

# Public Document Pack

**Date of meeting** Tuesday, 23rd June, 2015  
**Time** 7.00 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Julia Cleary

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 12)  
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Former TG Holdcroft, Knutton Road, Wolstanton; McCarthy and Stone / The Planning Bureau; 14/00968/FUL.** (Pages 13 - 26)
- 5 **Application for Major Development - Former Woodshutts Inn, Lower Ash Road; Apsire Housing; BM3 Architecture Ltd; 14/00767/FUL** (Pages 27 - 32)
- 6 **Application for Major Development - 7 Park Avenue, Wolstanton; M&H Property Developments / The General Architecture Company; 15/00174/FUL** (Pages 33 - 42)
- 7 **Application for Major Development - Site of Former Oxford Arms, Moreton Parade; DEO Property Developments / A-Z Designs; 15/00421/FUL** (Pages 43 - 50)
- 8 **Application for Major Development - Consultation by Cheshire East on Application for Residential Development at Cardway Business Park; 15/2101C. /348/225** (Pages 51 - 56)
- 9 **Application for Minor Development - Plot 37 Birch Tree Lane, Whitmore; Trustees of the Whitmore Estate / Corleco Projects; 15/00281/FUL** (Pages 57 - 66)
- 10 **Application for Minor Development - Former Garage Site, Queensway; Apsire Housing; 15/00308/FUL** (Pages 67 - 74)

- 11 Application for Minor Development - Land Adjacent to Halcyon, Tower Road, Ashley; Miss Stanier / Peter Richards & Co; 15/00353/FUL (Pages 75 - 82)
- 12 Application for Minor Development - Plot 34, Eastwood Rise, Baldwins Gate; David James Developments; 15/00377/FUL (Pages 83 - 88)
- 13 Tree Preservation Order - 1 Wulstan Drive; No.163 (2015) (Pages 89 - 90)
- 14 Tree Preservation Order - 177 Liverpool Road; No.164 (2015) (Pages 91 - 92)
- 15 Quarter 1 Report on Decisions to Extend the Period of Time within which Section 106 Obligations may be Completed (Pages 93 - 98)
- 16 Development Management and Enforcement Performance Report (Pages 99 - 104)
- 17 REVIEW OF TERMS OF REFERENCE AND MEMBERSHIP OF STRATEGIC PLANNING CONSULTATIVE GROUP  
Report will be sent to follow.
- 18 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), Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Turner, Welsh, Williams 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**

Wednesday, 3rd June, 2015

**Present:-** Councillor Sophia Baker – in the Chair

Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Proctor, Reddish, Stringer, Turner, Welsh, Williams and Williams

**1. APOLOGIES**

Apologies were received from Cllr Owen.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. NEWCASTLE AND STOKE ON TRENT - STATEMENT OF COMMUNITY INVOLVEMENT**

A report was submitted to inform the Committee of the results of the consultation process on the Draft Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement and to consider the submitted version of the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement (SCI Final version) (Appendix 1) prior to approval by Cabinet on 10 June 2015.

**Resolved:**

1) That Cabinet be recommended to commend to Council the adoption of the submitted version of the Newcastle-under-Lyme and Stoke-on-Trent Statement of Community Involvement (SCI Final version).

**4. FIVE YEAR HOUSING LAND SUPPLY**

A report was submitted to present the information and results of the calculation of the 5 year housing land supply, as contained in the accompanying Statement and to provide guidance on the significance and impact of the 5 year supply position on the Development Management decision making process.

After consideration of the report and discussions with officers, Members considered that additional information and advice was required before an informed decision could be made regarding the report. Officers agreed that a selection of appeal decisions could be distributed to Members to allow them to see the approach taken by Inspectors in decisions involving the 5 year housing supply where a Local Planning Authority was relying on household projections to demonstrate their housing requirements.

**Resolved:** That a decision be deferred to the earliest possible meeting and that the agreed paperwork be distributed as soon as possible to Members of the Committee.

**5. STUBBS WALK CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

A report was submitted to seek approval of the draft Appraisal and Management Plan for Stubbs Walk Conservation Area Supplementary Planning Document (SPD) for public consultation purposes

**Resolved:**

1. That the submitted document be approved for public consultation purposes.
2. That a further report be received on the outcome of the public consultation, before adoption of the SPD is considered.

**6. APPLICATION FOR MAJOR DEVELOPMENT - FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE. WESTLANDS ESTATES LTD. 15/00166/FUL**

Members expressed concerns regarding the fact that there was only parking for 21 vehicles out of 244 rooms and that this could lead to increased on street parking and have a detrimental impact on residents in the locality.

A proposal for refusal was moved and seconded on these grounds and voted on as follows:

In favour of refusal: 6  
Against: 7

The recommendation fell and Members voted on the recommendations as listed in the report with the additional recommendation that flat (if feasible) solar panels be fitted to the roof of the building:

In favour: 9  
Against: 5

**Resolved:**

- A. Subject to the applicant entering into a Section 106 obligation by no later than 3rd July, to secure the following:
  - (i) a financial contribution to the enhancement and maintenance of an area of public open space of £198,716 and a travel plan monitoring fee of £2,200.
  - (ii) a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems.

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

1. Time limit/ Revised Plans
2. Materials

3. Occupation to be restricted to students only
  4. Letting of contract for redevelopment prior to demolition of the building and commencement of development within six months of the demolition of the building
  5. Details of landscaping to be agreed, to include details of boundary treatment/security fence to the landscaped areas.
  6. Landscape management plan
  7. Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied.
  8. Provision of parking, turning areas and pedestrian visibility splays
  9. Replacement of disabled parking spaces that will be lost to accommodate the site access.
  10. Prior approval of the details of the management of the parking area and measures to prevent occupiers having cars.
  11. Implementation of Travel Plan
  12. Gymnasium, IT suite, cinema room and any other accommodation for the students use only
  13. Prior approval of ground floor glazing to rooms to ensure adequate privacy
  14. Prior approval of window treatment within the whole building to ensure consistency of approach
  15. Provision of the security measures set out in the submission, or other measures that have been agreed.
  16. Building recording prior to demolition
  17. Construction hours
  18. Construction Management Plan
  19. Implementation of measures to reduce the impact of noise as set out in the submitted noise assessment.
  20. Prior approval of plant and machinery, including a noise assessment and mitigation measures
  21. Piling operations, including a noise and vibration assessment, to be carried out in accordance with details that are agreed beforehand. The Council and residents of Brunswick Street and Hanover Street to be notified at least 14 days in advance of the commencement of the piling operations.
  22. Submission of an air quality impact assessment and details measures to minimise air pollution before installation of biomass and CHP systems and adherence to approved details for the life of the development.
  23. Details of ventilation system to ensure appropriate indoor air quality
  24. Waste storage and collection arrangements
  25. Contaminated land conditions
  26. Implementation of security/crime prevention measures
  27. Removal of permitted development rights for telecommunication apparatus
  28. The provision, subject to approval of details, of solar panelling on the roof of the building
- B. Failing completion by 3<sup>rd</sup> July 2015, that the Head of Planning have delegated authority to either refuse the application on the grounds that in the absence of such secured planning obligations the public open space needs of the development would not be met and appropriate parking controls would not be achieved; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

7. **URGENT BUSINESS**

There was no urgent business.

**COUNCILLOR SOPHIA BAKER**  
**Chair**

## **PLANNING COMMITTEE**

Tuesday, 26th May, 2015

**Present:-** Councillor Sophia Baker – in the Chair

Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish, Stringer, Turner, Williams and Williams

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

### **2. APOLOGIES**

Apologies were received from Cllr Welsh and Cllr Owen.

### **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 - THE HUXLEY BUILDING, KEELE UNIVERSITY. UNIVERSITY OF KEELE. 15/00235/FUL**

**Resolved:**

Subject to no representations being received by the 5<sup>th</sup> June which raise material planning objections to the development which have not already been addressed in the report and which cannot be addressed by appropriate conditions.

(a) That the application be delegated to the Head of Planning for approval subject to conditions relating to the following:-

1. Time limit
2. Approved drawings
3. Materials
4. Off-site replacement tree planting and on-site landscaping scheme
5. Tree protection measures during construction inclusive of provision to retain tree T3
6. Any such appropriate conditions

(b) If such representations are received, that the application be referred back to a subsequent meeting of the Planning Committee for reconsideration

### **5. APPLICATION FOR MAJOR DEVELOPMENT - THE SKYLARK, HIGH STREET, TALKE. MILLWOOD HOMES. 15/00329/FUL**

**Resolved:**

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

1. Time limit and plans

2. Materials, hardstandings and boundary treatment details as per submission
3. Construction hours
4. Contaminated land (demolition excluded from commencement)
5. Specified glazing details
6. Submission and approval of a plan showing a continuous 1.8 m footway and visibility splays
7. Restriction of garages to car parking only
8. Removal of existing site access on Jamage Road
9. Access drive being of a porous bound material
10. Full soft landscaping details
11. Removal in some cases of permitted development rights for extensions, alterations, outbuildings & hardstandings
12. Accesses, parking, turning area, footway improvements and visibility as per Drawing No. 15/1/3420/1, Revision A,
13. Access drives being of a bound porous material,
14. The garage to plot 9 having a roller shutter door,
15. All garages on plots 5, 7 and 8 to be retained for parking of motor vehicles,
16. That a roller shutter door be fitted to the garage of plot 9.
17. The submission and approval of a plan showing Hurst Close widened to 5.5 m, with associated drainage and any related works, and a 1.8 m footway provided, on the north side of Hurst Close, and the implementation of such works prior to the first occupation of any of the dwellings.

