

13 TPO 161; Industrial Unit, London Road, Holditch Road, Spendcroft Road, Chesterton (Pages 71 - 74)

14 TPO 162; 40/42 Earls Drive, Newcastle under Lyme, Newcastle under Lyme, ST5 3QS (Pages 75 - 78)

15 PART 2 - DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraph 5 in Part 1 of Schedule 12A of the Local Government Act 1972.

16 Restricted item - Quarterly Report on Action Taken where Enforcement Action has been Authorised (Pages 79 - 80)

17 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, 3rd February, 2015

Present:- Councillor Sophia Baker – in the Chair

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

Apologies Apologies were received from Councillor(s) Mrs Bates and Northcott

1. APOLOGIES

Apologies were received from Cllr Bates and Cllr Northcote.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING(S)

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

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

Resolved:

That the application be permitted subject to:

A. The applicant entering into a Section 106 obligation by 17th March 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission,

and 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
22. Sustainable Homes Code Level 3

B. Failing completion by 17th March 2015 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such an undertaking, account would not be able to be taken of a change in market conditions and a development that could have made required contributions would not do so; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

5. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER DIAMOND ELECTRONICS, WEST AVENUE, KIDSGROVE; REVELAN GROUP PLC; 14/0736/FUL**

Resolved:

A) Subject to the applicant entering into a S106 obligation, by 27th February to secure £2,200 towards travel plan monitoring costs and subject to the applicant providing additional information and the Environmental Health Division being able to recommend appropriate noise conditions to mitigate any noise impact

Permit the application, subject to conditions set out within the main agenda report with the following amendment/addition:

1. Prior approval and implementation of a detailed landscaping scheme, which is broadly in accordance with the landscape proposal submitted with additional shrub and tree planting on the frontage.
2. Any other appropriate conditions as recommended by the Environmental Health Division that the Head of Planning considers are reasonable and appropriate.

B) Should the travel plan monitoring fee 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 be contrary to policy on sustainable transport measures; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

C) Should additional information not be submitted that enables to the EHD to recommend appropriate conditions to mitigate any noise impact the application be reported to the next meeting of Planning Committee (3rd March).

6. **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF NEW ROAD, WINDY ARBOUR FARM, MADELEY; KNIGHTS LLP; 14/00930/OUT**

A vote was taken, 1 member abstained, 1 voted against the recommendation and 8 voted in favour.

Resolved:

That the application be permitted subject to:

A. The applicant first entering into Section 106 obligations by agreement by 22nd February 2015, unless the applicant agrees to extend the statutory period to 17th March in which case by that date, such agreement to require:-

- 1) A contribution of £66,488 (on the basis that the development as built is for the full 32 dwellings and of the type indicated) or such other sum as appropriate on the basis of policy, towards school spaces at Madeley High School in the first instance;
- 2) Tenure Blind on site Affordable Housing provision; and
- 3) A contribution of £2,943 per dwelling towards Open space improvement/enhancement/ maintenance of the College Gardens Play Area

Permit the application subject to conditions concerning the following matters:

- Condition to reflect outline nature of application
- Time limit for submission of any approval of reserved matters and for commencement
- Approved plans and documents
- Reserved matters to follow the principles set out within the submitted Design and Access Statement
- Reserved matters application to include a Tree Survey (to BS5837:2012), Arboricultural Impact Assessment (to BS5837:2012), Root Protection Areas (RPAs) of retained trees shown on the proposed layout (to BS5837:2012), details of all special engineering within the RPAs and other relevant 'no dig' construction details, details of proposed boundary treatment, and full landscaping proposals including detail of hedgerow replacement behind the new sightline
- Recyclable materials and refuse storage details
- Reserved matters application to include existing and proposed ground levels, as well as slab levels
- Construction hours Internal noise levels in dwellings
- Construction management plan
- Dust mitigation during construction
- Protection from mud and debris on the highway
- Full details of the proposed site access construction including safety audit
- Visibility splays
- Off-site highway works
- Upgrading of two existing bus stop platforms
- Details of parking, turning, servicing & surface water drainage
- Construction Method Statement
- Recommendations of the ecological report should be adhered to
- Any reserved matter application should include biodiversity improvements

- Submission and approval of proposed surface water run-off flows, soakaway calculations, or attenuation design
- A scheme demonstrating that in vulnerable areas surface water flooding will not occur
- Submission and approval of a proposed maintenance regime for any sustainable drainage system

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

7. APPLICATION FOR MAJOR DEVELOPMENT - OXFORD ARMS, MORETON PARADE, MAY BANK; A-Z DESIGNS; 14/00973/FUL

Resolved:

That the application be permitted subject to:

- A. No adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s), and subject to the applicant entering into a planning obligation, by no later than 10th March 2015, to secure the following:
- A financial contribution of £29,430 for open space enhancement/improvements and maintenance

and conditions relating to the following: -

1. Standard Time limit for commencement of development
2. Approved plans
3. Materials
4. Boundary treatments
5. Contaminated land
6. Approval of recyclable materials and refuse storage
7. Landscaping scheme
8. Tree protection measures
9. Arboricultural method statement
10. Highway matters
11. Construction hours
12. Approval of amended gable design to provide more visual interest.

B. Failing completion by 10th March 2015 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of open space within residential development, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

8. APPLICATION FOR MINOR DEVELOPMENT - FORMER GARAGES, GLOUCESTER ROAD, KIDSGROVE; NULBC (PROPERTY); 14/00890/DEEM3

Resolved:

That the application be permitted subject to the following conditions;

1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;
2. Approval of plans/ documents – site location plan and supporting information;
3. Construction hours;
4. Design measures for internal noise levels;
5. Waste storage and collection arrangements;
6. Contaminated land;
7. Tree report recommendations;
8. Any reserved matters application that involves landscaping shall include details of replacement trees

9. APPLICATION FOR MINOR DEVELOPMENT; LAND ADJACENT TO SLATERS, STONE ROAD, HILL CHORLTONL; MR AND MRS SLATER/LES STEPHAN PLANNING LTD; 14/00875/OUT

Cllr Loades spoke in favour of the Officer recommendation for refusal.

Resolved:

That the application be refuse for the following reasons:

1. The development of this greenfield site within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).
2. The development would consolidate the loose open pattern of development and would have an adverse impact on the character and appearance of the area.
3. The adverse impacts of the development, namely the harm to the character and appearance of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is

contrary to the guidance of the National Planning Policy Framework (2012).

4. The application fails to demonstrate satisfactorily that a safe access can be achieved without having an adverse impact on the protected oak tree on the northern boundary of the site.
5. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.
6. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.

10. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT TO FORMER RAILWAY EMBANKMENT, BIGNALL END ROAD, BIGNALL END; TELEFONICA LTD; 14/00888/FUL

Resolved:

That the application be permitted subject to the following conditions:

- i) Standard Time limit
- ii) Approved plans

11. APPEAL AND COSTS DECISION - GATEWAY AVENUE

Resolved: That the report be received.

12. REVIEW OF SCHEME OF DELEGATION WITH RESPECT TO PLANNING MATTERS

A report was submitted requesting the Committee to consider an update to the current Planning Scheme of Delegation to reflect recommendations arising following the recent Planning Peer Review.

Resolved:

- (1) That the Planning Committee endorse proposals outlined in section 4 of the report and set out in the revised Planning Scheme of Delegation (attached as Appendix B)
- (2) That the Planning Committee recommend that the revised Planning Scheme of Delegation be adopted by the Council

13. URGENT BUSINESS

There was no urgent business.

COUNCILLOR SOPHIA BAKER
Chair

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**LAND ADJACENT 31 BANBURY STREET, BUTT LANE
BROWNS (SHOPFITTING AND CONSTRUCTION) LTD**

14/00027/FUL

Planning Committee resolved, at the meeting of 11th March 2014, to grant full planning permission for the erection of 13 dwellings, access road, parking and landscaping subject to the applicant entering by the 14th April 2014, into Section 106 Obligations, to secure the following:

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

As indicated in the quarterly reports on extensions to time periods within which obligations under Section 106 can be entered into (most recently 9th December 2014) the applicant has informed the authority that such a level of contributions would make the scheme unviable. Following the receipt of a Development Viability Appraisal of the development prepared on behalf of the applicant and the confirmation that they would pay for an independent appraisal, the District Valuer was instructed on 24th December. The final report has been very recently been received (20th February 2015).

RECOMMENDATIONS

That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, sets out a recommendation as to whether the application should be permitted without any financial contributions subject to conditions concerning the following matters:-

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

Reason for Recommendations

This application has been undetermined for a period of approximately 56 weeks (at the time this report was prepared) so it was considered that the matter should be reported to the earliest possible meeting of Planning Committee. Whilst the final report of the District Valuer has now been received it has only just been received and there has been insufficient time to fully appraise the contents and reach a recommendation as to whether the application should be permitted without any financial obligations being secured. A further advance supplementary report will therefore be necessary.

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)

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 2011 (NLP)

Policy H1: Residential development: sustainable location and protection of the countryside
Policy T16: Development – General Parking Requirements
Policy C4 : Open space in new housing areas.
Policy IM1: Provision of Essential supporting Infrastructure

Other material considerations include:

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Draft National Planning Practice Guidance (August 2013)

Supplementary Planning Documents

Developer Contributions SPD
Affordable Housing SPD
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Supplementary Planning Guidance

Space around dwellings

Planning Practice Guidance Note

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

North Staffordshire Green Space Strategy (adopted 2009)

Newcastle (urban) Transport and Development Strategy (NTADS)

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

Relevant Planning History

In 2008 planning permission was granted for the following, under reference 07/00256/OUT:-

- (a) Full planning permission for a food retail store, car parking and servicing.
- (b) Outline planning permission for residential development (12 dwellings).

The permission has been partially implemented as the food retail store has been constructed.

In 2011 the outline planning permission for the residential development was renewed under application reference 07/00256/EXTN. All matters of detail, other than the access from Banbury Street, were reserved for subsequent approval and a financial contribution for open space enhancement/improvements and maintenance and towards the NTADS secured, subject to the implementation of that scheme.

The current application is a resubmission an application, reference 13/00785/FUL, for 15 new dwellings. The application was reported to the Planning Committee meeting on 19th November and 10th December 2013 but was withdrawn before a decision was made.

Representations

No further publicity has been undertaken and no representations were received when the application was publicised when initially received.

Applicant/agent's submission

A Development Viability Appraisal undertaken by Butters John Bee. Details of the application but not of the appraisal, which contains confidential information, are available to view on the Council's webs site

KEY ISSUES

The proposed residential development comprising 13 dwellings was considered acceptable by the Planning Committee in March 2014, however it was considered necessary to secure financial contributions through planning obligations to address certain impacts of the development. There has been no material change in planning policy relating to the case since then.

The proposed development of this vacant site introduces additional trips on the highway network. At the time the application was determined the policy of seeking developer contributions towards NTADS was still in place and it was considered that it was necessary to secure a contribution to NTADS appropriate improvements to local accessibility which would otherwise not be secured nor would sustainable modes of transport be promoted.

Additionally the development would result in additional pressure on limited primary school places of the school within whose catchment area it is located and a financial contribution to mitigate against such adverse impacts was considered necessary.

A planning obligation was also considered necessary to secure a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend the £38,259 contribution that is sought within Clough Hall Park, a neighbourhood park approximately 750m walking distance from the development where improvements have been identified as required.

In all cases it is still considered that the contributions that are sought comply with the tests in the CIL Regulations and as such would be lawful. It is therefore necessary to consider the response of the District Valuer and if the advice is accepted consider whether the benefits of the proposed residential development of this site is such that planning permission should be granted without securing any financial contributions.

Such matters will be addressed in an advance supplementary report.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date report prepared

20th February 2015

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LAND ADJACENT STATION ROAD, SILVERDALE
RELIANT BUILDING LTD

11/00284/FUL

Full planning permission was granted on 18th February 2013 for residential development on the above site comprising 23 dwellings. Prior to the granting of planning permission an agreement under section 106 of the Act was concluded between the Authority and the developer, in which the developer covenanted to pay upon commencement of the development:

- £67,689 (index linked) to the Council to be used towards the cost of “providing open space and to enhance or improve the quality of, accessibility and value of existing open space within the area”.
- £55,155 (index linked) as a contribution towards primary school places.
- £26,224 (index linked) as a contribution towards the Newcastle-under-Lyme (Urban) Transport and Development Strategy (NTADS)

The applicant has now asked the Council to agree to amendments to the agreement relating to the payment of the open space contribution and this report concerns that request.

