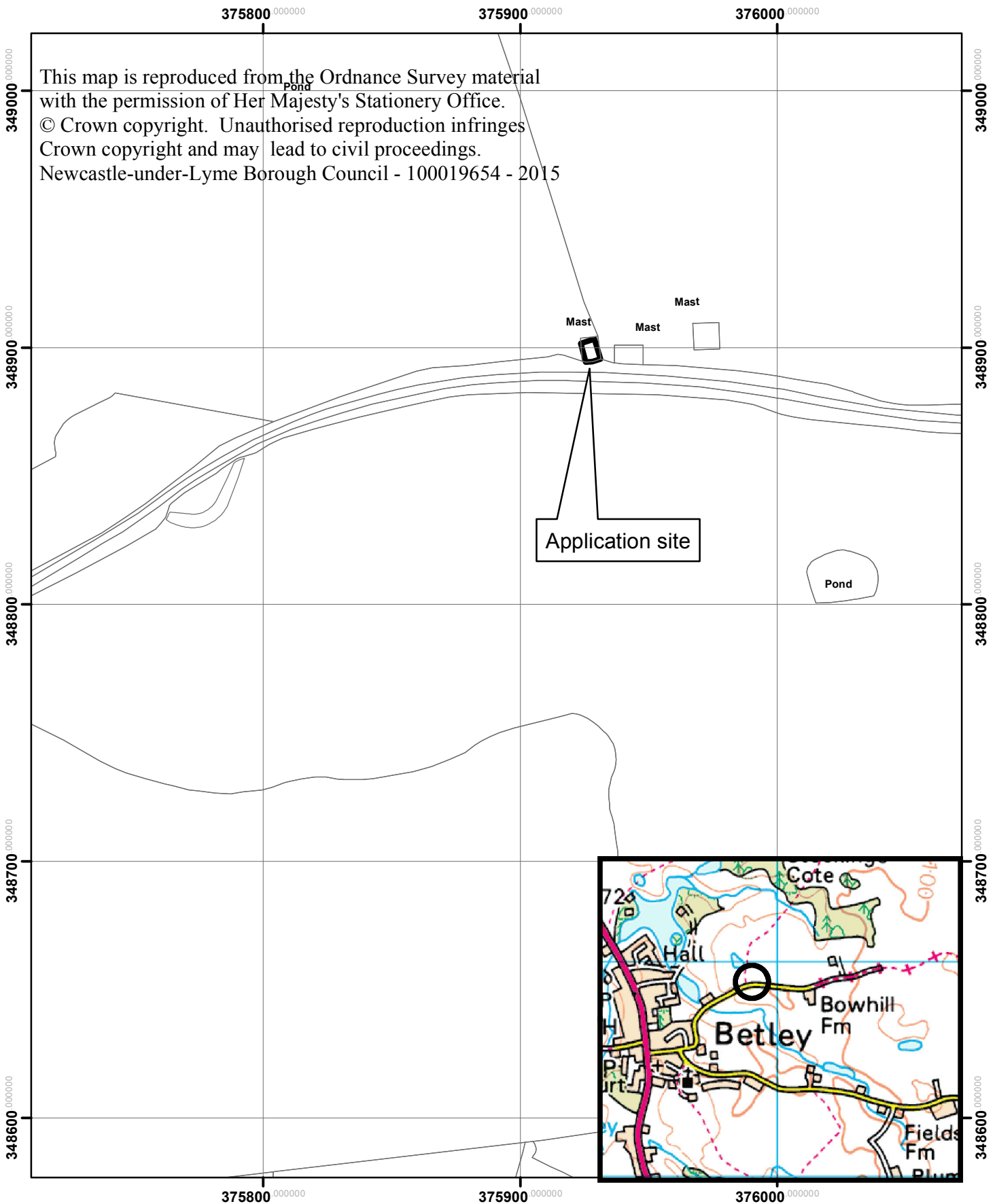
Planning File referred to
Planning Documents referred to

Date report prepared

15th December 2014

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Telecommunication Mast - Bowhill Lane, Betley 14/00878/TDET



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NEWCASTLE GOLF CLUB, GOLF LANE
CTIL & VODAFONE LTD

14/00927/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of a replacement 17.5m monopole with a 17.5m monopole with associated antennae. The upgrade will facilitate the use of the site by O2 and Vodafone.