**6. APPLICATION FOR MAJOR DEVELOPMENT - UNITS 1-7 FESTIVAL PARK. RIDGEHOUSE DRIVE, ETRURIA, STOKE ON TRENT. M & G REAL ESTATE. 348/220**

**Resolved:**

That the City Council be advised that the Borough Council objects to the application on the following grounds:

1. The proposal involves Class A1 (retail) floorspace, a main town centre use as identified in the National Planning Policy Framework (the NPPF), in this out of centre location. Furthermore the applicant has not demonstrated, through the submitted sequential assessment, that the proposed development cannot be located within Newcastle on the site of the former Sainsbury's store on Ryecroft which is available within a reasonable time frame.
2. Permitting the development would have an adverse impact on the committed and planned investment in the Ryecroft site within Newcastle Town Centre.

**7. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF PEPPER STREET, KEELE. KEELE HOMES. 15/00359/DOAHR**

**Resolved:**



That the planning obligation associated with planning application 13/00970/OUT for residential development (to a maximum of 100 dwellings) be modified to reduce the requirement for the affordable housing contribution to 6% of the total number of dwellings constructed, 3% social rented and 3% shared equity for a period of 4 years after which it reverts to the original affordable housing obligation, such modification only relating to those dwellings completed within that period

**8. APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH EAST OF HOLLOWAY FARM, HOLLOWAY LANE, ASTON. MS E BARNARD. 15/00173/FUL**

A proposal for refusal was put forward by Cllr Northcott and seconded by Cllr Mancey.

**Resolved:**

That the application be refused on the following grounds:

- 1) That the development is unsustainable and that it is not justified in this location,
- 2) That it would be harmful to the landscape, and
- 3) That it would be detrimental to residential amenity in the locality.

**9. APPLICATION FOR MINOR DEVELOPMENT - PLAYGROUNDS AT ST EDMUNDS DRIVE, PORTHILL. NEWCASTLE BOROUGH COUNCIL. 15/00307/DEEM3**

**Resolved:**

A proposal for refusal was put forward by Cllr Hambleton and seconded by Cllr Fear.

That the application be refused on the following grounds:

- 1) The site could not accommodate 8 dwellings without detriment to residential amenity and the appearance of the area, and
- 2) The application is not accompanied as is required by the NPPF by adequate site investigation information, prepared by a competent person, to enable the LPA to judge whether the site is suitable for residential use taking into account land stability

**10. APPLICATION FOR MINOR DEVELOPMENT - THE BRAE, DEN LANE, WRINEHILL. RUSSELL ASHFORD/CHRIS RALPHS ARCHITECTS LTD. 15/00269/FUL**

**Resolved:**

That the application be permitted subject to conditions relating to:

1. Standard time limit
2. Approved plans

3. Materials as per approved plans and application form
4. Removal of permitted development rights for extensions, outbuildings and hardstandings
5. Soft landscaping scheme to include full details of boundary treatments
6. Completion of access, parking and turning areas prior to occupation
7. Access/ entrance walls have been provided to a maximum height of 900mm
8. Surface water drainage interceptor rear of the highway

**11. TREE PRESERVATION ORDER - LAND NORTH OF LWC DRINKS LTD. WEST AVENUE, KIDSGROVE**

**Resolved:**

That Tree Preservation Order No 166 (2015), Land north of LWC Drinks Ltd, West Avenue Kidsgrove, be confirmed as made and that the owners of the site be informed accordingly.

**12. LOCAL FINANCIAL CONSIDERATIONS IN DEVELOPMENT MANAGEMENT**

**Resolved:**

That Planning Committee note that reports on applications, whether to the Committee or to the decision taker where a decisions being made under delegated powers will not include a section on local finance considerations unless:-

(a) The applicant, or third parties, refer in their submissions to New Homes Bonus (NHB), non-domestic domestic rate, Council tax or any other local finance considerations in support of the application, and the weight that can be given will then be addressed within the key issues or discussion section of the report; or

(b) Such a time arises when NHB, non-domestic domestic rate or Council tax is spent by the Council in a manner which is directly connected to the development and contributes towards making that development acceptable.

**13. ANNUAL APPEAL PERFORMANCE REPORT**

**Resolved:**

1. That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;

2. That your Officer report to the Chair and Vice Chairman in six months time on appeal performance in the first half of the 2015/16, and on any further steps that have been taken in the light of that performance;

3. That the Committee reaffirms its previous resolution that its Members of the Committee draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;

4. That the Committee reaffirms its previous resolution that full advantage be taken of the use of conditions in planning permissions to make developments acceptable;

5. That the Committee reaffirms its previous resolutions that Members of the Committee proposing to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;

6. That the Committee reaffirms its previous resolution that when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement to work in a proactive and positive manner with applicants;

7. That the Committee reaffirms its previous resolutions that the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Chair deem that appropriate; and

8. That the Committee reaffirm its previous resolutions that a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received, and that in the case of matters being determined by means of public inquiries the Head of Business Improvement, Central Services & Partnerships or his representative takes charge of the matter.

9. That the Committee receive additional and enhanced planning and committee training.

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

**Resolved:**

a) That the report be noted

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

**15. REPORT ON OPEN ENFORCEMENT CASES**

**Resolved:**

1. That the report be received

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

**16. QUARTERLY ENFORCEMENT MANAGEMENT REPORT**

**Resolved:**

That the information be received.

**17. URGENT BUSINESS**

**Application for a Major Development - land at Junction of Shelton Boulevard and Forge Lane, Etruria, Stoke on Trent; Regeneration and Greene King LTD. 348/223**

**Resolved:**

That the City Council be advised that the Borough Council objects to the application on the following grounds:

That the proposal involves Class A1 (retail) floorspace, a main town centre use as identified in the National Planning Policy Framework (the NPPF), in this out of centre location. Furthermore the applicant has not demonstrated, through the submitted sequential assessment, that the proposed development cannot be located within Newcastle on the site of the former Sainsbury's store on Ryecroft which is available within a reasonable time frame.

**18. DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:**

That the public be excluded

**COUNCILLOR SOPHIA BAKER**  
**Chair**

**FORMER T.G. HOLDCROFT, WOLSTANTON  
McCARTHY & STONE RETIREMENT LIFESTYLE LTD.**

**14/00968/FUL**

The Application is for full planning permission for the erection of 31 self-contained units of sheltered accommodation designed specifically for the elderly. The scheme will comprise 18 one-bedroom and 13 two-bedroom apartments with communal facilities, car parking and landscaped areas.

The application site, of approximately 0.24 hectares, is within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

**A decision on the application was deferred at the meeting of the Committee held on 13<sup>th</sup> May to allow time for officers to consider the merits of the applicant's case against on-site provision of affordable housing, the obtaining of an independent calculation of what that financial contribution would need to be and finally an assessment of the scheme's ability to make policy compliant affordable housing and open space contribution – such calculation and assessment being undertaken by the District Valuer.**

**At the time of writing the advice of the DV is still awaited, but the item is placed on the agenda as it is expected in sufficient time for it to be considered and reported to the Committee, so that the Committee should be able to make a decision on the 23<sup>rd</sup> June.**

**The 13 week period for the determination of this application expires on 12<sup>th</sup> June 2015 but the applicant has agreed an extension to the statutory period until 29<sup>th</sup> June 2015.**

## **RECOMMENDATION**

### **A. Subject to**

**(i) the receipt and consideration of advice from the District Valuer as to what policy compliant affordable housing provision and open space contributions this development could support, and a supplementary report to the Committee on this aspect and, depending upon the above, on whether such affordable housing should be in the form of on-site provision or a financial contribution towards off-site provision**

**(ii) the applicant entering into a Section 106 obligation by agreement by 24<sup>th</sup> July 2015 to require:-**

- 1. Affordable housing on-site provision or a contribution to off-site provision (the level and form of which is to be recommended following the outcome of (i) above);**
- 2. A financial contribution for the enhancement and maintenance of the bowling green at Wolstanton Park (the level of which to be recommended following the outcome of (i) above)**
- 3. In the event of less than policy compliant affordable housing provision and open space contribution being secured, a reappraisal of the development's viability in the event of the development not being substantially commenced within 12 months of the permission, and a consequential upward adjustment of such provision/contribution should the viability reappraisal so indicate**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Development to be occupied by those aged 55 and over**
- 4. Materials**
- 5. Boundary treatments**
- 6. Contaminated land**
- 7. Construction management plan**
- 8. Internal noise levels**
- 9. Approval of recyclable materials and refuse storage**
- 10. Landscaping scheme**
- 11. Tree protection**
- 12. Highway matters**
- 13. Construction hours**
- 14. Scheme to be completed to Code for Sustainable Homes Code Level 3**
- 15. Cycle parking provision**

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

### **Reason for Recommendations**

The site is within the urban area of Newcastle and is a previously developed site which currently fails to contribute positively towards providing attractive townscape for the area. The benefits of the scheme include the provision of housing within an appropriate location and the enhancement of this part of Wolstanton and the area generally in a positive manner. Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as a Local Planning Authority (LPA) would render a policy compliant scheme unviable. The draft Report of the District Valuer setting out her appraisal of the development's viability is still awaited and a further report will be brought to members on this issue.

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

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

### **Key Issues**

The Application is for full planning permission for the erection of 31 self-contained units of sheltered accommodation designed specifically for the elderly. The scheme will comprise 18 one-bedroom and 13 two-bedroom apartments with communal facilities, car parking and landscaped areas.

The site has an extant planning permission for 12 dwellings, granted in November 2014, which includes nine 3-storey properties fronting onto Knutton Road (Ref. 08/00795/EXTN2).