RECOMMENDATION

Subject to no objections being raised by the Education Authority or the Highway Authority, the Head of Planning be authorised to advise that the Council would be prepared to vary the existing agreement so that half of each contribution is paid prior to commencement with the outstanding sums be paid prior to the commencement of the twelfth dwelling on the site.

Should either the Education Authority or the Highway Authority object to such a proposal the matter be brought back to the Planning Committee for reconsideration

Reason for Recommendation

It is considered that the variation indicated above would still ensure that whatever improvements are to be obtained, by the expenditure by the Councils of the monies obtained, will be likely to be in place by the time a significant number of the dwellings are occupied. The variation will increase the likelihood that this brownfield site is redeveloped, by improving the deliverability of the scheme, and the residential development that takes place will have a beneficial effect on the supply of housing in the locality. There is also the possibility that the improved viability of the scheme arising from the phasing of these payments could eventually be reflected in an enhanced profit which may, because of the terms of the original agreement, lead to the provision of a contribution towards affordable housing provision

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 CSP5 Open Space/ Sport/Recreation
Policy CSP10 Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy C4 Open Space in New Housing Areas
Policy IM1 Provision of essential supporting infrastructure and community facilities

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

CIL Regulations, particularly Section 122

Supplementary Planning Guidance

Developer Contributions SPD (September 2007)

North Staffordshire Green Space Strategy – adopted December 2009

Views of Consultees

The views of the **Landscape Development Section, the Highway Authority** and the **Education Authority** are being sought.

Representations

None – no publicity has been given to the developer's request, as this is not an application for planning permission.

Applicant/agent's submission

The applicant has requested that one third of each financial contribution will be paid upon commencement of work and the remaining two thirds will be paid upon commencement. The request is made due to the tight financial situation of the company.

KEY ISSUES

The Planning Committee at its meeting on the 13th September 2011 resolved to grant planning permission for this residential development subject to the applicant first entering into a section 106 agreement securing:-

- £67,689 open space contribution
- £55,155 contribution towards primary school places.
- £26,224 contribution towards NTADS

The basis for the POS contribution came from NLP Policy C4 which states that appropriate amounts of publicly accessible open space must be provided in areas of new housing and the Urban North Staffordshire Green Space Strategy which sets out an approved methodology whereby such contributions are calculated. CSS Policy CSP5 also refers to the need for such developer contributions "to meet the needs of new residents".

The Education Authority when consulted indicated that the local primary school, St Luke's Primary School does not have sufficient capacity to accommodate the likely demand from pupils generated by the development and as such requested a contribution to provide for 5 primary school places.

The NTADS contribution was calculated on the basis of the estimated pm peak vehicular movements generated by the development and its impact on key, identified, junctions in accordance with the adopted calculation methodology set out within it.

Members will note that rather than pursuing a case for a reduction of the sum based upon an assessment of the current financial viability of the scheme, which would require the developer to provide both information and finance for an independent assessment to be undertaken, the applicant has asked that the Council give consideration to agreeing to reschedule when the payments are required to be made.

This is not a formal application under Section 106A which provides a right of appeal by the applicant (in the event of a refusal of such a request), but rather a request by the applicant that the Council be

prepared to agree to amend the terms of the existing agreement. Given that the County Council are a party to the agreement their agreement to such an amendment would also be required.

The request suggests that the timing when payments are required can have significant impact upon the financial viability of the scheme. However, as indicated in the Council's Developer Contribution SPD allowance or flexibility for financial reasons will only be considered when substantive evidence has been submitted and appraised. This has not happened in this case.

The reason why commencement is normally used as the trigger point at which contributions are sought is simply to ensure that the required improvements are undertaken prior to the coming into existence of the additional demands arising from the occupation of the new dwellings – this being the reason such a contribution is required. The Developer Contributions SPD for this reason does indicate that payments would normally be expected to be paid on the commencement of development (or as otherwise stated in the relevant Guidance or Policy Documents). The Education Policy of the County Council indicates that in most cases they would request payment upon signing of the agreement but arrangements for payment are open to negotiation. NTADS indicates that any sum secured should be paid on or before the commencement of the development. There is no further adopted guidance by the Council on this matter, although Local Plan policy C4 indicates that where a developer themselves plan to carry out and complete necessary works of public open space provision that should happen not later than the completion of 75% of the approved development or the expiration of 24 months from the date of the agreement, whichever is the sooner.

The NPPF in paragraph 205 advises 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 planned development being stalled. In this context it is relevant to note that since the planning permission was granted in February 2013, following lengthy negotiations over the terms of the Section 106 agreement, no start has been made on this site and no applications have yet been made for the approval of details required by some of the conditions of the planning permission

That commencement of development is a legal defined status or point which can be easily monitored is also a factor in the use of it either as a trigger point or as the base for one.

This is a relatively modest sized development and phasing of payments would not normally be considered for such a development.

Members will be aware the Council has received similar requests in the past where the Council has been generally sympathetic to the financial plight of developers and applicants in such cases. The approach taken has not always been the same but there are examples where it has been agreed that payments are delayed. For sites of this size deferral of payment of lesser contributions limited to public open space ones until the earlier of either by 9 months after commencement of the development or by occupation of the first dwelling - were agreed in three not dissimilar cases, whilst in another case no payment (again only of a POS contribution) was required until the 8th dwelling of a 16 unit development was reached.

There is a risk in agreeing to such a proposal - that up to 11 out of the 23 houses might be commenced (approximately half of the development) and then the remainder of the development does not take place for a long time, if at all, and yet only one third of the required payments would have been paid. In practical terms given the investment required for the common infrastructure of the development this is probably not a significant risk. Nevertheless having taken into account the size of the scheme it is considered that the Council should only be prepared, on the basis of the suggested trigger points, to agree payment of half, rather than a third, of the contributions upon commencement – thus maintaining a proportionate approach. The proposal will still provide the applicant with an opportunity to improve his cash flow position and will provide the Council with a further clear and defined legal point which is relatively easy to monitor as well as providing the full contribution which will enable identified capital projects to be carried out with confidence.

In addition Members should note that the Section 106 obligation that has been entered into in this case includes an overage clause which requires the developer to pay up to £334,308 towards affordable housing provision off site if upon review of the viability of the scheme the developer's profit

is found to be in excess of £447,515 – the actual amount being calculated on the basis of a 50/50 split of any profit beyond that figure which was based upon an appraisal. Rescheduling of payments may improve the viability of the scheme and whilst there is no guarantee whatsoever that such an overage payment will be due to Council, the existence of such a requirement is a factor to be taken into account in this decision.

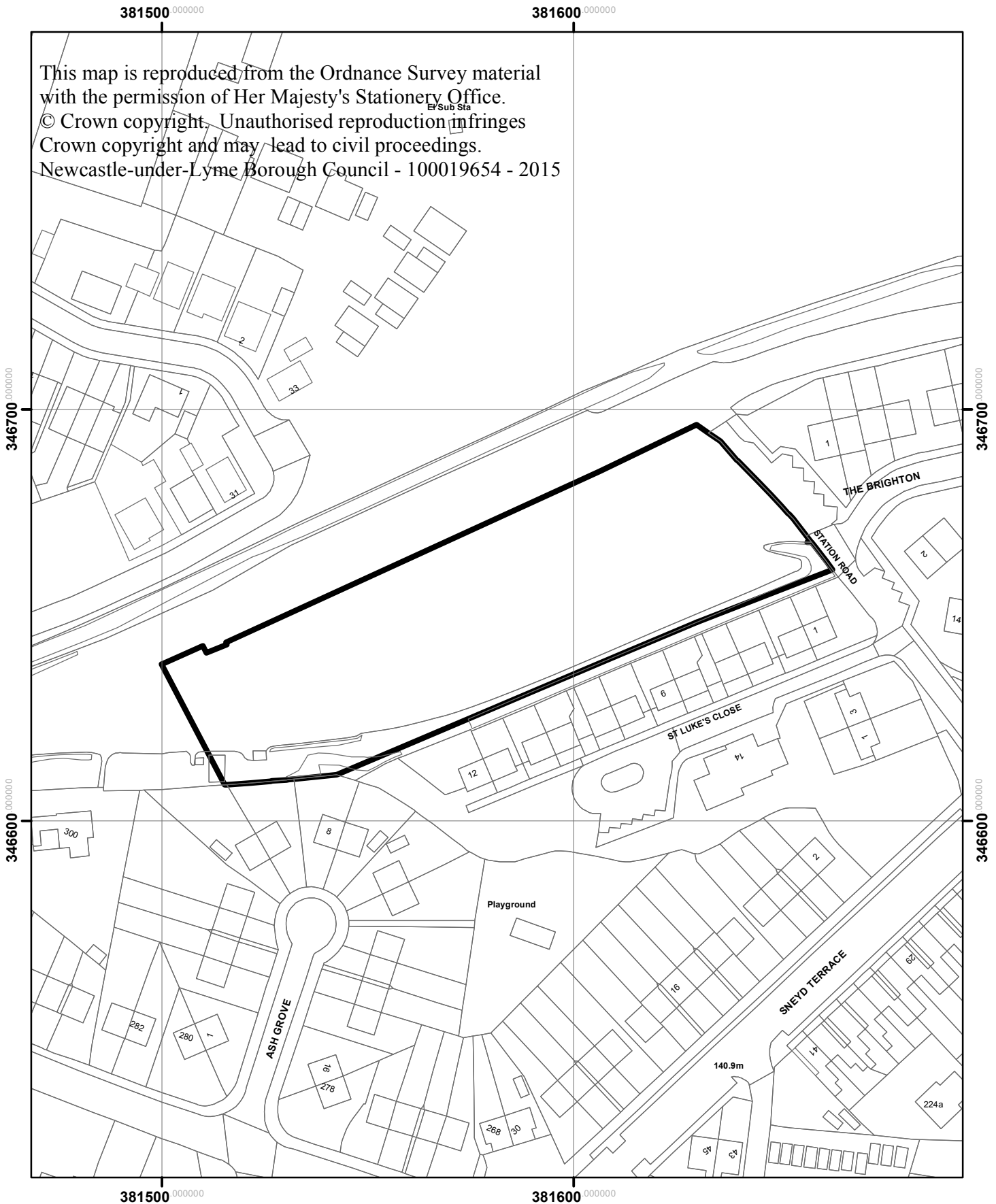
Background Papers

Application file and policy documents referred to above

Date report prepared

18th February 2015

Former Station Yard, Silverdale 11/00284/FUL



Newcastle under Lyme Borough Council
Planning & Development Services
Date 03.03.2015



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LAND OPPOSITE SUPERSTORE, LYME VALLEY ROAD, NEWCASTLE
MR I MATTHEWS

14/00472/FUL

The application is for full planning permission for the construction of six terrace dwelling houses on land of a former playground on Lyme Valley Road opposite Homebase.

The application site is located within the major urban area of Newcastle which has no specific land-use designations, as defined on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 22nd August 2014.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by the 10th April 2015 to secure the long term management and maintenance of the parcel of land identified on the approved plans in accordance with a scheme agreed by the Local Planning Authority.

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

- 1. Time limit and plans**
- 2. Materials and boundary treatment details as per submission**
- 3. Construction hours**
- 4. Contaminated land**
- 5. Hard and soft landscaping as per submission**
- 6. Finished ground and floor levels**
- 7. Access and parking arrangements completed prior to occupation**
- 8. Parking being surfaced in a bound porous material**
- 9. Relocation of a lighting column**
- 10. Footpath being carried out in accordance with submitted plans**
- 11. Recommendations of the FRA being adhered to**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure the long term management and maintenance of landscaping which is necessary to ensure that the development is not harmful to the visual appearance of the area, unless he considers appropriate to extend the period for securing these obligations

Reason for Recommendation

The site is located within a sustainable location and the development is considered to comply with the requirements of the National Planning Policy Framework (2012) subject to conditions and the long term management and maintenance of the open space being secured.