The site lies within the rural area, the green belt as indicated on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 25 December, the development will be able to proceed as proposed.

RECOMMENDATION

- (a) **Prior approval is not required, however**
- (b) **Should the decision on (a) be that prior approval is required the recommendation is that prior approval is GRANTED.**

Reason for Recommendation

It is considered that the development in this instance does not require the benefit of prior approval. However, anticipating that the decision of Committee may be different and in assessing its siting and design it is considered that the replacement structure would not harm the visual amenity of the area due to its acceptable height, design and location within the street scene. The proposal would also avoid the need for an additional structure of a similar size and design within the area to meet the network requirements and support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with 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 (adopted 2009) (CSS).

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

Policy T19: Telecommunications Development – General Concerns
Policy T20: Telecommunications Development – Required Information
Policy S3: Development in the Green Belt
Policy N17: Landscape character – general considerations

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Policy Guidance (2014)

Relevant Planning History

04/00018/FUL Installation of a 17.5m telecommunications pole, equipment cabinets and development ancillary thereto including provision of temporary construction of vehicular access and permanent pedestrian access from A53
Approved 17/2/2004

Representations

None received. Public consultation expires on the 1 January 2015; therefore any representations that are received will be reported to Planning Committee via a supplementary report.

Views of consultees

The **Environmental Health Division** has no objections to the proposal as a declaration form for the conformity with ICNIRP has been submitted with the application.

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the proposal. A summary of the key points are as follows;

- The existing 17.5m monopole would be removed and placed with an upgraded pole that would also measure 17.5m in height.
- The existing base infrastructure and equipment cabinet will also be retained, however would include upgraded equipment.
- The upgrade will enable the site to be utilised by O2 and Vodafone site sharing network and thus this facility adheres to the site sharing policies of the Local Planning Authority and the National Planning Policy Framework.
- The site is located within the open countryside and within the Green Belt
- The mast benefits from the backdrop of 10m high mature trees that screen the pole.
- The height of the pole would be the same, and is considered to be the least visually obtrusive option.

The key points of The Code of Best Practice on Mobile Network Development (July 2013) has been summarised along with the key points of the NPPF, in particular section 5.

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

The full document is available for full inspection at the Guildhall and on the Council's website at www.newcastle-staffs.gov.uk/planning/1400927TDET

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of a 17.5 metre Jupiter pole to replace the existing monopole on site.

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 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 also in the consideration as to whether prior approval should be granted.

Is prior approval 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 application is for the replacement of an existing telecommunications monopole located in the rural area at Newcastle Golf Course, set approximately 50m from the closest residential properties.

The existing pole can be viewed from Whitmore Road, and as such the replacement pole would also be visible from the public highway. The visual appearance of the structures would be very similar, so it is considered that there would be no greater visual impact upon the character of the area, and streetscene. As such, it is considered that in this instance prior approval is not required for the design and siting of the proposal.

However, acknowledging that the decision of the Planning Committee may be that prior approval is required, this report will also address whether 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 design of the proposals and the impact on the visual amenity of the area.

The replacement mast would be no higher than the existing, and of a similar width. The visual appearance of the mast is considered to be no greater than the existing arrangement on site, and as such would not adversely affect the visual amenity of the surrounding area.

The design is considered the optimum solution that would have the least amount of impact on the visual amenity of the area, it having a simple, slim design.