It is considered that the main issues for consideration in the determination of this application are:

- Is the principle of the development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed development have any adverse impact upon highway safety?
- Is affordable housing provision required and if so how should it be delivered?
- Will appropriate open space provision be made?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?

### **Is the principle of residential development on this site acceptable?**

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

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1000 dwellings within Newcastle Urban South and East (which includes Wolstanton).

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 is a previously developed site in a sustainable location within the urban area. The site is in close proximity to the shops and services of Wolstanton, and there are several bus services that run frequently close by the site to Hanley and Newcastle. It is considered that the site is in a sustainable location therefore.

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.

Your officer's advice is that the Council is currently unable to robustly 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) given that it does not have a full objective assessment of its housing needs, and is relying on household projections. The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits. Housing development on the site has been agreed to be acceptable by the Local Planning Authority as recently as November 2014.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

The site is located in a prominent location on the corner of Knutton Road and Silverdale Road overlooking the Wolstanton Marsh area. It was previously occupied by a car showroom which has been demolished and the site has been vacant for several years. The site is currently detrimental to the character and appearance of the area and a suitable development is needed to enhance what is otherwise an attractive predominantly residential area.

Bungalows are located adjoining the site on Knutton Road, modern semi-detached, 2-storey dwellings are located adjoining the site on Silverdale Road, with modern detached dwellings in an elevated position to the rear of the site on Clews Walk. The wider context of the site is the Marsh with the more substantial Victorian dwellings that front onto this area of open space. The urban fabric locally shows a clear hierarchy in the scale of dwellings with the side streets containing smaller dwellings building up to taller dwellings directly adjacent to and visible from the Marsh.

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

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value.

The building would be predominantly 3-storeys to the frontage stepping down to 2½ storeys to either side adjacent to the existing residential properties. It would be sited close to the frontage of the site significantly further forward than its neighbours to either side. It is considered that the proposed building line and massing would create an appropriate frontage onto Knutton Road and Wolstanton



Marsh responding appropriately to both the neighbouring properties and to the site's location on a prominent corner. It is considered that it would enhance the local area and would create a focal point that would reflect local distinctiveness. MADE Design Review Panel who considered a very similar scheme at the pre-application stage considered that the large scale of the building and the strong way that it addresses Knutton Road is wholly appropriate and they commended its strong presence on the street.

The frontage of the building is articulated with projecting gabled elements and Juliet balconies which help to break up the massing. MADE, it should be noted, expressed concerns that the projecting bays are too narrow and the windows are too small to command the frontage or reflect the character and proportions of traditional bays in the vicinity. Whilst the applicant has not increased the width of the bays, the 'framing' details on the gables have been omitted to visually widen these elements.

MADE also advised that the front of the building could benefit from a stronger emphasis being given to the entrance and that the stepping down of the building to either side along with the change of materials weakens the frontage. The applicant has responded to these comments by introducing a main entrance canopy and by proposing a consistent material palette throughout. Your Officer considers that stepping down the height of the building to either side is however necessary to achieve an appropriate relationship with the dwellings to either side – an issue which the Local Planning Authority must consider.

To the rear, the scale of the building eventually drops to a 2-storey element. Simple gables are proposed to create a smaller domestic scale whilst the use of the same materials would ensure continuity.

There is an extant consent on this site for 12 dwellings which includes nine 3-storey dwellings fronting onto Knutton Road. Whilst this development would be larger in terms of its bulk and massing (than this previous scheme), it is considered that the scale, massing and design of the proposed development would be appropriate in this location and would enhance what is currently a vacant site that has an adverse impact on the character and appearance of the surrounding area.

#### Would there be any adverse impact on residential amenity?

It is important to ensure that new development would not cause material loss of amenity to existing neighbouring residents in terms of loss of light and privacy. The Council's Supplementary Planning Guidance Space Around Dwellings provides guidance on achieving acceptable amenity standards.

Principal windows are proposed in the side facing elevations of both the 3-storey and 2-storey elements to the rear of the development. The proposed windows would not face any windows in the adjacent dwellings but would look towards the rear garden areas of those properties. The windows in the north-west facing elevation of the 3-storey and 2-storey elements would be approximately 15m and 12m respectively from the boundary of the property to the north and the 3-storey element would be angled away from the garden area of that dwelling. The windows in the south-east elevation of the 3-storey and 2-storey section of the building would be approximately 17m and 15m respectively from the boundary with the garden serving the bungalow to the south-east which has a detached outbuilding along the existing boundary. Close-boarded fences are proposed along the boundaries and it is considered that sufficient distance would be maintained to ensure that there would not be any significant adverse impact on the amenity of the residents of the adjacent properties.

The occupier of No. 29, Silverdale Road has expressed concern that the building is 2 ½ storey next to their property rather than 2 storey and that the kitchen windows facing their property are not frosted glass. No principal windows are proposed in the side elevation closest to No. 29 and there are no principal windows in the side elevation of No. 29. Given the orientation of the existing dwelling and the distance of that property to the proposed development it is not considered that there would be any significant adverse impact on the amenity of the occupiers of that property.

The occupier of No. 50, Silverdale Road, opposite the site, has raised concerns regarding impact on her privacy and natural light. The corner of that property would be 22m from the nearest principal window in the proposed development but in any event, the properties would be off-set from each other and would not be directly facing.

With regard to the proposed development, it is considered that an acceptable level of amenity would be achieved. Given the location of the site immediately adjacent to Wolstanton Marsh, it is considered that the limited amount of private amenity space within the scheme is sufficient.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Would the proposed development have any adverse impact upon highway safety?

Vehicular access is proposed off Knutton Road (which is a cul-de-sac and the lesser of the two roads fronting the site) and the access arrangements are largely unaltered from the extant consent for 12 dwellings (Ref. 08/00795/EXTN2). 20 car parking spaces are proposed within the site.

The first part of Policy T16 of the Local Plan indicates that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2. In March this year the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets, so the first part of policy T16 is clearly inconsistent with the NPPF as read in conjunction with the ministerial statement.

The second part of Policy T16 states that development that provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, although consideration should be given to whether such problems can be addressed by car parking demand measures (the improvement of non-car modes of travel) and on-street parking controls. It is consistent with the NPPF, but paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are **severe**.

The Local Plan suggests a maximum of 44 parking spaces would be required for Use Class C3 (residential dwellings) for a development of this size but a Transport Statement that accompanies the application uses the applicant's own independent research of their existing sites and suggests that 11 spaces would be required. The 20 spaces as proposed is higher than the demand anticipated by the developer but lower than the maximum provision of 44 spaces permitted by the Local Plan.

An objection has been received from the Highway Authority on the grounds that the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. They have noted the degree to which the parking provision falls short of the standard referred to in the Local Plan, and submit that given that residents of the development could still be in active employment there is the likelihood that they would still own a car and commute to work. They consider that the site is sufficiently removed from the shops and facilities of Wolstanton High Street to encourage use of a car. Finally they refer to the lack of express provision of disabled parking spaces within the scheme and that the scheme has no on-site visitor parking either – the parking being barrier controlled.

Given the more elderly nature of the residents, it is reasonable to assume that parking demand would be less than for standard residential dwellings. Furthermore the site is not a suburban one - Wolstanton has a range of shops and services, including a supermarket, within just 350m of the site that can be accessed easily on foot. Wolstanton is well served by bus and there is a bus stop approximately 350m away from the site. That a recent similar development in Wolstanton has provided a higher level of parking provision per unit (70%) is not in itself an argument that insufficient spaces (40%) are being provided in this instance.

Although the length of Knutton Road is subject to parking restrictions in the form of double yellow lines, these were put in place when the site was occupied by the former garage, and appear to be redundant, and it may be that such restrictions could be at least modified. Further advice on whether this could be done and how it might have to be resourced will be given to the Committee if available. Knutton Road whilst only 5 m in width, is a quiet cul de sac with development only on one side. There is also on street parking available on the western side of Silverdale Road.

As already indicated the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Given the nature of the use, the survey information submitted by the applicant of parking demand on other sites, the provision that is being made, the sustainable location of the site, and taking into account the Ministerial Statement, it is not considered that the impact of any on-street parking that might be associated with the development on highway safety would be severe and therefore it is not considered that a refusal could be sustained on highway safety grounds.

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

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

It is considered that whilst the proposed development is specifically for retirement dwellings, the proposal is for self-contained independently occupied accommodation and the only level of care is a House Manager based on site to carry out the maintenance and management of the development and its grounds. On this basis, the units are considered to comprise C3 dwellings and therefore it is considered appropriate to seek affordable housing provision. On the basis of the number of dwellings proposed, the affordable housing requirement for this site would be 8 units.

The applicant has submitted a viability assessment that indicates that the development would not be viable with affordable housing or any Section 106 contributions.

In addition, the agent is putting forward a case that if it is concluded that the scheme can afford to provide affordable housing, it should be via an off-site financial contribution as there are fundamental difficulties in accommodating affordable housing on-site with private retirement housing. In summary, the reasons for this they say are as follows:

- The specialised communal living environment results in the payment of a service charge by the residents. It would be very difficult to set the service charge at a level that would cover the costs of the type of management that private purchasers expect, yet would be still affordable to residents of affordable housing. It would also be difficult for the affordable housing provider to guarantee payment of a service charge in perpetuity that would be liable to change on an annual basis.
- There would be significant potential for friction and animosity between those residents who pay a significant annual service charge for premium services and those who would occupy low cost or heavily subsidised apartments but have use of the same services.
- If attempts are made to try and overcome management, maintenance and service charge issues by splitting the site to have separate blocks for the sheltered and affordable accommodation, this introduces further issues. The size of the site and its physical constraints are such that a separate block of affordable housing with access, parking and amenity space, would reduce the size of the sheltered block by such a degree to make it unviable and inefficient. The significant reduction in sheltered units would mean that fewer elderly purchasers would have to share the fixed cost of the communal facilities and make the market sheltered scheme even more unviable.
- The provision of a commuted sum for off-site affordable housing would lead to more appropriate and acceptable housing layouts for both the sheltered and affordable provision.