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

Discussions have been ongoing throughout the application process and 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 (Adopted 2009)

Strategic Aim 16: To eliminate poor quality development;

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP4: Newcastle Town Centre Area Spatial Policy
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011

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

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

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

Planning History

Nil

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions for full contaminated land; construction hours; and design measures to protected noise levels.

Following the submission of a noise assessment the noise condition is no longer necessary.

The **Landscape and Development Section** detail that it is disappointing that information received since initial comments were made. The submitted plan (ref landscaping plan 1421/05) shows the intention to fell all of the trees on this site with the exception of a small Norway Maple (one of the poorest trees in the site, with a recommendation for felling). The existing trees are an attractive and much needed feature on Lyme Valley Road, and it is recommended that the retention of one or two of the better quality specimens should be maintained and retained to offer considerable benefits to this scheme. This development is likely to have a detrimental impact upon the street scene of Lyme Valley Road. However, if the development is recommended for approval then conditions regarding boundary details; a landscaping scheme; tree protection proposals; and utilities connections should be submitted for approval.

The **Highways Authority** raises no objections subject to conditions that the development shall not be brought into use until the access and parking areas have been provided; the access and parking being provided in a porous bound material; and the existing lighting column being relocated.

The **Police Architectural Liaison Officer (PALO)** details that despite some reservations they do not object to this application as it stands, primarily because the footpath link should be subject to reasonable opportunities for natural surveillance. However, Staffordshire Police would have strong reservations about subsequent changes to the retained green space that changed the nature of this footpath link.

Sport England advise that they do not wish to comment on this application.

Staffordshire County Council Flood Risk Team does not consider that they need to comment on this case. The site is affected by Flood Zone 2 so the Environment Agency should also be consulted.

The **Environment Agency** raises no objections subject to land contamination conditions.

Representations

Eight letters of representation have been received including two letters from Baroness Goulding and a one letter from NHSolutions.

Baroness Goulding objects to the removal of the existing footpath if this is proposed. The height of the proposed dwellings is not clear. Residents have been maintaining a piece of land to the rear of the playground for many years and is now being sold by the Council. Severn Trent has a drain and the development may affect this.

NHSolutions comment that amended plans appear to have addressed concerns regarding the existing footpath being obstructed or lost and the proposed development shielding the medical centre from view for visitors which would make it difficult to find. The only concern therefore is the construction period which could cause disruption from vehicles and materials being left on the highway.

Other objections raise the following additional comments;

- The proposal would increase traffic to the detriment of the area,
- The trees that front Lyme Valley Road are mature and should be retained,
- The application site includes land cultivated by residents and its loss is not supported, and
- There is an agreement to limit any buildings,

Applicant/agent's submission

The application has been supported by plans, design and access statement, flood risk assessment, noise survey, Phase 1 Environmental Assessment and tree information.

These documents are available for inspection at the Guildhall and via the following link:
www.newcastle-staffs.gov.uk/planning/1400472FUL

KEY ISSUES

The application is for full planning permission for six residential dwellings on a former playground on Lyme Valley Road located within the major urban area of Newcastle which has no specific land use designations, as detailed on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- The principle of residential development on the site
- Design and the impact on the character and appearance of the area, including the impact on existing trees
- Impact on residential amenity
- Highway safety matters
- Flood risk
- Other matters

The principle of residential development on the site

Policy ASP5 of the CSS sets a requirement for 4,800 net additional dwellings in the urban area of Newcastle and Kidsgrove by 2026 and a target of 1000 dwellings within the Newcastle Urban South and East, of which Clayton forms part of. The CSS seeks to prioritise the use of previously developed land.

The site is a redundant former playground that this Council is in the process of selling.

In planning terms the site does not meet the definition of previously developed land because it is a recreation ground albeit no longer in use.

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.

This site is located within the urban area just outside Newcastle town centre which is considered to represent a highly sustainable location for housing development and due to the Council being unable to demonstrate a five year supply of housing the presumption should be in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal (as required by para 14 and 49).

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 the town centre which has a range of services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

Furthermore the playground has been redundant for a number of years and the population is served by other facilities within the area and as such there would be no adverse impact arising from the loss of the informal area of open space.

On the basis 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.

Design and the impact on the character and appearance of the area, including the impact on existing trees

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 Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

The Urban Design SPD indicates in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/or eaves lines, rhythms, materials, or any combination of them."

The proposed development seeks permission for six terrace properties that front onto Lyme Valley Road. The proposed dwellings would be two storeys in height, each having two off street car parking spaces to the front and a rear garden area.

Lyme Valley Road is not a through road and is located within a mixed use area. The proposed dwellings would face towards the side of the Homebase store opposite with terrace properties beyond the rear boundary. There are also further small commercial/ industrial units to the side/ west and Lyme Valley medical centre towards the north-east.

The dwellings would each have a porch and the design and appearance is basic but the windows have brick headers and cills which would improve the front façade along with the porch features. Brick samples have been submitted and these are considered of good quality which would further assist the developments appearance.

The landscape section has raised objections to the loss of the existing trees on the frontage of the site which they say would have an adverse impact on the visual amenity of the area. These comments are acknowledged and whilst the loss is unfortunate the harm caused in this location would not be so significant that in itself it would significantly and demonstrably outweigh the benefits to the supply of housing that arises from this development. In addition the applicant has confirmed that a small parcel of land to the side of the dwellings would be maintained by them and this area would include replacement trees. The area of land is included within the application site and its management and maintenance would need to be secured via the completion of a S106 agreement to ensure this land is continually maintained by the future owner.

The submitted plans also show that the footpath that links the residential streets to the north with Lyme Valley Park to the south would be provided. The loss of this path was a concern to residents and the proposed footpath is a further benefit of the application. The PALO has confirmed that its design is acceptable.

The proposed development would result in an unattractive and disused playground being developed and whilst the design is relatively standard it would not harm the visual amenity of the area. The frontage car parking is not desirable and would result in a number of attractive trees being removed. However, the applicant is proposing replacement trees. The site is not a through road and has an outlook towards the Homebase store and subject to replacement planting it is considered that the proposed development would meet the guidance and requirements of the NPPF.

Impact on residential amenity

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The application site has existing terrace properties beyond the rear boundary and the rear elevations and windows of the proposed development would have an outlook towards these properties. The separation distances would meet the guidance of the SPG and the roof lights proposed in the rear facing roof slope would serve a non-principal shower room and are also considered acceptable.

The proposed six properties would each have a rear garden area that measure approximately 47 squares metres. The SPG details that for a three bedroom dwelling an area of at least 65 square metres should be achieved. In this instance whilst there is a shortfall of 17 square metres per dwelling the applicant is proposing a private parcel of open space and Lyme Valley park is across the road behind the Homebase store which would provide an opportunity for outdoor play and recreation over and above that provided within each plot.

The proposed development therefore accords with the guidance of the Councils SPG and would not lead to the significant loss of residential amenity to neighbouring properties, this being in accordance with the requirements and guidance of the NPPF.

Highway safety matters

Lyme Valley Road and its junction with Brook Lane has the capacity to accommodate the additional vehicular movements arising from this development and as such no highway safety issues will arise.

Policy T16 of the local plan details that for a three bedroom dwelling there should be a maximum of two off street car parking spaces.

The development proposes frontage car parking with each dwelling having two off street car parking spaces. This would meet the requirements of policy T16 and the site is located within a highly sustainable location which would encourage sustainable transport modes, walking and cycling. A lesser requirement has the potential to cause highway safety problems on Lyme Valley Road and two off street car parking spaces is considered acceptable.

Flood risk

The application site is located close to the Lyme Brook and flood risk maps show that the site is within Flood Zone 2. The applicant has submitted a Flood Risk Assessment which has satisfied the Environment Agency who raise no objections to the proposal. The recommendations of the submitted FRA should be adhered to and this can be secured via a condition.

The proposed development will also result in a 20% decrease in impermeable area on site which will provide significant betterment to surface water runoff.

Other matters

A further issue raised by objectors is a piece of land to the north of the application site. Some residents of properties on Hatrell Street have been maintaining this land at their own expense. This area is included within the red edge owned by the borough council. Individual residents were offered the opportunity to purchase the very small section that they have been maintaining informally but no one has taken up this opportunity. Therefore the Council who own the land proposes to sell the whole site to the applicant. This is a matter of private interest and as such is not material to the determination of this application.

Conditions regarding construction hours and contaminated land are considered appropriate.

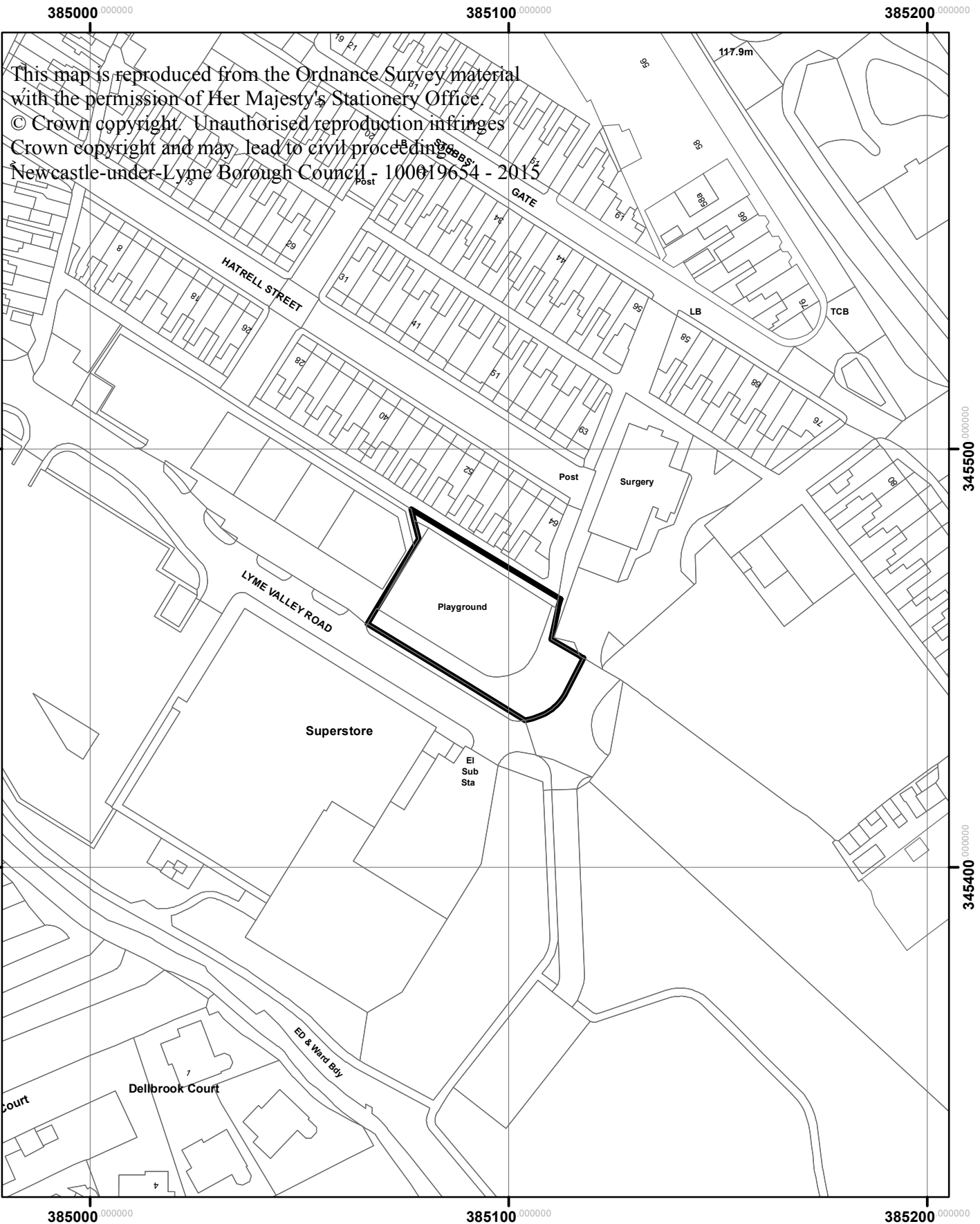
Background Papers

Planning file
Planning documents referred to

Date report prepared

16th February 2015

Land opposite Superstore,
Lyme Valley Road, Newcastle
14/00472/FUL



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**CASTLE PRIMARY SCHOOL, MOW COP ROAD, MOW COP
CASTLE PRIMARY SCHOOL**

14/00782/FUL

The application is for full planning permission for the conversion of part of the school to a pre school with a new entrance, new porch and outdoor covered play area.