The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

Background Papers

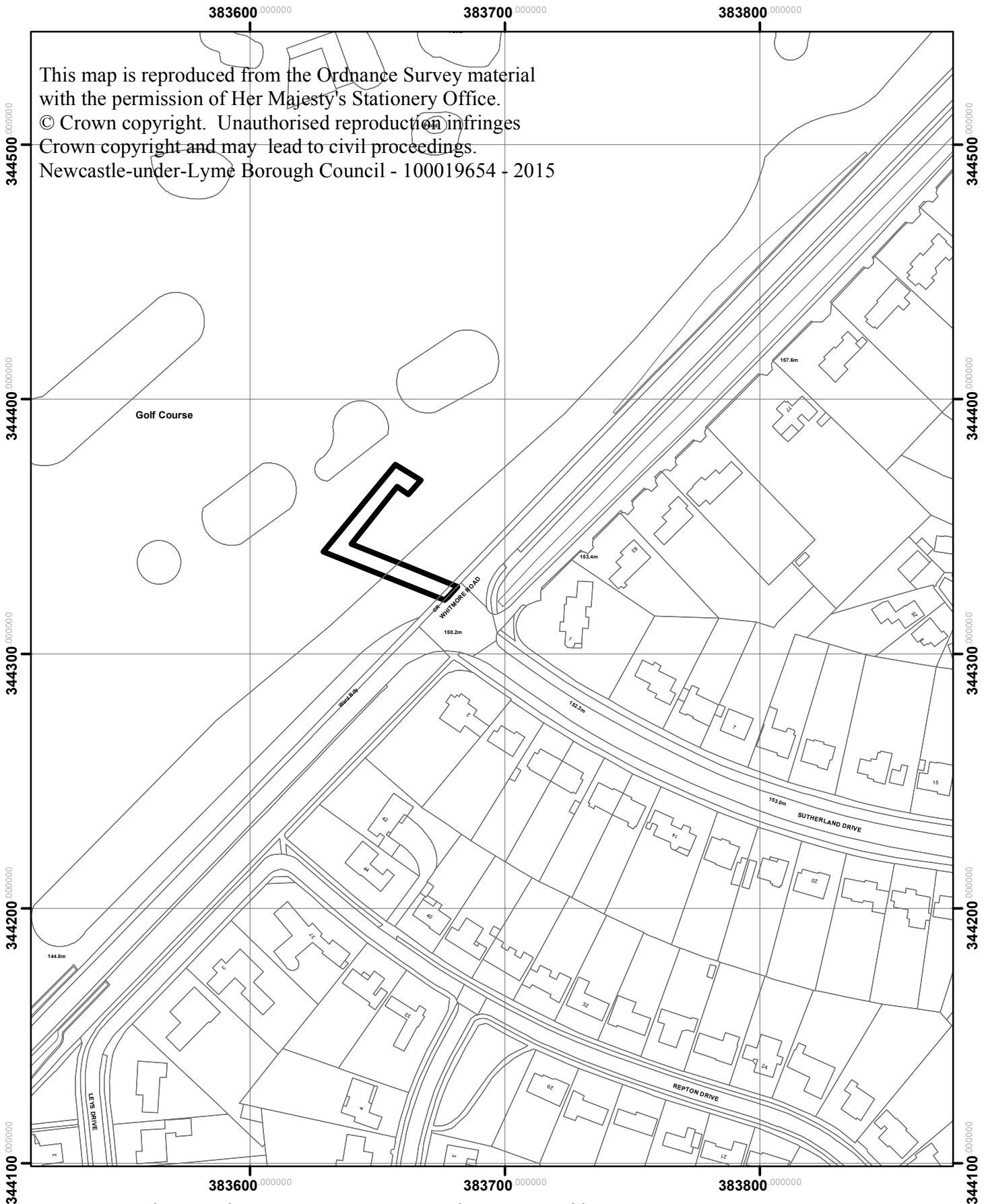
Planning File referred to
Planning Documents referred to

Date report prepared

12th December 2014

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Newcastle Golf Club,
Whitmore Road, Newcastle.
14/00927/TDET



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