The Council's policy as set out in its Affordable Housing SPD is that it will seek to ensure that affordable housing is provided on site in the first instance and that "*only in very particular, agreed circumstances will either another site, or payment in lieu of on-site provision be considered as an acceptable alternative*". The NPPF, whilst superseding the government guidance taken into account when the SPD was drawn up, does indicate that where affordable housing is needed, the presumption should be for on-site provision *unless either off-site provision (i.e. provision on another site) or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.*

Your Officers are considering whether a financial contribution, as opposed to on-site provision, is indeed “robustly justified” and such an approach “contributes to the objective of creating mixed and balanced communities”. Further advice will be provided on the matter in a supplementary report – if the applicant’s case as to the financial viability of the scheme is not accepted.

Will appropriate open space provision be made?

The proposal is above the threshold where Policy C4 of the Local Plan advises that where no open space is being provided as part of the development, the Local Planning Authority should seek a financial contribution towards the provision/enhancement of open space in the area. This should be secured through a section 106 obligation requirement. This is also in accordance with CSS Policy CSP5 and the Developer Contributions SPD.

This development would not include an area of public open space within the site. The Landscape Development Section therefore considers that a financial contribution is required to include a contribution for capital development/improvement of off-site green space (Wolstanton Marsh and Wolstanton Park) in addition to a contribution to maintenance costs for 10 years. As the proposal is for retirement dwellings they accept that the play element of the sum for the capital development/improvement of offsite open space should be removed. They also accept that the maintenance contribution should be reduced by the same proportion. Your Officer considers that this is an appropriate approach although it is considered that it is also appropriate to also waive the outdoor sports contribution on the basis that contributions must be “fairly and reasonably related in scale and kind to the development”. On this basis there would be a total contribution requirement of £52,699 which could be secured through a planning obligation achieved by agreement.

Your Officer is satisfied that such an obligation would comply with Section 122 of the CIL Regulations, but it is also necessary to consider whether it complies with Section 123 which came into force . on 5<sup>th</sup> April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and , if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010.. The Landscape Development Section have requested a contribution towards the improvement and enhancement of Wolstanton Marsh and Wolstanton Park however it appears that there have already been 4 obligations entered into since April 2010 securing open space contributions, subject to their related developments proceeding, for improvements to Wolstanton Marsh, and therefore to seek such a further contribution would be unlawful. However, only one contribution has been sought towards Wolstanton Park which comprises a bowling green, play area and tennis courts. While it would not be reasonable to require a contribution towards the play element and tennis courts (on the basis that these elements have been discounted from the amount of contribution sought), the bowling green is a popular facility and the proposed development would put further pressure upon it. It is considered that a financial contribution towards the development and maintenance of that facility would comply with CIL Regulation 123.

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

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits which comprise the contribution of additional housing and the redevelopment of what is currently a vacant and unsympathetic site within a primarily residential area. .

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

A Viability Assessment has been submitted with the application which concludes that development would not be viable with affordable housing or any Section 106 contributions.

The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to

be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

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

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

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

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

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

- Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
- Policy H13: Supported Housing
- Policy N12: Development and the Protection of Trees
- Policy N16: Protection of a Green Heritage Network
- Policy T16: Development – General Parking Requirements
- Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to the control of residential development

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

Affordable Housing SPD (2009)

Developer Contributions SPD (2007)

#### Relevant Planning History

08/00795/OUT	Residential development of 12 units	Approved
11/00629/REM	Approval of landscaping scheme for proposal for 12 no. residential units	Approved
08/00795/EXTN2	Application to extend the time limit for implementing planning permission 08/00795/OUT (residential development of 12 units)	Approved

#### Views of Consultees

The **Crime Prevention Design Advisor** states that the layout is encouraging in terms of crime prevention with good natural surveillance but reference is made to two issues where improvements could be made. The low level bollard lighting should be supplemented by more elevated directional LED lighting and the access arrangements adjacent to No. 29 Silverdale Road could be improved.

The **Housing Strategy Section** consider that although the accommodation will be for older people, the application does not stipulate that residents will have care needs and therefore they consider that the scheme constitutes residential dwellings (C3) and not a residential institution (C2). Given that it is C3, 25% affordable housing is required.

The **Environmental Health Division** has no objections subject to conditions regarding construction hours, a construction management plan, protection of mud and debris from highway, dust mitigation, internal noise levels, waste storage and collection arrangements and contaminated land.

The **Environment Agency** has no objections subject to a condition regarding contamination.

The **Landscape Development Section** has no objections subject to a contribution of £75,493.68 (£2435.28 per dwelling) for off-site green space.

The **Highway Authority** recommend that the application is refused on the grounds that the proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. They have noted the degree to which the parking provision falls short of the standard referred to in the Local Plan, and submit that given that residents of the development could still be in active employment there is the likelihood that they would still own a car and commute to work. They consider that the site is sufficiently removed from the shops and facilities of Wolstanton High Street to encourage use of a car.

The **Waste Management Section** approves in principle to the layout of the scheme subject to full and precise details of the recyclable materials and refuse receptacles and the collection arrangements.

No comments have been received from the **East Newcastle Local Area Partnership**. Given that the date for comments has passed, it must be assumed that they have no comments to make.

#### Representations

Two letters of objection have been received. Concern is expressed by the occupier of No. 29, Silverdale Road that the building is 2 ½ storey next to their property rather than 2 storey and that the kitchen windows facing their property are not frosted glass. The occupier of a property on the opposite

side of Silverdale Road raises concerns regarding impact on view, natural light, privacy and parking issues.

Six letters of support have been received stating that this is a much needed type of accommodation that will be in keeping with the area. It will put derelict land to good use and will be of benefit to local businesses.

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Noise Impact Assessment
- Statement of Community Involvement
- Tree Survey
- Site Investigation Report
- Phase 1 Habitat Survey
- Design and Access Statement
- Transport Statement
- MADE design review comments

All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400968FUL](http://www.newcastle-staffs.gov.uk/planning/1400968FUL)

#### Background papers

Planning files referred to  
Planning Documents referred to

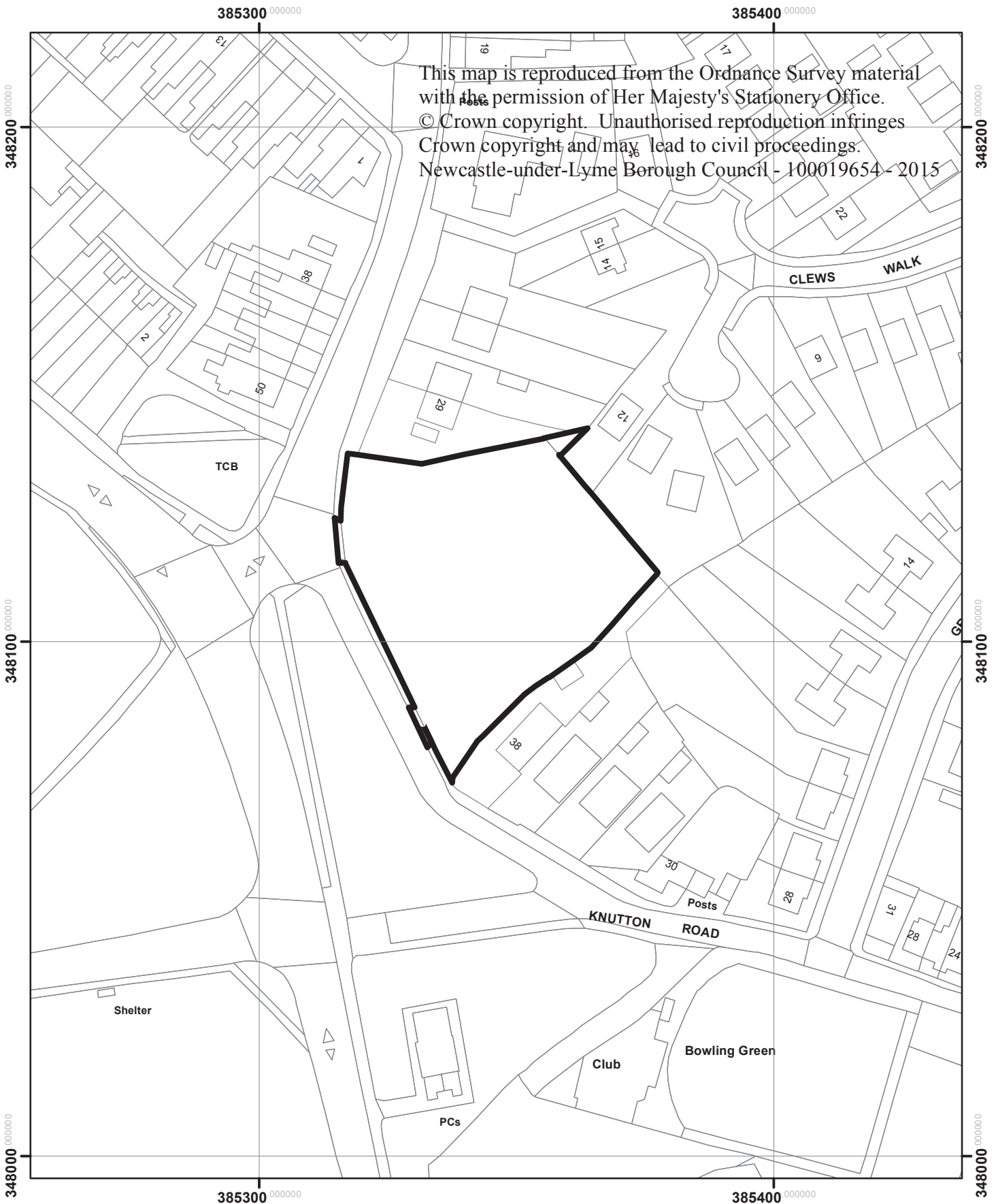
#### Date report prepared

5<sup>th</sup> June 2015

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Former TG Holdcroft., Knutton Road  
14/00968/FUL



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

**14/00767/FUL**

The Committee resolved, at the meeting of 9<sup>th</sup> December 2014, to grant full planning permission for the for the erection of 22 affordable dwellings comprising a three storey block of 6 one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows subject to the applicant entering by the 20<sup>th</sup> January 2015, into Section 106 Obligations, to secure the following:

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

and subject to the Coal Authority withdrawing its objection by no later than 20<sup>th</sup> January.