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

The 8 week period for the determination of this application expired on the 10th February 2015 however an extension of time has been agreed to the 5th March 2015.

RECOMMENDATION

PERMIT the application with the following conditions:

- 1. Time limit condition**
- 2. Approved plans**

Reason for Recommendation

The proposed development would result in disproportionate additions over and above the original size of the building taking into account extensions that have previously been undertaken, and would therefore represent inappropriate development, which is, by definition, harmful to the openness of the Green Belt, and should not be approved unless very special circumstances exist that would outweigh the harm caused by inappropriate development, and any other harm, to the openness of the Green Belt.

The proposals are very minor in relation to the existing building, and that the school has grown over time to accommodate additional demand for school places and will provide improvements in respect of access for the disabled. The proposals have been designed to have a minimal visual impact on the openness of the Green Belt, and would be largely not visible within wider views. It is considered that these factors represent the very special circumstances that would outweigh the harm caused to 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

The development proposal is considered sustainable and would have a minimal impact upon the openness of the Green Belt. The proposal is therefore considered to accord 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 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 S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

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

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Relevant Planning History

NKPL1861 Permitted 1966 Extensions and alterations

Views of Consultees

County Highway Authority – No objections

Environmental Protection – No objections subject to an informative being included on any approval to advise on the importation of waste materials to facilitate construction

The views of **Kidsgrove Town Council**, **County Education Authority** and **Cheshire East Council** have been sought. As they have not been received by the due date it is assumed that they have no comment.

Representations

None received

Applicant's/Agent's submission

The application plans, supporting information and form are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400782FUL

Key Issues

The application is for full planning permission for the conversion of part of Castle Primary School to a pre school with a new entrance. The school is located within the Green Belt and an Area of Landscape Restoration as indicated by the Local Development Framework Proposals Map.

The key issues in the determination of this planning application are considered to be:

- Does the proposal represent appropriate development within the Green Belt?
- Is the design of the extension acceptable?

- Is the impact upon neighbouring occupiers in terms of amenity acceptable?
- Is the impact upon the Landscape Restoration Area acceptable?
- If the development represents inappropriate development, do the very special circumstances exist to outweigh any harm to the openness of the Green Belt?

Does the proposal represent appropriate development within the Green Belt?

Paragraph 89 of the National Planning Policy Framework (NPPF) sets where the construction of new buildings involves appropriate development in Green Belt areas. This paragraph states that the extension or alteration of a building can be considered to be appropriate development, provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal includes a canopy over the existing outside play area, a canopy and steps up to a new entrance to the pre-school part of the school, egress stairs at the rear of the building and new 1.5 metre high fence and gates at the entrance from Mow Cop Road.

It is considered that the conversion of the school to pre-school element of the proposal would not involve a material change of use, therefore is not considered to constitute development.

From looking at the planning history relating to the site, the original school has been extended to over double its original size with some significant extensions and alterations. This proposal involves a canopy over an existing enclosed outdoor play area, and a small porch and two sets of egress stairs, which, as they would result in further extensions to an already significantly extended building, would constitute inappropriate development in the Green Belt.

Paragraph 90 of the NPPF sets out what other forms of development, not involving the construction of a building, provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in Green Belt. The 1.5 metre high entrance gates and fence would preserve the openness of the Green Belt and would not conflict with the purpose of including land within it and as such are considered to represent appropriate development in the Green Belt.

A case for very special circumstances is set out and considered at the end of the report.

Is the design of the extension acceptable?

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

The proposed entrance and steps are considered to be a modest addition to the existing school building, and would be subordinate to the existing building in terms of their proposed size and height. The steps to the rear of the building are considered a minor addition that would not be visible within views from the street scene, and would not harm the overall character of the building.

The proposed canopy to provide a covered play area would be enclosed on three sides by the existing building. This would be steel framed transparent polycarbonate sheeting or glass to ensure natural light penetrates the existing building, which is considered an appropriate design.

The proposed gates would be steel in a red colour, with adjacent stone walling to 1.5 metres in height. This is considered an appropriate design and appearance that would be in keeping with the character of the existing school.

Overall, the proposal is considered to comply with the requirements of Policy CSP1 of the Core Spatial Strategy which is considered acceptable.

Is the impact upon neighbouring occupiers in terms of amenity acceptable?

Supplementary Planning Guidance provides advice on achieving satisfactory amenity standards.

The proposed extensions and alterations would not harm the amenity of neighbouring properties in terms of loss of light or privacy, and therefore the proposal is considered acceptable in this regard, and in compliance with the Space Around Dwellings SPG.

Is the impact upon the Landscape Restoration Area acceptable?

The site is located within an area of Landscape Restoration. Within these areas, Policy N21 of the Local Plan states that the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it is necessary for the applicant to demonstrate that development will not further erode the character or quality of the landscape.

It is considered that the proposed canopies and alterations would not harm the quality of the landscape due to the small scale of the proposals and their appropriate siting and design.

The proposals are therefore considered to comply with Policy N21 of the Local Plan.

If the development represents inappropriate development, do the very special circumstances exist to outweigh any harm to the openness of the Green Belt?

As indicated above elements of the proposed development are considered to represent inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the openness of the Green Belt and should not be approved unless very special circumstances exist which outweigh the harm caused by inappropriate development, and any other harm, to the openness of the Green Belt.

A case for very special circumstances has been submitted, which is summarised below:

- The porch and new accesses are proposed in response to limited disabled access and general access around the school
- The canopy to create a covered play area would be over an existing play area, surrounded by the building on three sides
- The area will provide a raised decking area for much needed free flow play between the interior of the school and the outside play space along with removing the need for using the existing steps outside which are dangerous
- The canopy will be of steel frame with a transparent roof which will allow natural light in and also minimise visual impact when viewed from inside the school boundary, and will not be visible within the wider landscape
- The proposals include a partially covered entrance over the new stairs and a disabled platform lift up to the entrance of the new pre-school. The canopy will extend for approximately 2 metres by 1.5 metres over the top landing of the stairs and lift and will provide a weather proof disabled entrance for children, staff and visitors.

- An independent access to the facilities is required to provide some separation between school children and pre-school children when arriving at or leaving the school site
- All new openings to the building have been designed to match and complement the remainder of the school site
- Disabled access would be provided to the facilities and a rear access means this is not the sole access to the pre-school
- The proposals are for a very minor, small and proportionate porch extension which will have limited impact on the openness of the Green Belt as it is only partially covered.
- Additional planting and landscaping is proposed to the front of the school to soften the approach to the pre-school which will enhance the rural character of the school site in the Green Belt.
- Paragraph 73 of the NPPF encourages local planning authorities to '*give great weight to the need to create, expand or alter schools*'.
- Paragraph 89 lists amongst its exceptions for inappropriate development in the Green Belt "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building."
- Although the school has been extended considerably in the past, this has been to take account of the rising number of children requiring primary school education in the area
- The proposals have been designed to provide the smallest amount of development possible to achieve the aim of the school to provide appropriate pre-school facilities which are safe and accessible to all
- The proposals have re used an existing part of the school to house the pre-school facilities and the only additions are a small porch and canopy to create a covered play area, providing weather proof, free floe play for children, both of which will have a limited impact on the School site and the wider landscape in the Green Belt due to their size, scale, design and location.

It is accepted that the proposals are very minor in relation to the existing building, and that the school has grown over time to accommodate additional demand for school places and will provide improvements in respect of access for the disabled. The proposals have been designed to have a minimal visual impact on the openness of the Green Belt, and would be largely not visible within wider views.

In conclusion it is considered that the above represent very special circumstances that would outweigh the harm caused by inappropriate development within the Green Belt. Therefore the development proposal should be permitted.

Background papers

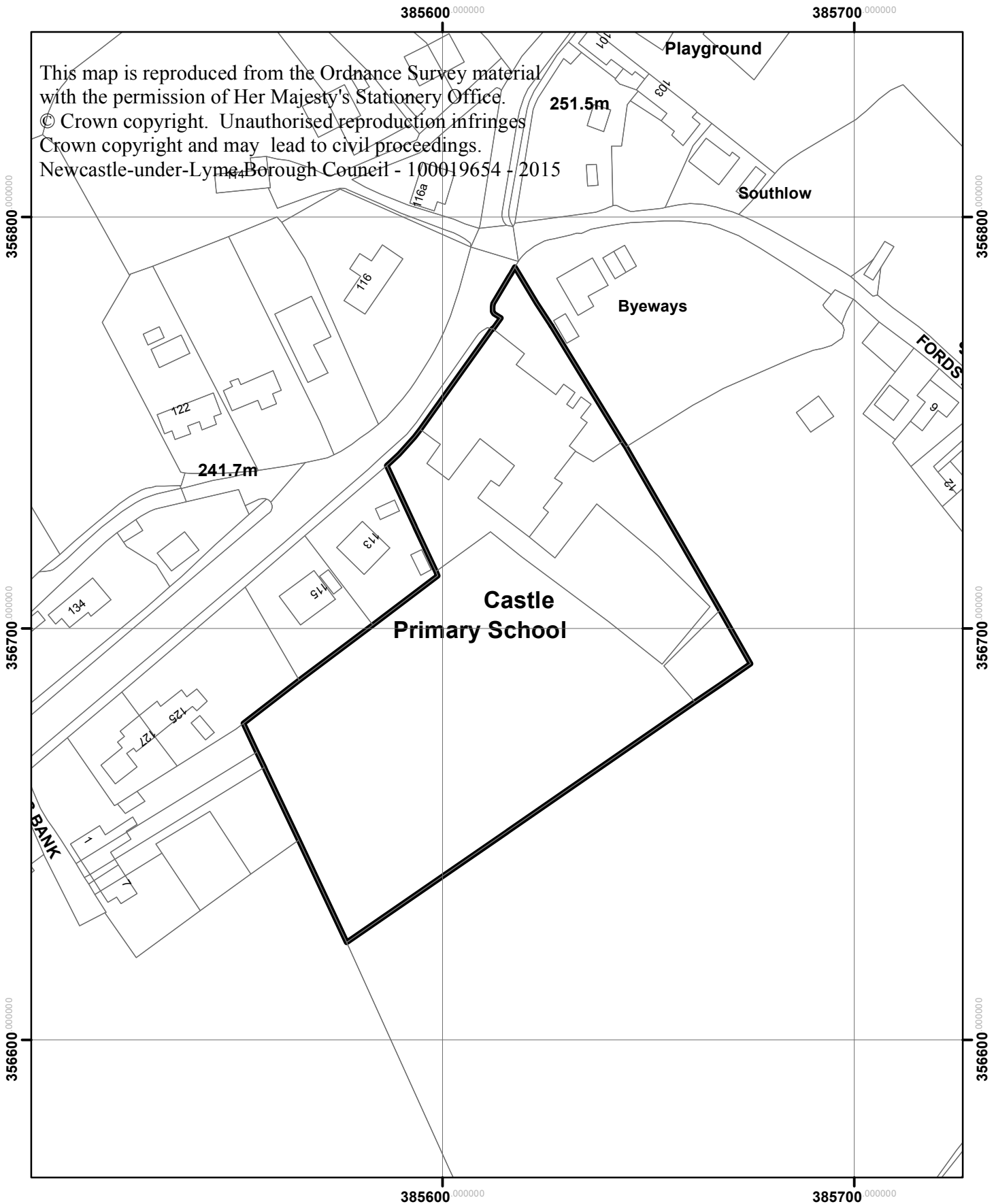
Planning files referred to
 Planning Documents referred to

Date report prepared

13th February 2015

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Castle Primary School,
Mow Cop Road, Mow Cop
14/00782/FUL



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**LAND SOUTH OF CO-OPERATIVE LANE, HALMER END
MR AND MRS EARDLEY**

14/00929/OUT

The application is for outline planning permission for residential development of up to two dwellings at land south of Co-operative Lane, Halmer End. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval.