As indicated in the quarterly report to the 31<sup>st</sup> March 2015 meeting on extensions to time periods within which obligations under Section 106 can be entered into) 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 9<sup>th</sup> February. A draft report from the DVS has been very recently been received (10<sup>th</sup> June 2015).

**RECOMMENDATION**

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

**Reason for Recommendation**

This application has been undetermined for a period of approximately 36 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 a draft report of the District Valuer has now been received

this is very recently and there has been insufficient time to fully appraise the contents and reach a recommendation as to whether the application should be permitted without part or all of the policy compliant contributions. A further advance supplementary report will therefore be necessary.

## **KEY ISSUES**

The proposed residential development comprising 22 dwellings was considered acceptable by the Planning Committee in December 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 issue of planning obligations since then, although Regulation 123 of the Community Infrastructure Levy has come into force so it will need to be taken into account. In brief this indicates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010

The development would result in additional pressure on limited primary school places of the school (St. Saviours) 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 £64,746 contribution that is sought within Clough Hall Park, a neighbourhood park approximately 200m walking distance from the development where improvements have been identified as required.

Your Officer is satisfied that such obligations would comply with Section 122 of the CIL Regulations, but it is also necessary to consider whether they would comply with Section 123 which came into force on 5<sup>th</sup> April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. There have already been 3 obligations entered into that secure a contribution towards St Saviours Primary School and one obligation towards Clough Hall Park.

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 or less financial contributions than would be required to be policy compliant.

Such matters will be addressed in an advance supplementary report.

The Coal Authority has withdrawn their objection to the application upon consideration of additional information provided following site investigation works undertaken on the site.

## **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 H4: Housing Development and Retention of Parking Facilities.  
Policy T16: Development – General Parking Requirements  
Policy C4: Open Space in New Housing Areas

**Other material considerations include:**

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (July 2004)

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

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

Relevant Planning History

None

Views of Consultees

The Coal Authority have withdrawn their objection and recommend a condition that ensures that remedial work is undertaken.

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. Details of the application but not of the appraisal, which contains confidential information, are available to view on the Council's website

**Background Papers**

Planning Policy documents referred to

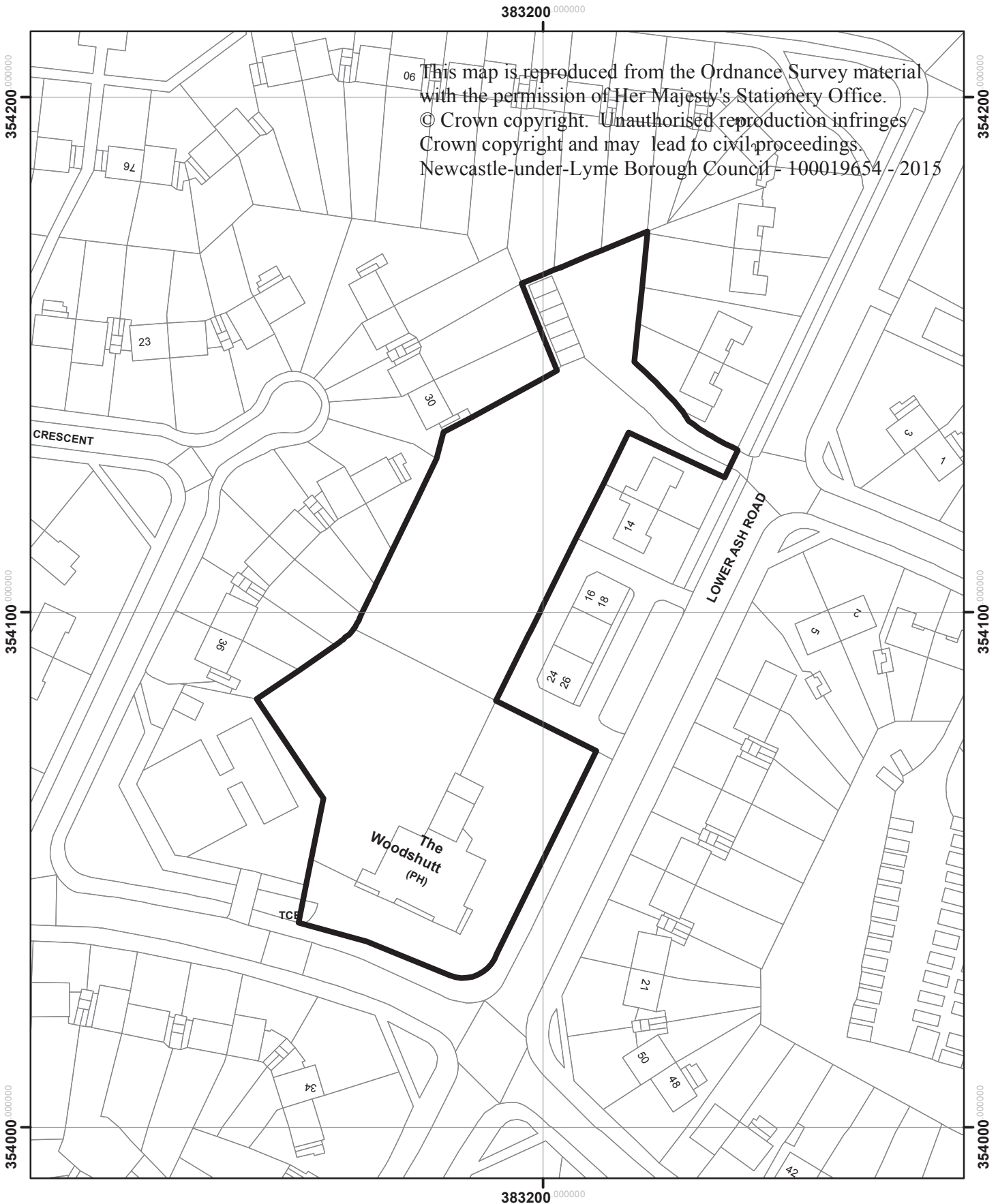
Planning files referred to

**Date report prepared**

11<sup>th</sup> June 2015

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



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**7 PARK AVENUE, WOLSTANTON  
M & H PROPERTY DEVELOPMENTS**

**15/00174/FUL**

The application is for full planning permission for the extension and subdivision of the existing detached dwelling to provide 14 apartments. The existing coach house to the rear will be demolished as part of the proposal.

The application site, of approximately 0.2 hectare in extent, currently contains a large dwelling that occupies a spacious plot with a small coach house to the rear. The site is located within the Major urban area of Wolstanton, as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expired on the 10<sup>th</sup> June 2015.**

## **RECOMMENDATION**

**Refuse** for the following reasons;

1. Harm and loss to visually significant trees due to the scale and layout which would be contrary to policies H7 and N12 of the Local Plan
2. Lack of off street car parking provision which is likely to lead to highway danger from cars parking on the highway contrary to policy T16 and the NPPF.

## **Reason for Recommendation**

In the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development unless any harm arising significantly and demonstrably outweighs the benefits. The benefits from this development include the provision of 14 dwellings which contributes to the supply of housing and bringing back into use a dwelling that is vacant and falling into disrepair. The proposed development due to its size and layout is likely to result in harm to and the loss of visually significant trees which would be detrimental to the character of the area and the street scene of Park Avenue contrary to policies H7 and N12 of the Local Plan. The level of off street car parking proposed is considered to be inadequate is also likely to lead to the increased potential for cars to park on the highway that could cause highway danger due to the suburban nature of the street. Such harm outweighs the benefits and as such the presumption in favour of this development does not apply.

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

The application in its current form does not meet the objectives of the NPPF and despite a number of amended plans and supporting information being submitted the issues and concerns have not been overcome in order for a positive recommendation to be achieved.

## **KEY ISSUES**

This application is for full planning permission for the extension and subdivision of the existing detached dwelling to provide 14 apartments. Amended plans have been received during the application to address concerns raised and this has resulted in the size of the extension being reduced and the coach house at the rear, which was to be converted to a dwelling, being demolished.

The site is located within a residential area of Wolstanton which is designated as a Policy H7 area, as indicated on the Local Development Framework Proposals Map.

Part of the site is covered by Tree Preservation Order No. 11

The design and appearance of the extension is considered to respect that of the existing dwelling and the established character of the area as stated by the Urban Vision Design Review Panel reported below. As such the key issues for consideration in the determination of this application are:-

- Principle of the development
- Design and impact on the policy H7 area
- The impact on protected trees
- Impact on highways safety
- Impact on residential amenity levels
- S106 obligation considerations, and
- Other matters

#### Principle of the development

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 urban south and east which includes Wolstanton. The CSS seeks to prioritise the use of previously developed land.

Policy H1 of the Local Plan indicates that permission for residential development will only be given where one of certain identified requirements are satisfied including that the site is within the urban area of Newcastle or Kidsgrove.

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.

This is considered to be a sustainable location for housing development being close to services and facilities which promotes choice by reason of its proximity to modes of travel other than the private motor car. The principle of 14 apartments is therefore considered acceptable and in accordance with the development plan and the NPPF.

The Local Planning Authority, however, in the opinion of your Officer, is currently unable to robustly 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) given that it does not have a full and objective assessment of need. As such the policies of the Development Plan, in as far as they relate to the location of dwellings, are to be considered out-of-date. Notwithstanding this, the starting point is one of a presumption in favour of residential development, unless adverse impacts of the development would significantly and demonstrably outweigh the benefits.

#### Design and impact on the policy H7 area

The area is primarily characterised by large dwellings set within spacious plots. The area that the site falls within is designated as a Policy H7 area which details that *"In areas shown on the Proposals map at ...Wolstanton, the Council will seek to preserve the unique character of the area, consisting mainly of large houses in extensive plots, and will not permit development that would be detrimental to the overall character of the area or that would result in the further sub-division of plots or the loss of, or adverse effect on, visually significant trees."*

In a post NPPF appeal decision made in December 2012 relating to a proposal at 212 Seabridge Lane (another area covered by H7) the Inspector indicated that he felt that he could attach considerable weight to policy H7 as it is consistent with the NPPF and in particular paragraph 53 which seeks to resist inappropriate development of residential gardens that have been identified as having special character, this being he noted the purpose of Policy H7.

The proposal has been amended during the determination of the application. Originally the Coach House at the rear of the main house was to be converted to an individual dwelling with the main house being extended and converted to form 14 apartments. Following comments from various parties during the application process to date the applicant is now proposing to demolish the Coach House and reduced the size of the proposed extension. This has resulted in the amount of built development being reduced which has allowed a greater level of soft landscaping.

Despite the reductions the proposed extension is still considered to represent a large development. However, it would not result in the subdivision of the plot.

Visually significant trees within the site, and in particular on the front and side boundaries, are an important feature of the site and the character of the area. The Council's Landscape Development Section has objected to the application due to the amended layout showing 11 of the existing 19 being removed which is a high proportion. Also they consider that insufficient information has been provided to demonstrate that the retained trees would not be affected by the scheme and could lead to further loss of retained trees.

The existing main house is in an advanced stage of disrepair and the scheme proposed would bring the house back into use whilst having a high specification of design. Notwithstanding these benefits concerns about the impact and loss of visually significant trees have not been satisfactorily addressed within the application. Therefore due to the potential loss of visually significant trees and the scale of the development it would be detrimental to the character of the area which would be contrary to policies H7 and N12 of the local plan and paragraph 53 of the NPPF.

#### Impact on highways safety

The amended layout shows the existing access point being altered. It also shows 17 car parking spaces primarily to the rear of the site. The proposal is for a one bedroom apartment and 13 two bedroom apartments. Policy T16 of the local plan details that a one bedroom unit should have one space and for a two bedroom property a maximum of two off street car parking spaces should be provided which in this instance amounts to 27 spaces. Therefore there would be a short fall of 10 spaces.

The Highways Authority has objected on the grounds of a short fall in parking and that the applicant should demonstrate that the site has good access to services and amenities including public transport. A parking survey is also requested following the reduction in off street car parking.

Your officers consider that the site is located in a sustainable location within walking distance of amenities and public transport modes. However whilst it is acknowledged that the local plan car parking standards are maximum levels it is considered that in this instance a short fall of 10 spaces has the potential to cause highway danger from cars being parked on the street which is a suburban residential street. The sustainable location of the site does not outweigh these concerns and the proposal would be contrary to policy T16 and the NPPF.

#### The impact on the residential amenity of the area

The proposed development would introduce two balconies at second floor level within the rear elevation which would face towards the rear elevations of properties on Woodland Avenue. The Council's Supplementary Planning Guidance – Space Around Dwelling (SPG) indicates that there is a requirement for a separation distance of 21m metres for properties of a similar height (plus an additional set back of 3 metres for each additional storey). The distance achieved in this instance is over 34 metres and so it is considered that no significant loss of residential amenity would be lost to neighbouring properties.

A number of principal windows are also proposed in the side elevation (south-west facing) which would face towards no.9 Park Avenue. The distance between the proposed windows and the side elevation of no. 9 would be 16.5 metres and no significant loss of amenity is likely to be caused. Landscaping and boundary treatment details could be conditioned to further mitigate against any impact also.

### S106 obligation considerations – Public Open Space and Affordable Housing

The Borough Council's adopted supplementary guidance relating to affordable housing advises that on schemes within the urban area of 15 or more dwellings 25% of the dwellings will require to be affordable. This proposal is for 14 dwellings which would result in 13 additional units and therefore does not meet the threshold.

Given no on-site open space is being proposed the Landscape Development Section is requesting a financial contribution for off-site open space improvements in the order of £2943 per dwelling, equating to a total of £38259. This figure represents the net gain of 13 units. The contribution if secured would be proposed to be used for improvements to facilities at the site at Bradwell Lodge.

It is considered that the obligation requested is consistent with the provisions of the NPPF and meets the tests of the CIL regulations, as amended, which are that a planning obligation should be

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

The applicant has agreed to pay this contribution but have requested that the capital improvement figure is paid 9 months following commencement of the development and the maintenance elements paid on occupation. The Council has accepted this approach previously and whilst not in strict accordance with policy could speed up the development.

The education authority has not requested a contribution in this instance due to their current policy being not to request a contribution from developments purely consisting of 1 or 2 bed apartments.

### Impact on Ecology

Concerns were raised about the impact of the development on ecology. A Great Crested Newt Survey has been submitted which demonstrates that the site offers limited potential for GCN to be present. However, as a precaution a number of recommendations are proposed during the construction phase. For the avoidance of doubt it is considered that a note will be placed on any permission advising them of these recommendations.

In terms of the impacts on bats and birds the submitted report details that there are no bats roosting in the building and there are no birds nesting either. A number of recommendations are advised which would improve the ecology of the site and these can be incorporated into the design. A condition securing the advised mitigation measures is recommended and would be acceptable and in accordance with policy N3 of the local plan and the guidance and requirements of the NPPF.

### **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 2 (SA2)  
Strategic Aim 4 (SA4)  
Strategic Aim 10 (SA10)  
Strategic Aim 16 (SA16)

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 H7: Protection of Areas of Special Character  
Policy T16: Development - General Parking Requirements  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy IM1: Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy Framework (March 2012)  
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)

Relevant Site and Planning History

14/00653/TWA                      Works to Trees                      Permitted

Views of Consultees

The **Highway Authority** recommends that the application should be refused due to the lack of off street car parking and the likely and potential highway problems caused by vehicles parking on the highway.

**Staffordshire Police Crime Prevention Design Advisor** (SPCPDA) have detailed that as the property is to be subdivided into a number of unique apartments particular attention should be paid to the private security of each individual unit. Design and security measures should be applied to windows and external doors to PAS 24 minimum security standards. Emergency exit procedures should comply with the requirements of a fire safety officer. Postal deliveries should not undermine access control and should be contained at a single point, via the use of postal boxes for example. The property will benefit from a high degree of capable guardianship derived from the normal daily use by occupants and visitors.

The **Education Authority** advises that no education contribution will be requested as it is not our current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

The **Landscape Development Section** object to the application due to the current layout showing eleven of the existing nineteen site trees being removed which is a high proportion and of great concern. Also insufficient information has been provided to demonstrate that the retained trees would not be affected by the scheme and works necessary to achieve the proposed layout is likely to lead to further trees being seriously damaged or lost, including TPO trees.

They also seek a developer contribution for off-site Public Open Space improvements equating to £2943 per dwelling, therefore totalling in this instance £41,202, which would be directed towards Bradwell Lodge public open space.

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, design noise mitigation measures a, construction hours and waste storage and collection arrangements.

**Severn Trent Water** raises no objections subject to a condition that drainage plans are submitted and approved prior to development commencing.

The views of **Urban Vision Design Review Panel** were sought prior to the submission of the application. They considered that there were many positive aspects to the proposal including the preservation of trees around the perimeter of the site, the importance given to the street elevation, and the design of a single large building respecting the established character of the area. Concern was expressed about overlooking between the two storey rear extension and the converted coach house, and the relationship between the landscape and the car park and driveway. They considered that a better balance needs to be struck with much more emphasis to the landscape which would have great visual and amenity value for the occupiers.

The views of the **East Newcastle LAP** and the **Housing Strategy Section** have been sought, and as the date by which any comments were sought has passed they must be assumed to have no observations to make upon this application.

### Representations

**Twenty seven** letters of representations and a 23 signatory petition has been received raising the following concerns which are summarised below:-

- The development would be out of character with the area and not in keeping with the existing building,
- The development represents over development of the site,
- There is insufficient practical parking arrangements,
- There are bats, birds and protected trees within the site,
- It would adversely affect mature trees,
- It would result in a loss of privacy,
- Its fundamental objective represents garden grabbing,
- The area should be designated as a conservation area,
- The existing sewage system could take the additional development,
- The proposal is contrary to policy H7,
- The statement of community involvement is fabricated,
- The existing road is in a poor state and the proposal would exacerbate the condition,
- Waste bins will have an adverse impact on the street scene,
- There is substandard amount of private amenity space,
- It would cause over shadowing of neighbouring properties,
- A significant shortfall in off street car parking is proposed,
- The proposed materials do not match the existing,
- There are no existing apartments on Park Avenue just single dwellings,
- No ecology report has been submitted,
- Planning Obligation should be entered into,

### Applicant/agent's submission

The application is supported by the following documents:-

- Planning statement including Design Review panel comments
- Revised community statement
- Bat and Bird Survey
- Great Crested Newt Survey
- Coal Mining Report

Where relevant, reference is made to points made within these documents within the relevant sections of the key issues.