The site lies within the village envelope of Halmer End, as indicated on the Local Development Framework Proposals Map.

This application has been called in by two councillors due to residents' concerns regarding lack of information relating to the siting of the dwellings on the site.

The 8 week period for the determination of this application expires on the 18th March 2015.

RECOMMENDATION

PERMIT subject to conditions:

- 1. Time limit condition**
- 2. Approval of all reserved matters**
- 3. Full suite of contaminated land conditions**
- 4. Any reserved matters submission relating to access shall show a 4.5 metre wide access for 6 metres rear of the current access road (Co operative Lane)**
- 5. Prior approval of surface water drainage and surfacing materials**

Reason for Recommendation

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is greenfield. No adverse impacts of the development have been identified that would significantly and demonstrably outweigh the benefits of the development, which is sustainable being within the village of Halmer End identified as part of the villages of Audley Rural Service Area and accordingly permission should be granted.

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

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

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

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

- 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
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

- Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

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

Planning for Landscape Change – Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan

Relevant Planning History

N15269	Refused	1986	Dwellinghouses
N2097	Permitted	1976	Retention of caravan for living accommodation
N617	Permitted	1974	Retention of caravan for living accommodation
NNR6390	Permitted	1973	Stationing of caravan

Views of Consultees

The **Environmental Health Division** recommends full contaminated land conditions are attached to any grant of planning permission and a condition relating to the restriction of construction hours

The **County Council Footpaths Officer** states that there is a public footpath running along Minnie Close/ Cooperative Lane (map attached) which will serve as the access to the properties. Cooperative Lane, according to our records, is a private, unadopted track. While the proposed development will not impact on the public footpath or its users, the developer needs to inform prospective purchasers that the highway authority is only responsible for maintaining the track to a standard suitable for pedestrians and not for vehicular use.

The **Highway Authority** has no objections to the application subject to conditions relating to:

- Prior approval of parking and turning space within the site curtilage
- Prior approval of a 4.5 metre wide access for 6 metres rear of the current access road (Co operative Lane)
- Prior approval of surface water drainage and surfacing materials

The Highway Authority notes that Co-operative Lane is a private road and not adopted highway. It was also noted that the surface of the private road appears to be in poor condition. The applicant is advised to confirm that they have vehicular rights to use Co-operative Lane. The proposed development would require 2no. parking spaces per dwelling based on each dwelling having up to 3no. bedrooms. A parking space consists of a minimum width of 2.4m and a minimum length of 4.8m per car.

United Utilities have no objections.

Audley Rural Parish Council has been consulted and any comments that they make will be reported to the Planning Committee via a supplementary report.

The **Landscape Development Section** and the **Coal Authority** have been consulted, however as they have not commented by the due date it is assumed that they have no comments on the proposed development.

Representations

12 representations have been received, all of which are objecting to the application. The comments made are summarised below:

- Insufficient information relating to three dwellings on the site
- Loss of amenity and privacy
- Access to the site is via a private lane that is part of a public footpath and is not an adopted road
- Traffic would degrade the lane further
- Pedestrian safety issues, in particular school children who use the footpath
- Rural green space would be lost
- Wildlife habitat would be lost
- The development of this site would set a precedent for further housing development in the area

Applicant's/Agent's submission

The application plans, supporting information and form are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1400929OUT

Key Issues

When the application was initially submitted the description of development was residential development for 2 bungalows (3 bed) or 3 houses (2 bed). However, in the interests of clarity and in recognition that publicity undertaken (press notice) by the applicant prior to the application being submitted indicated the proposal was for two dwellings, it has been agreed that the application is for outline planning permission is sought for up to two dwellings on the site. All matters of detail are reserved, therefore only the principle of development is sought for approval under this application.

The site is within the village envelope of Halmer End as indicated by the Local Development Framework Proposals Map. Access to the site is via Co-operative Lane and Minnie Close. Co-operative Lane is an unadopted highway.

The key issues in the determination of this application are considered to be:

- Is the principle of residential development on this site acceptable?
- Would an acceptable impact upon the visual amenity of the area be likely to be achievable?
- Is the development acceptable in terms of highway safety and car parking?
- Would a development of two dwellings be capable of achieving an acceptable impact upon residential amenity?

Is the principle of residential development on this site acceptable?

Policy ASP 6 of the Core Spatial Strategy states that there will be a maximum of 900 net additional dwellings of high design quality – primarily located on sustainable brownfield land within the village envelopes of the key rural service centres or the villages of Audley Parish, of which Halmer End is one. Whilst the application site is greenfield it is considered to be a sustainable location.

Saved Policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes. As indicated above the site is within a village envelope.

The Local Planning Authority is currently unable to demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). It is therefore accepted that paragraph 49 of the NPPF applies to this application as follows:

“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 application has therefore to be assessed against the NPPF including paragraph 14 which states:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...For decision-taking this means:

- ...where...relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”

Consideration will be given to whether there are any adverse impacts arising from granting planning permission for the development proposed that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development in principle.

Would an acceptable impact upon the visual amenity of the area be likely to be achievable?

The National Planning Policy Framework places great importance on the requirement for good design, which is a key aspect of sustainable development. Policy CSP 1 of the Core Spatial Strategy broadly reflects the requirements for good design contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

The indicative layout shows how two dwellings could be accommodated within the site. The layout does not appear cramped with opportunities for landscaping and tree planting to help assimilate the development into its surroundings.

The development would comprise backland development in a predominantly residential area, surrounded by a mixture of styles of residential properties on all sides of the site.

Overall, it is your officer's view that a residential development of up to two dwellings would be capable of having an acceptable impact upon the character and appearance of the area, subject to approval of detailed design and layout, landscaping and scale, as part of a reserved matters application.

Is the development acceptable in terms of highway safety and car parking?

Policy T16 of the Local Plan and its associated appendix sets out maximum parking standards for new development. The Highway Authority has assessed the outline application on the basis that the dwellings may be up to three bedrooms in size, therefore two parking spaces would be required, as the maximum standard, per dwelling. It would appear that the site would be capable of providing this level of car parking provision.

The access is onto Co-operative Lane, an unadopted highway, which has a junction with High Street. Co-operative Lane joins Minnie Close to the east of the site which has a junction with Heathcote Road. The junction of Co-operative Lane and High Street appears to be substandard, however the occupants of the proposed dwellings would have the option to use Minnie Close which has an acceptable junction with Heathcote Road. As such it is considered that a safe and suitable access could be achieved and it is noted that Highway Authority has no objections to the application in terms of the access.

Would a development of two dwellings be capable of achieving an acceptable impact upon residential amenity?

The Council's Space Around Dwellings SPG sets out the required residential amenity standards to be achieved for new residential properties, and to ensure that they have an acceptable impact upon the amenity of adjacent dwellings.

Considering at the indicative plan, it can be seen that the development would be capable of achieving the separation distances required by the Space Around Dwellings SPG, and would be capable of achieving satisfactorily sized private garden areas.

Conclusion

The principle of development on the site is acceptable, it would be capable of achieving an acceptable design, having a safe and suitable access and having an acceptable impact upon residential amenity. It is therefore considered that any adverse impacts arising from the development would not significantly and demonstrably outweigh the benefits of the provision of housing land and as such there is a presumption in favour of this development.

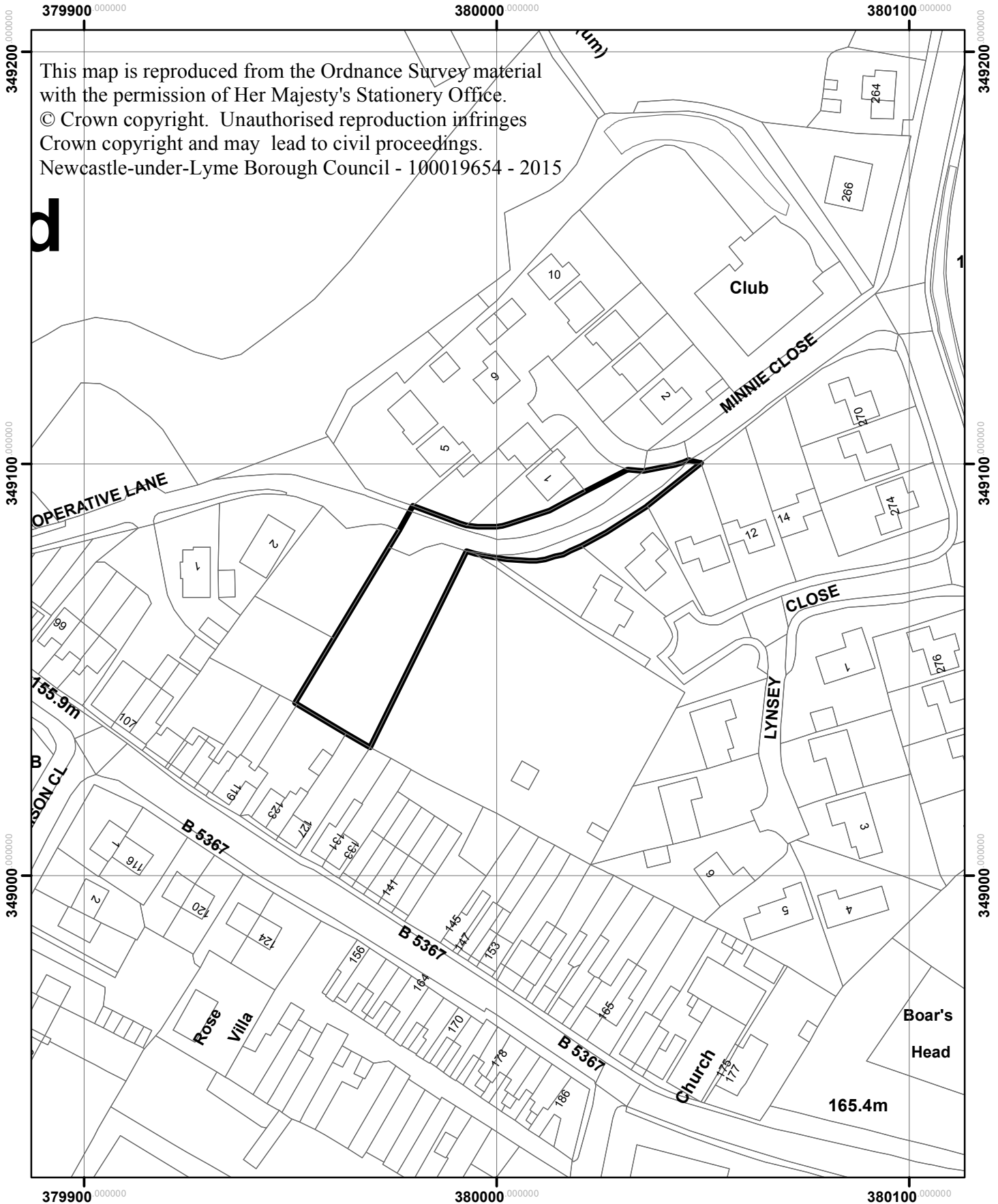
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared
12th February 2015

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Land South Of Co-Operative Lane Halmerend 14/00929/OUT



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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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REDGATES, HADDON LANE, CHAPEL CHORLTON
IAN SNAITH

15/00039/OUT

The application is for outline planning permission for the erection of a detached dwellinghouse. All matters of detail (appearance, landscaping, layout, scale and access) are reserved for subsequent approval

The site lies within the open countryside on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The application has been called to Committee by two Councillors due to concerns from the applicant about possible reasons for refusal when a recent application of a similar nature was determined.