Amended plans have been received in light of consultation responses, officer concerns and representations received.

All of these documents are available for inspection at the Guildhall and at;

[www.newcastle-staffs.gov.uk/planning/1500174OUT](http://www.newcastle-staffs.gov.uk/planning/1500174OUT)

Background Papers

Planning file  
Planning documents referred to

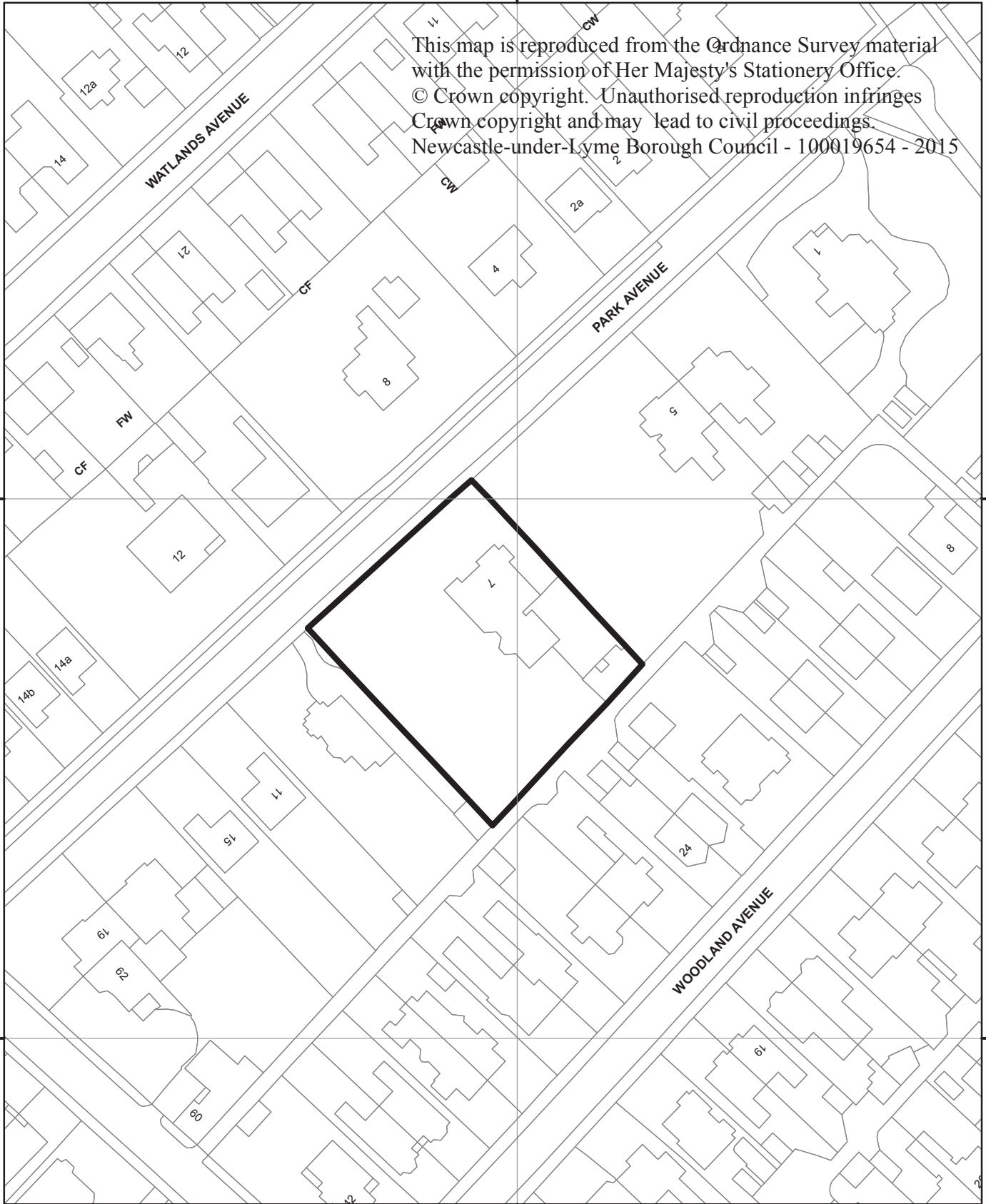
Date report prepared

8<sup>th</sup> June 2015

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**FORMER OXFORD ARMS, MAY BANK  
D.E.O PROPERTY DEVELOPMENTS**

**15/00421/FUL**

The Application is for full planning permission for a residential development of six pairs of semi-detached houses providing 12 dwellings and parking.

The application site, of approximately 0.26 hectares, is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map.

The site has a frontage both onto the unclassified Moreton Parade and Stratford Avenue at their junction with Jubilee Road and Oxford Road (C classified roads).

**The 13 week period for the determination of this application expires on 12<sup>th</sup> August 2015.**

**RECOMMENDATION**

**A. Subject to the applicant entering into a planning obligation, by no later than 24<sup>th</sup> July 2015, to secure the following:**

- **A financial contribution of £35,316 for Wolstanton Park enhancement/improvements and maintenance**

**Permit, subject to 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. Surface water drainage scheme**
- 13. Access to remain ungated**

**B. Failing completion by 24<sup>th</sup> July 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.**

**Reason for Recommendation**

The site is located within the urban area of Newcastle and is in a sustainable location for new housing. An extant planning permission for 10 dwellings exists and it is not considered that this revised proposal raises any issues of principle, highway safety or impact on residential amenity. Although two additional dwellings are proposed, the development would retain an attractive frontage in views from Wolstanton Marsh and therefore it is not considered that there would be such significant adverse impact upon the character and appearance of the area to justify a refusal.

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

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

## **Key Issues**

Full planning permission was granted earlier this year for ten dwellings on this site (Ref. 14/00973/FUL) comprising six semi-detached and four detached dwellings (i.e. 10 dwellings in total). This application proposes to replace the four detached houses in the approved scheme with three further pairs of semi-detached dwellings to give a total of twelve properties (six pairs of semis).

The application site, of approximately 0.26 hectares, is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map.

It is not considered that this revised proposal raises any issues of principle, highway safety or impact on residential amenity. Although an objection has been received from the County Council Flood Team on the grounds that further information regarding surface water runoff is required, it is considered, bearing in mind that no such information was sought by the Borough Council as recently as a couple of months ago, that such information should be required to be provided by condition in this case. The issues for consideration in the determination of this application therefore are whether the layout and design of the proposed development and its impact on the character and appearance of the area is acceptable and whether a contribution towards Public Open Space provision and maintenance would be lawful.

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

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value.

The density of the proposed scheme would equate to 46 dwellings per hectare. Given the mix of dwelling size in the area it is considered that this density would appropriately reflect both the general policy of making efficient and effective use of land, and the character of the locality.

The 3 pairs of semi-detached dwellings along the site frontage shown in the approved scheme have been retained and it is considered that they would respect the siting of the properties to either side and, in the most prominent views from Wolstanton Marsh, would provide an attractive frontage.

The additional dwellings and the associated increase in the number of parking spaces would be to the rear of the frontage development. On the approach into the site, views would be channelled to an area of landscaping and to the dwellings behind and the areas of parking would be visible in views to either side obtained only when well within the scheme. Given the context of the site within a reasonably high density residential area comprising a high proportion of terraced and semi-detached properties, it is considered that the proposed layout would be appropriate. The Highway Authority have not raised an objection to the tandem parking arrangement, apparently on the basis that any reversing movements arising are confined within the site removed from any existing public highway. The Council's Waste Management Section has raised concerns regarding the proposed gated access and has suggested a collection point at the site entrance. Your Officer would have concerns regarding the visual impact of such a waste collection point and the applicant's agent has confirmed that the omission of the gate would be acceptable to his client. Waste Management have confirmed that the turning arrangement within the site is acceptable to them.

The properties would be relatively simple and traditional in their design and given the mix of dwelling styles in the area, it is not considered that they would be unsympathetic to the character of the surrounding area. It is considered that subject to the use of appropriate external facing materials the appearance of the proposed dwellings would be acceptable.

As concluded in relation to the previous scheme for this site, your Officer is satisfied that a financial contribution towards Public Open Space enhancement/improvement and maintenance would comply with Section 122 of the CIL Regulations. However, it is also necessary to consider whether it complies with Regulation 123 of the CIL Regulations, which came into force on 5<sup>th</sup> April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010. Whilst the comments of the Landscape Development Section are awaited, in relation to the previous scheme for this site they requested a contribution towards the improvement and enhancement of Wolstanton Marsh. However it appears that there have already been 4 obligations entered into since April 2010 securing open space contributions, subject to their related developments proceeding, for improvements to Wolstanton Marsh, and therefore such a further contribution would be unlawful. Wolstanton Park however, which comprises a bowling green, play area and tennis courts is also close to this site and only one planning obligation providing for a contribution towards its enhancement and maintenance has been entered into since April 2010. Clearly the proposed development would put further pressure upon Wolstanton Park and therefore it is considered that a financial contribution towards the development and maintenance of that facility, rather than Wolstanton Marsh, would comply with CIL Regulation 123.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

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 C22: Protection of Community Facilities

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

### Relevant Planning History

10/00777/OUT	Residential development (10 dwellings)	Approved
11/00649/REM	Erection of 6 detached dwellings, 2 semi-detached dwellings (8 dwellings in total), 2 detached garages and formation of new accesses	Approved
14/00973/FUL	Erection of 3 pairs of semi-detached and 4 detached dwellings (10 dwellings in total)	Approved

### Views of Consultees

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding construction hours and contaminated land.