The 8 week period for the determination of this application expires on the 16th March 2015

RECOMMENDATION

Refuse for the following reason

- 1. The proposed development, because of its location away from higher level services, employment and public transport links, would ensure that residents would be dependent on the use of private motor vehicles. The development of this greenfield site within the open countryside is therefore contrary to specific policies within the National Planning Policy Framework as it is in an isolated location, would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**

Reason for Recommendation

Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework, it is considered that there is no presumption in favour of this development as the proposal would result in a new dwelling in an isolated location that would not enhance or maintain the vitality of a rural community. The special circumstances which could justify an isolated new dwelling do not exist in this case.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

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)

Strategic Aim 11: To focus development within the settlements of Loggerheads, Madeley and Audley Parish to support their function as Rural Service Centres

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

Policy SP1: Spatial Principles of Targeted Regeneration

Policy ASP6: Rural Area Spatial Policy

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 T16: Development – General Parking Requirements

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

Relevant National Policy Guidance:

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (PPG) (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 Staffordshire and Stoke on Trent Structure Plan

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

Relevant Planning History

N15694 (1986)	Erection of a bungalow.	Refused
96/00641/OUT	Detached dwelling on land adjacent	Refused and subsequent appeal
	dismissed.	
02/00168/OUT	Erection of dwelling	Refused
04/00173/OUT	Erection of one detached bungalow	Refused and subsequent appeal
	dismissed.	
07/00180/OUT	Detached dwelling	Refused
13/00907/OUT	Outline application for erection of a detached property	Refused

Views of Consultees

The **Environmental Health Division** raises no objections.

The **Highways Authority** raises no objections subject to conditions seeking details of means of access, parking and turning, surface water drainage, surfacing materials, vehicle visibility splays of 2m x 160m, pedestrian visibility splays 1.5m x 1.5m and any gates being set back by 1.5m from the highway boundary.

Chapel and Hill Chorlton Parish Council raises no objections and strongly recommends approval due to the infill building being preferable to large developments in Rural areas.

Representations

No letters of representation have been received as a result of the publicity undertaken on this application, but note the letters and petition in support referred to below.

Applicant/agent's submission

A site location plan and an indicative layout plan has been submitted along with:-

- a design and access statement,
- additional information to support the application,
- 24 letters of support for the proposed development and a request that such views are taken into account in line with the adopted Statement of Community Involvement.
- 33 signature 'petition' which states having read the information provided they are in support of the application.

These documents are available for inspection at the Guildhall and via the following link:

www.newcastle-staffs.gov.uk/planning/1500039OUT

Key Issues

The application is for outline planning permission for the erection of a detached dwelling within the side garden of a detached property located off Haddon Lane in Chapel Chorlton. The application site is located within the open countryside on land designated as an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following the refusal of an identical outline application on the site in January 2014 due to the isolated location of the site and that the proposed development would not materially enhance or maintain the viability of a rural community and represents an unsustainable location for development.

As with the previous application no matters of detail have been submitted for approval at this stage. There has been no change in local or national planning policy since the previous decision but the applicant has submitted further information for consideration. Therefore the main issue for consideration is whether there has been any material change in circumstances since the previous decision that would result in the proposed development being acceptable in this location?

Has there been any material change in circumstances since the previous decision that would result in the proposed development being acceptable in this location?

The application site has been the subject of six previous refusals for a dwelling on the site. The most recent application in January 2014 was refused for the following reason;

"The proposed development, because of its location away from higher level services, employment and public transport links, would ensure that residents would be dependent on the use of private motor vehicles. The development of this greenfield site within the open countryside is therefore contrary to specific policies within the National Planning Policy Framework as it is in an isolated location, would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012)"

The applicant has submitted a design and access statement which primarily focuses on an assessment of the site from a design perspective and how a development would not harm the

character and form of the area and access could be achieved safely. These matters were fundamentally accepted in the previous application and so are not considered further within this report.

The applicant has also submitted a document which is described as "additional information to support the application". This document has been updated since the previous refusal and refers to two recent decisions at Gateway Avenue, Baldwins Gate (13/00406/OUT) and Owl House, Tower Road, Ashley (14/00854/FUL). It is the opinion of your Officer that the circumstances that resulted in both developments being permitted is not entirely comparable to this application for reasons that will be explained later in this report.

The applicant has also detailed that his elderly mother who lives on the outskirts of Leek could reside at the single storey Redgates property. Whilst it is not specifically stated it is assumed that the applicant would then move into the dwelling that is the subject of this application. The applicant also details that the plot forms part of the existing Redgates property and it forms part of the curtilage of the previously developed land and is therefore brownfield.

The applicant has presented a number of letters of support and a document with 33 signatures from persons who support the application.

In summary the applicant argues that in view of the personal circumstances and other recent planning approvals it is difficult to see how this application can fail.

In referring to the Gateway Avenue decision the applicant highlights the Inspector's comments at paragraph 24 of the decision letter "it is common ground that there would inevitably be a high level of dependence on the use of the private car". In the same paragraph the Inspector highlights the hourly bus service that runs through Baldwins Gate as part of his assessment as to whether the proposal on that site was sustainable development. Whilst the occupiers of the proposed development at Redgates could also be said to have a high level of dependence on the use of the private car, access to alternative modes of transport is not comparable. The nearest bus stop to the Redgates site is approximately a 20 to 30 minute walk (2.25km) away adjacent to the War Memorial on the A51 whereas the distance to the nearest bus stop from the Gateway Avenue site is considerably shorter. The site that is subject to this application is isolated in comparison.

In granting planning permission for the Owl House application at the Planning Committee meeting of 6th January it was noted that the whilst the site is about 1km from most of the facilities in the key rural service centre of Loggerheads via unmade routes and that the occupiers would depend on the car for most journeys it could not be said to be in an isolated location as it is closer to the village services than many of the existing properties and had reasonable access to an hourly bus service. Again it is considered that the site that is subject to this application is isolated in comparison.

Despite the opinion of the applicant the application site does not meet the definition of previously developed land, as detailed in annex 2 of the NPPF.

Whilst it is noted that there is local support for the application the existence of this support and the strength/level of such support cannot be attributed with sufficient weight to shift the planning balance in favour of this proposed development given that the proposal is in conflict with local and national policy regarding the principle of residential development.

The site is located within the open countryside and whilst the Council is still in a position whereby it cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites the site is in an isolated location, it would not materially enhance or maintain the viability of a rural community and it is in an unsustainable location for development. Given the absence of special circumstances as referred to in paragraph 55, there is still no presumption in favour of permitting this development.

In consideration of the above the proposed development is still contrary to the requirements and guidance of the NPPF for the same reasons as the previous applications.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

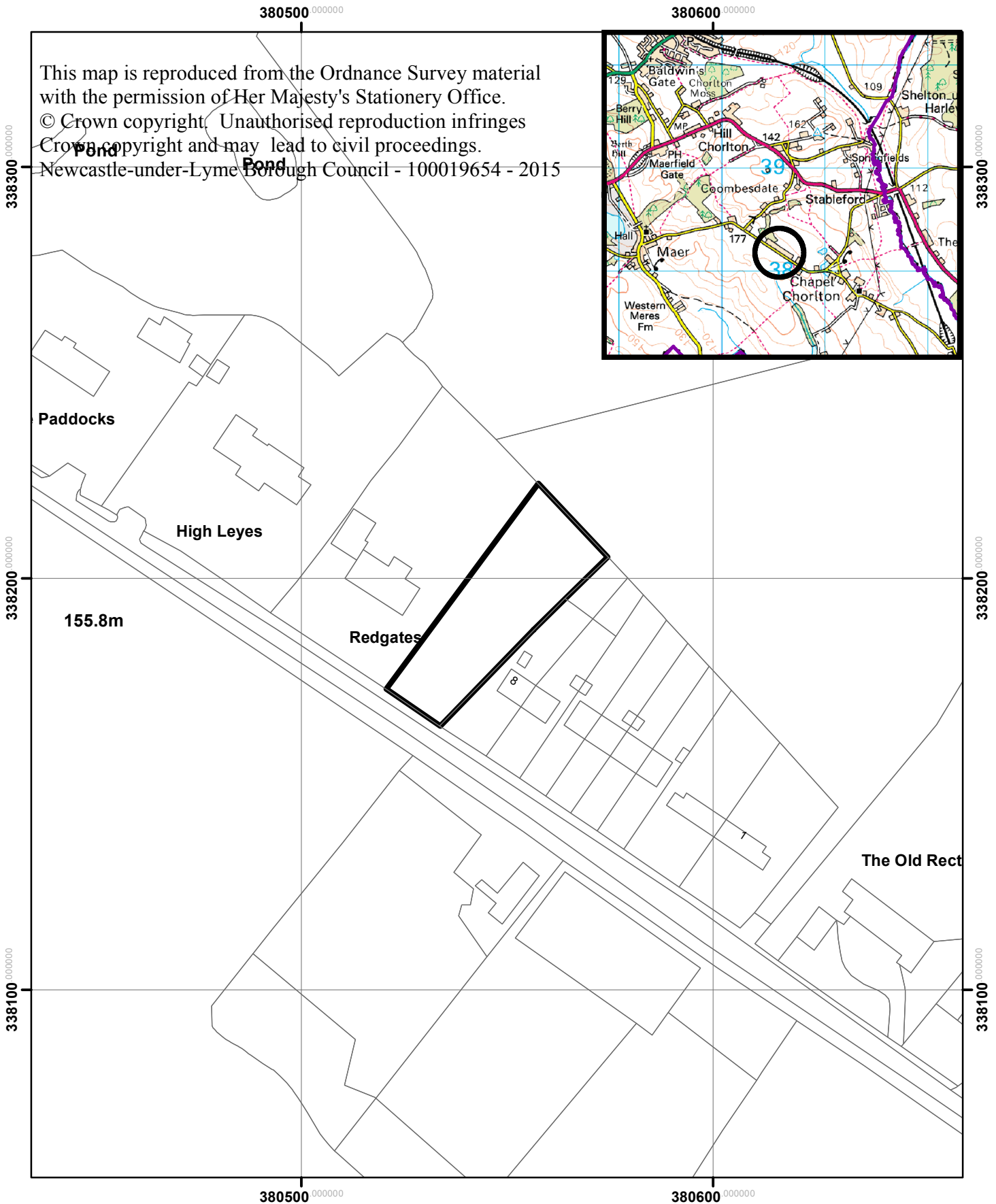
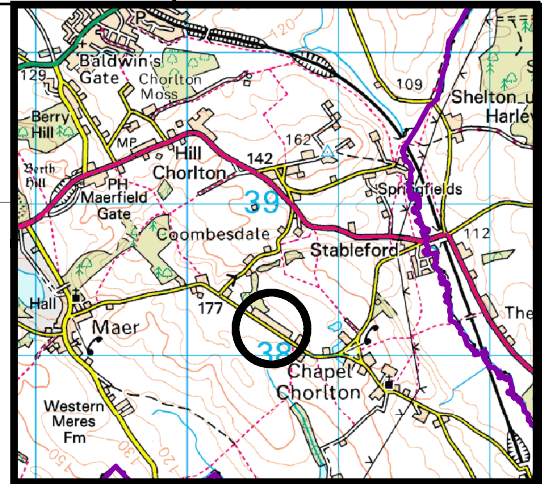
16th February 2015

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Redgates, Haddon Lane Chapel Chorlton 15/00039/OUT



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**10 SIDMOUTH AVENUE
THE BIRCHES (STAFFS) LTD**

15/00047/COU

The application is for the change of use of the former children's home to student accommodation. No building works are proposed that would affect the external appearance of the building.

The property is located on Sidmouth Avenue which is located within the Brampton conservation area and within the urban area of Newcastle.

The application has been called to Committee by two Councillors due to concerns about the harm to the conservation area, the quality of life of local residents, highway safety and the lack of consultation with residents by the applicant.

The 8 week period for the determination of this application expires on 17th March 2015.

RECOMMENDATION

Permit subject to the following conditions;

- 1. Time limit and plans,**
- 2. Construction hours,**
- 3. Design measures to minimise noise,**
- 4. Submission and approval of drainage plans,**

Reason for Recommendation

The site is located within a sustainable location and whilst it would increase the number of residents within the building it is a use which is predominantly residential in nature with an acceptable level of off street car parking and is unlikely to result in any material detriment to the residential amenity levels of neighbouring properties through noise or anti-social behaviour. Therefore the development is considered to comply with the requirements of the National Planning Policy Framework (2012) and development plan policies, subject to conditions

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

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

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

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

Policy SP1: Spatial principles of Targeted Regeneration
Policy SP2: Spatial principles of Economic Development
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H6: Encouragement of provision of living accommodation by the conversion of existing non-residential urban buildings
Policy H7: Protection of Areas of Special Character
Policy T16: Development - General Parking Requirements
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

Other material considerations include:

Relevant National Policy Guidance:

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

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

Relevant Planning History

None

Views of Consultees

The **Highways Authority** has been consulted and as the period for comments has expired (11.02.2015), it must be assumed that they have no observations to make upon the proposal.

The **Environmental Health Division** raises no objections subject to conditions for construction hours and internal noise levels.

Severn Trent Water raises no objections subject to a condition securing drainage details being submitted.

The **Housing Strategy** section has advised that the owner will need to comply with relevant HMO requirements.

The Council's **Urban Design and Conservation Officer** advises that the area is characterised by large Victorian villas often set in extensive and mature grounds. Sidmouth Avenue forms part of the special character of this Conservation Area but in itself has a special character and ambience. The character is a quiet leafy Arcadian one. The level of intensification will of course have some impact on this character and perhaps a reduction in the proposed intensification of this property and consideration to utilisation of the other access points will help to alleviate the potential harm that might be caused to this quiet suburban historic environment.

The **Conservation Advisory Working Party (CAWP)** feels that the good management of this facility, given the high number of units, will be paramount to controlling any adverse effects on the character of the area due to the intensification

Representations

29 letters of representation, including from the residents association – R.A.G.G.S (Residents at Northcote Place, Gower, Granville and Sidmouth), have been received raising the following objections;

- The road is a quiet cul-de-sac not suitable for student accommodation,
- The proposal would result in increased traffic using Sidmouth Avenue, and would have an adverse impact due to parking on neighbouring streets,
- Students are not suitable neighbours for this area,
- Students would increase noise and litter within the area,
- The proposal would cause increased anti-social behaviour,
- The proposal would adversely impact the existing community spirit,
- The number of flats is considered to represent over-intensification of the building,
- The proposal would put strain on the existing sewer system,
- The use would adversely affect the character of the Brampton conservation area,
- The owner is cutting down trees without permission,
- The application is not supported by a planning or transport statement,
- The applicant has not engaged with the community,
- The junction of Sidmouth Avenue and Queen Street is not suitable to take the volume of traffic,

- The main motivation for the proposal is financial gain,
- There is a covenant on the building which limits its purpose,
- It would have a detrimental effect on the residents of the women's refuge at Elizabeth House.

Applicant/agent's submission

The application is supported by the requisite applications forms, existing and proposed floor plans.

These documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/1500047COU

KEY ISSUES

The application is for full planning permission for the change of use of the former children's home to student accommodation comprising 17 bedrooms (each with shower room) situated on two floors of the building with each floor having a communal lounge/ kitchen.

The building is large located within a spacious plot at the end of a predominantly residential cul-de-sac which is within the Brampton conservation area. No significant external alterations are proposed and so the key issues in the determination of this application therefore are:

- The principle of the change of use of the building and whether such a change of use would adversely affect the character of the Conservation Area,
- Parking and the impact on highways safety, and
- Anti-social behaviour and the impact on neighbouring residential amenity levels.

The principle of the change of use of the building

Paragraph 69 of the NPPF indicates that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

The building is located within the urban area of Newcastle near to the town centre and at the end of a predominantly residential cul-de-sac.

A number of representations have been received raising a number of concerns about the acceptability of this type of use in this area. Parking matters, anti-social behaviour and the impact of the development on neighbouring residential amenity levels will be discussed later in the report but a concern has also been raised about whether this type of use is appropriate in this location? In this regard the building has a large footprint spanning two floors and is set within a spacious plot. The building would provide 9 bedrooms each with a shower room, a communal kitchen and lounge at ground floor and a further 8 bedrooms (each with shower room), a communal kitchen and lounge at first floor. Toilets and wash basins have not been identified but it is assumed that these will be within each of the shower rooms.

Whilst the number of units proposed is high at 17 it is recognised that student accommodation is a use that is primarily residential in nature. The existing/ previous use was a children's home which falls within use class C2: Residential institutions. Another use falling within the same use class could occupy the building without planning permission being obtained from the Council. Therefore there is fallback position whereby if this application is refused a new use falling within the same C2 use class could occupy the building with a similar number of residents to the amount proposed by this application. To assist members other uses within the C2 use class are a residential boarding school, college, hospital or training centre which may involve care of the residents.

At paragraph 14, the NPPF 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.

In consideration of the identified fallback position, the proposed use having predominantly residential in character and the building being within a sustainable location your officers are of the view that the

principle of this change of use is acceptable. It is also not considered that a change of use with no external alterations would significantly harm the character and appearance of the conservation area despite the number of residents being increased. Furthermore there are no development plan policies which the proposed use would be contrary to and it should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

Parking and the impact on highways safety

As discussed the site is located within a sustainable location due to it being within walking distance of the town centre. There are also a number of bus services that run in the locality.

Objections have been raised to the amount of traffic that could be generated and the highway danger this would cause to residents whilst also exacerbating on street car problems due to other uses within the locality and the quiet residential nature of the street.

The building occupies a spacious plot with a large private driveway off Sidmouth Avenue. A plan has been submitted which details 13 off street car parking spaces. A separate cycle and motor bike parking area has also been identified on the submitted plans.

There is a traffic regulation order on certain parts of Sidmouth Avenue and further restricted parking also.

Policy T16 of the local plan details 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 car parking or traffic problem. It also details that development will not be permitted to provide more parking than the maximum specified levels.

There are no maximum specified levels for student accommodation detailed within the development plan but it is considered that 13 spaces for a 17 bedroom building (1 space per 1.3 bedrooms) is an acceptable level that would encourage sustainable modes of travel and walking. The cycle storage/ parking area would also encourage sustainable travel.

Furthermore a C2 use (the fallback position) requires 1 space per 3 beds (6 spaces) and the proposal achieves 50% more.

The sustainable location of the building would encourage future residents to use public transport. It is accepted that there may be some demand for on street car parking at certain times due to neighbouring uses but the traffic regulation order is in force to prevent people parking illegally. It is the responsibility of the parking attendants to police illegal parking within the area and this is being done where possible. The building is also at the opposite end of Sidmouth Avenue to the other potential traffic generating uses within the street.

In consideration of the above and despite residents' concerns it is considered that the proposed development would not create or aggravate a significant local on street car parking or traffic problem. Therefore it is in accordance with policy T16 and the guidance and requirements of the NPPF.

Anti-social behaviour and the impact on neighbouring residential amenity levels.

As discussed above paragraph 69 of the NPPF indicates that local planning authorities should involve all sections of the community in planning decisions and should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

Policy H6 of the Local Plan indicates that proposals for the conversion and adaption of existing non-residential buildings in urban areas to provide additional living accommodation will be considered favourably so long as there is no conflict with nearby uses or damage local amenity.

Residents have expressed objections to the use of the building and the increase in students within a residential street that would cause increase noise and anti-social behaviour. Therefore this type of use should be located elsewhere.

As discussed the nature of student accommodation is residential in nature albeit one which would increase the number of residents within the street. There is no clear evidence to suggest that students cause levels of anti-social behaviour to the extent that would justify a refusal and similar concerns could be expressed about the reuse of the building for Class C2 purposes which, as explained above, would not require planning permission. Therefore the development is considered to be in accordance with the broad principles of policy H6 and the guidance and requirements of the NPPF.

Conclusion

It is acknowledged that the proposal would increase the population within the street and there would be increased traffic movements and noise. However, these would not significantly and demonstrably outweigh the benefits of the development by virtue of the development bringing back into use a large building within a highly sustainable location. The proposed use is unlikely to have any greater impact than a use falling within class C2 that could be carried out without the benefit of planning permission.

A construction hours condition and design measures to improve noise impacts is recommended by EHD and considered justified in this instance.

Matters such as the applicant not carrying out pre application consultation with residents, the applicants motivations for the development and land/ building covenants are not material planning considerations that hold weight in the determination of a planning application.

Background Papers

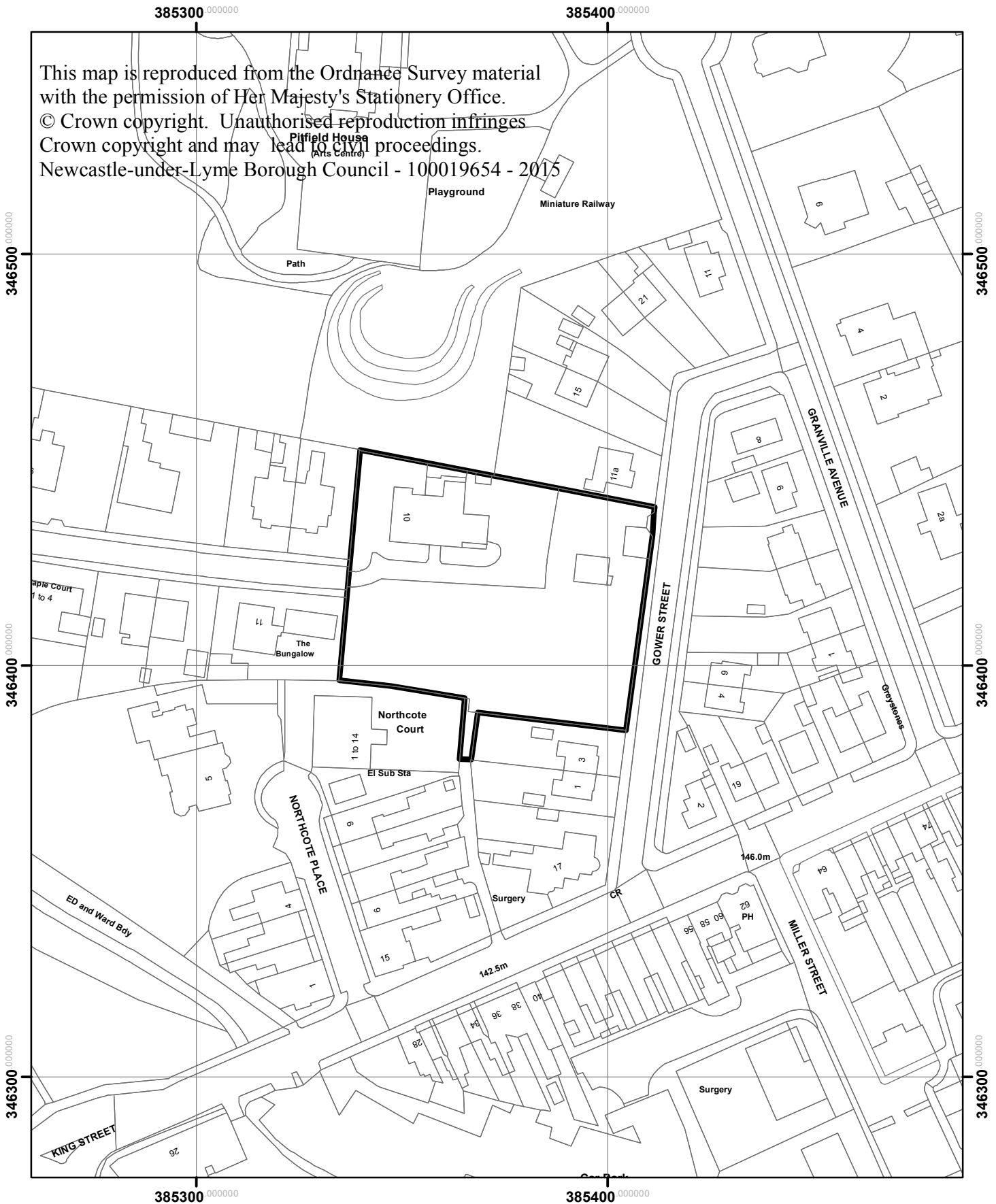
Planning File
Development Plan

Date report prepared

18th February 2015

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10 Sidmouth Avenue
15/00047/COU



Newcastle under Lyme Borough Council
Planning & Development Services
Date 03.03.2015



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APPEAL BY MRS HOLLAND AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE CONSTRUCTION OF TWO NEW DWELLINGS

<u>Application Number</u>	14/00368/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 14th August 2014
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	4th February 2015

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00368/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, its effect on the openness of the Green Belt and the character and appearance of the locality; and if the development is inappropriate development, whether the harm by reason of inappropriateness, along with any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances to justify it.

Appropriate Development?

- The appeal site is a vacant, grassed area of land lies within a stretch of ribbon development on the Southern side of Nantwich Road, with a wide frontage. It is located outside of the settlement boundary of Audley, and within the Green belt.
- The National Planning Policy Framework (NPPF) directs that the construction of new buildings should be regarded as 'inappropriate' in Green Belt, save for a number of exceptions. Limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites are included in the exemptions.
- The NPPF does not define 'infilling', but the Inspector thought an appropriate definition was a small gap in an otherwise built up frontage.
- The site has a wide frontage and the dwelling immediately to the east is set back a considerable distance from the highway behind mature landscaping. This makes the gap in built development even more substantial. For this reason, the Inspector considers that the appeal site does not amount to an 'infill plot', irrespective of whether or not it falls within the village.
- The appellant suggests the site amounts to previously developed land (PDL) because the Audley Parish Title Map of 1837 shows the previous Wall House standing on part of the appeal site prior to its relocation and the later maps of 1876 and 1924 indicate that the site was subsequently used as residential garden space to the now Wall Farmhouse. The Inspector did not agree because firstly, residential gardens do not fall within the definition of PDL provided by the NPPF and secondly, no remains of the previous structure are visible. On this basis, the site does not amount to PDL.
- The Inspector concludes that the proposal amounts to inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances according to the NPPF.

Character and appearance

- The site is currently laid to grass and is free from built development. It is a significant gap, particularly given that the dwelling immediately to the east is recessed from the highway. Together, the frontages provide a welcome relief from built development. So too does the field on the opposite side of the road, where built development is much more limited and sporadic.
- The Inspector considered that the two dwellings proposed are attractive enough in their own right but they would occupy a large proportion of the site. The effect would materially reduce its open nature along with the openness of this part of the Green Belt. Further, the introduction of the proposed dwellings would compound the existing ribbon development. The existing gap provides some informality and breathing space and the development proposed would lead to a more regimented arrangement. This would be a backward step and it would detract from the overall quality and distinctiveness of the locality and Area of Landscape Enhancement.

- The Inspector concluded that the proposal would harm the openness of the Green Belt and it would erode the character and appearance of the local area, conflicting with saved policies N17 and N20 of the LP and policies RE3 and RE4 of the Urban Design Supplementary Planning Document.

Other considerations

- The appellant argues that the site is in a sustainable location, just 700 metres from the centre of Audley, a rural service centre. The Inspector concluded that this did not override Green Belt Policy.
- The appellant raises the lack of a five year housing land supply as a material consideration. The proposal would deliver only two houses, and would have a negligible impact on the current shortfalls, as conceded by the appellant. The Inspector accepts that future occupants would be likely to utilise the shops and services of Audley, however, considered that their contribution to the overall viability of these services would be very limited.
- The appellant points to the fact that policy S3 of the LP supports limited infill development within the Green Belt village of Keele and suggests that Audley should be treated no differently. This situation is materially different for several reasons. Firstly, the appeal site lies outside of the defined boundary of Audley. Secondly, the Inspector has found that it does not amount to infill development and thirdly, the Inspector considers that the undeveloped nature of the site makes a positive contribution to the amenity of the locality.
- The Inspector considered that the points raised regarding a safe access, retention of significant trees, no harm to amenity and some letters of support, were not unique to this site and that the same could be said about many sites within the Green Belt.
- Overall, the Inspector concludes that the arguments advanced in favour of the scheme do not clearly outweigh this harm and therefore the very special circumstances necessary to justify it do not exist.

Recommendation

That the decision be noted.

Planning Committee 3rd March 2015

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

No further cases have been added since the previous report, provided to the Planning Committee at its meeting on the 18th November 2014. Details of each case, and the progress made within the last Quarter, and the target for the next Quarter are contained within the attached Appendix. It was confirmed in the last report that one of 5 cases that were on the list at the time of the November meeting had been closed and this has now been removed from the report. In addition three of the remaining cases that were reported as still being 'open' have now been closed.

A report on one of the cases where enforcement action has been authorised which contains information that is considered to be exempt by reason of the provisions of paragraphs 6 and 7 of Schedule 12A of the Local Government Act 1972, as amended, is provided separately.

RECOMMENDATION

That the information be received.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
12/00193/207 C2	19 Biddulph Road, Harriseahead, ST7 4LB Unauthorised extension of residential curtilage and erection of summerhouse/ garden shed	26.02.2013	As previously advised the enforcement notice, dated 6 th September 2013, took effect on 23 rd May 2014 when notification was received that an appeal lodged against the notice had been. The three month compliance period expired on 23 rd August. Since the previous report, a site visit has been undertaken which has established that the Notice has been complied with.	CASE CLOSED
Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
09/00230/207 C3	Newcastle Auto Centre Albany Road Newcastle Under Lyme Unauthorised extension	10/12/2013	As previously advised, an appeal was lodged against the enforcement notice that was issued which was considered at a hearing on 31 st July 2014. The appeal decision was made on 19 th August which was reported to the Planning Committee meeting of 7 th October. The outcome of the appeal was that planning permission was granted for the extension subject to a condition requiring the removal of the building unless off-site vehicle storage and parking was secured. Details required by the condition have been submitted and approved and since the previous report it has been confirmed that the condition is being complied with.	CASE CLOSED

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00014/207 C2	Tadgedale Quarry, Mucklestone Road, Loggerheads Unauthorised building	22/04/2014	<p>Following the refusal of a retrospective application for a building at the established lorry park and haulage yard at the Planning Committee meeting of 3rd April 2014, it was resolved to authorise the Head of Legal Services, at the following meeting of Committee, to take appropriate enforcement action to secure the removal of the building from the site with a compliance period of 1 month.</p> <p>Since the last meeting an enforcement notice has been served and it took effect. A site visit that was undertaken earlier this year has established that the building</p>	CASE CLOSED

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Report on Open Enforcement Cases

Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

Recommendations

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

Background

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the last quarter a further 38 new cases have been reported, higher than the previous quarter (86). The current number of open cases is 240 (42 less than at the end of the last quarter). The number of open cases this quarter has therefore significantly decreased.

The issue of resources within enforcement has been identified as part of the Planning Peer Review's recommendations and various actions will be pursued to address the current backlog which is too high.

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (7 as at 19th February 2015).

3 new high hedge complaints/enquiries have been received in the last quarter.

Conclusions

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has led to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression, and will continue to be undertaken.

Current Outstanding Enforcement Cases

The Table below shows the current statistics in comparison to the previous Quarter.

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2015	13	8	-	6	1	1	-	-	-
2014	212	99	1	79	19	-	-	-	-
2013	219	41	5	28	8	-	-	-	-
2012	229	30	8	14	8	-	-	-	-
2011	204	12	2	7	3	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	10	-	6	1	1	-	1	1

2008	276	10	-	-	-	-	3	7	-
2007	353	6	-	-	-	-	1	4	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2
2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

Open Cases **240**
(inc Backlog)

Previous Quarter 282

Note for Table – C1, C2 and C3 are the categories agreed by the Planning Committee at its meeting on 17th February 2009 when it approved the Council's Planning Enforcement Policy; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

Date report prepared

19th February 2015

Confirmation of Tree Preservation Order

**INDUSTRIAL UNIT
LONDON ROAD, HOLDITCH ROAD, SPENDCROFT ROAD
CHESTERTON**

Tree Preservation Order No.161 (2014)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order protects 16 trees situated on land surrounding the industrial unit at the junctions of London Road, Holditch Road and Spendcroft Road Chesterton.

The Provisional Order was made to safeguard the longer term visual amenity that the trees provide arising from concern that the trees would be felled after an enquiry was made as to the status of the trees which stated that the intention would be to clear the shrubs and trees from the site.

The Order was made using delegated powers on the 10th of November 2014. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 10th May 2015

RECOMMENDATION

That Tree Preservation Order No 161 (2014), Industrial Unit London Road, Holditch Road, Spendcroft Road Chesterton, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated close to the boundaries of the site of the industrial unit. They are primarily single stemmed deciduous trees the majority of which form a line adjacent to Spendcroft Road with three trees adjacent to London Road. They are early-mature to mature and clearly visible from the surrounding roads.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A tree status enquiry was received by the council on 21st October 2014 which stated that the intention was to clear the shrubs and trees from the site for reasons of security and ease of maintenance.

Your officers inspected all of the trees on the site in November 2014 and carried out a TPO assessment, and found the majority of the trees worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 10th November 2014 in order to protect the long term well-being of the trees. Trees of poor health, with significant defects or of poor visual amenity were not included.

Date report prepared

5th February 2015

SPORTS
GROUND

EL SUB STA

MALT SHOVEL
(PH)

PLAYING FIELD

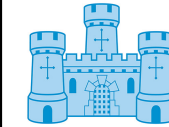
Signed

Date

GARAGE

TALKE ROAD A34

T3



NEWCASTLE UNDER LYME
BOROUGH COUNCIL

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

TITLE:
**Industrial unit London Road /
Holditch Road / Spencroft
Road, Chesterton.**

DESCRIPTION:
**Tree Preservation Order
No 161 (2014)**

DRAWN BY:
PJS

SCALE:
1:1000

DATE:
November 2014

DRAWING NO.
TPO 161

HOLDITCH ROAD

T4

T5

T8

T6

T7

T9

T10

T11

T12

T13

T14

T15

T16

T2

T1

LONDON ROAD

WORKS

WORKS

SPENCROFT ROAD

WORKS

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Confirmation of Tree Preservation Order

**40/42 EARLS DRIVE
NEWCASTLE UNDER LYME
ST5 3QS**

Tree Preservation Order No.162 (2014)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order protects a tree situated to the west side of Earls Drive, Westlands, in the front gardens between numbers 40 and 42. The Order was made to safeguard the longer term visual amenity that the tree provides after a tree status enquiry was received which gave rise to concern that the tree could be lopped or felled.

The Order was made using delegated powers on 26th November 2014. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 26th May 2015

RECOMMENDATION

That Tree Preservation Order No 162 (2014), 40/42 Earls Drive, Newcastle under Lyme, ST5 3QS, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the tree 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 of sufficient amenity value to merit the making of a Tree Preservation Order. It is a prominent and important tree on Earls Drive and is considered to be an appropriate species for the locality and provide high public amenity value due to its form and visibility from public locations. 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 cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely manage it.

Representations

No representations have been received.

Issues

The tree is situated on the fence line between the front gardens of 40 and 42 Earls Drive. It is a large single stemmed mature lime which is clearly visible from a substantial length of the road. It is a significant feature to the locality and provides an important contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

A tree status enquiry was received by the council in November 2014 which listed difficulties in relation to the presence of the lime tree along with an ash tree in the rear garden of number 42. This gave rise to concerns that the trees might be unnecessarily lopped or felled.

Your officers inspected the two trees on the site in April 2014 and carried out a TPO assessment. The ash tree did not meet the criteria necessary however the lime tree was considered worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 26th November 2014 in order to protect the long term well-being of the tree.

Date report prepared

5th February 2015



Signed _____

Date _____

Confirmed _____

Date _____



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

TITLE:
**40/42 Earls Drive
 Newcastle-under-Lyme
 ST5 3QS**

DESCRIPTION:
**Tree Preservation Order
 No 162 (2014)**

DRAWN BY:
PJS

SCALE:
1:1250@ A4

DATE:
November 2014

DRAWING NO.
TPO 162

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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