The **Highway Authority** has no objections subject to conditions regarding completion of the access, details of surfacing materials for the private road and turning area, provision of a 2m wide footway on the Moreton Parade frontage of the site, provision of accesses, private road, parking and turning areas, surfacing of the drives for plots 4 and 6 in a bound material, erection of a sign at the junction of Stratford Avenue indicating a private road, gates to open inwards away from the public highway, surface water drainage interceptor, and submission of a Construction Method Statement.

The **Coal Authority** has referred to its Standing Advice.

The **Housing Strategy Section** states that the 12 dwellings do not meet the threshold set out in the Affordable Housing SPD and therefore no affordable housing is required.

The **Education Authority** states that the development falls within the catchments of May Bank Infants School, St Margaret's CE (VC) Junior School and Wolstanton High School. The development is scheduled to provide 12 dwellings which could add 1 infant school aged pupil, 1 junior school aged pupil and 2 high school aged pupils. May Bank Infants School and St Margaret's CE (VC) Junior School are projected to have limited vacancies and although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development. Wolstanton High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. No education contribution is accordingly sought.

**Staffordshire County Council Flood Risk Team** recommends refusal of the application in the absence of an acceptable Drainage Strategy. The submitted documents do not provide sufficient information to show how surface water runoff generated by the site will be managed.

The **Waste Management Section** notes that the development has a gated access and would wish to see a collection point for recycling and refuse collection at the entrance onto Moreton Parade.

The comments of the **Landscape Development Section** and the **East Newcastle Local Area Partnership** are awaited. Any comments received in time will be reported to Members in a supplementary report.

### Representations

None received at the time of writing the report but the last date for such comments to be made is 14<sup>th</sup> June 2015. Any representations received by the date of the committee's guillotine will be reported to Members in a supplementary report.

### Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Phase 1 Geo-Environmental Report. All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500421FUL](http://www.newcastle-staffs.gov.uk/planning/1500421FUL)

Background papers

Planning files referred to  
Planning Documents referred to

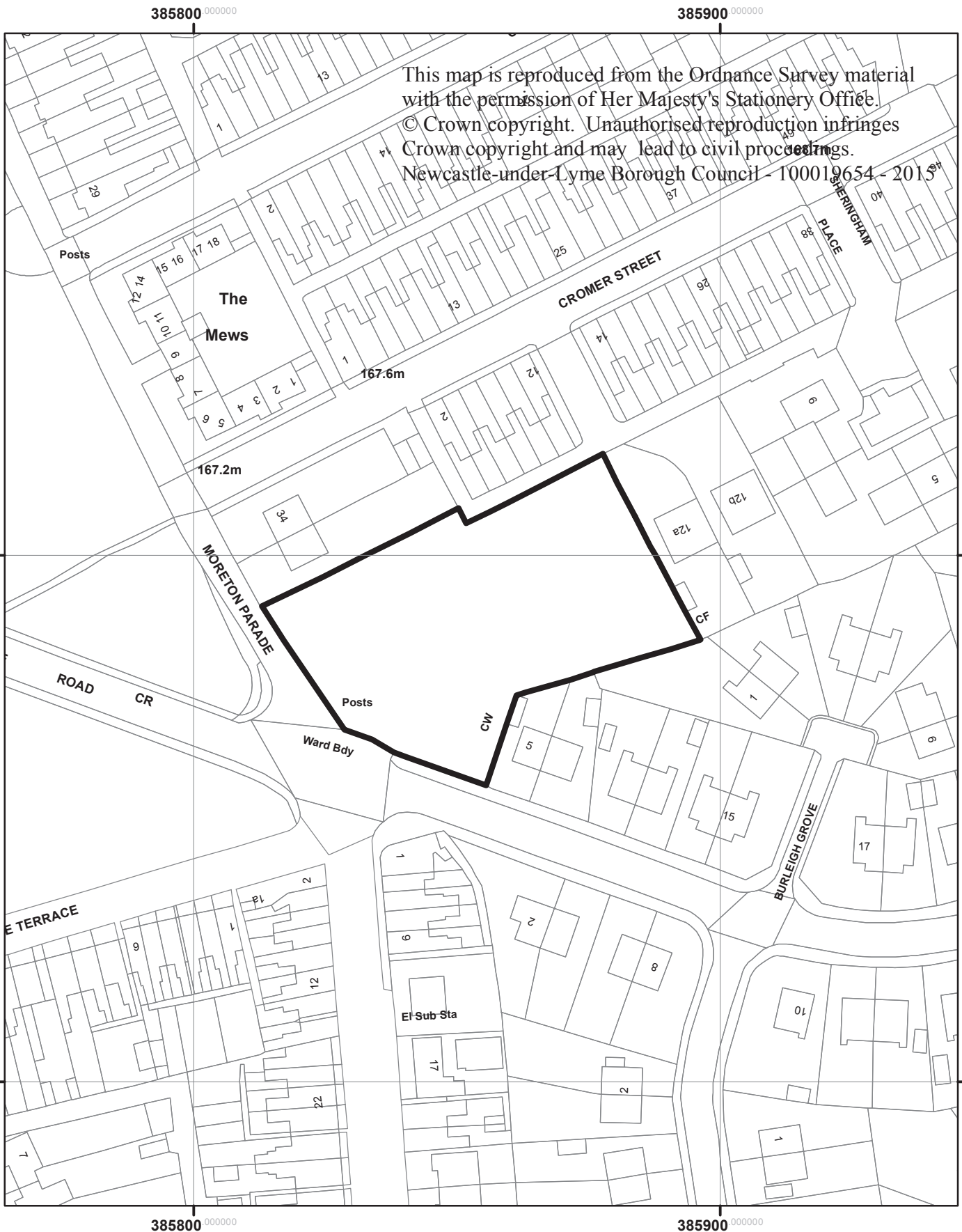
Date report prepared

11<sup>th</sup> June 2015

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# Site of former Oxford Arms. Moreton Parade, May Bank 15/00421/FUL



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CARDWAY BUSINESS PARK, LINLEY LANE, ALSAGER  
CARDWAY LIMITED

CHESHIRE EAST REF 15/2101C (NULBC REF 348/225)

The Borough Council has been consulted by Cheshire East Council on an application for outline planning permission for major residential development.

This is a resubmission of an earlier outline planning application (Cheshire East ref. 13/4081C, NULBC ref. 348/213) which was refused by Cheshire East Council due to the loss of open space.

This 4.61 hectare site is located in the southern part of Alsager within the urban boundary. The current uses on the site are the Cardway Cartons factory, an associated aggregates storage yard and an area of scrubland that is protected as open space within the adopted Congleton Borough Local Plan. Cardway Cartons are due to relocate elsewhere in Cheshire East, leaving this site vacant.

This outline planning application is for the construction of up to 110 residential dwellings. The resubmitted scheme increases the amount of open space proposed to be provided on the site from 0.44 hectares to 0.76 hectares.

For the Borough Council's comments to be taken into account by Cheshire East Council in their decision, they must be received by them by 30<sup>th</sup> June 2015.

## **RECOMMENDATION**

That Cheshire East Council be advised that the Borough Council has NO OBJECTIONS to the application.

## **Reason for Recommendation**

Your officers consider that the development of 110 dwellings in this location will not have a significant impact on the Borough. It would be in line with the submitted Cheshire East Local Plan and it can be considered against existing local planning policies within the adopted Congleton Borough Local Plan and the National Planning Policy Framework (NPPF). The Borough Council when consulted on the previous scheme last year did not raise any objection to that proposal. The inclusion of an additional 0.32 hectares of open space within the resubmitted proposal has no bearing upon the Borough Council's position.

## **KEY ISSUES**

The Borough Council has been consulted by Cheshire East Council on this outline proposal, which would involve the demolition of the existing industrial units on Cardway Business Park and redevelopment of the site to accommodate up to 110 new dwellings. This is a resubmission of an earlier outline planning application which was refused by Cheshire East due to the loss of open space involved. The resubmitted scheme increases the amount of open space proposed to be provided on the site from 0.44 hectares to 0.76 hectares – an increase of 0.32 hectares.

The site falls with the urban boundary of Alsager as defined by the 'settlement zone' on the Congleton Borough Local Plan Proposals Map. This is a location where development is viewed favourably under policies PS3 and PS4 of the Congleton Borough Local Plan. The

same settlement zone boundary for this part of Alsager is proposed to be carried forward in to the Cheshire East Local Plan. Policy PG6 of the Cheshire East Local Plan Strategy Submission Document proposes that 1,600 new homes are to be accommodated within Alsager in the period up to 2030.

The Cardway Business Park and the nearby Twyfords site to the north are both proposed to be allocated for the development of 550 new homes under CS12 of the new Local Plan. Most of the Twyfords site already has approval for 335 dwellings under planning application 11/4109C and there is an additional area of land in this northern part that could accommodate any additional capacity from CS12 that is left over should this current planning application be approved.

The Borough Council has submitted representations jointly with Stoke-on-Trent City Council on the Cheshire East Local Plan Strategy Submission Document and these were presented to Planning Committee on 22<sup>nd</sup> April 2014. The representations did not object to proposed site allocation CS12, however they did object to the calculation of future windfall development which is likely to drive the housing requirement in the new plan beyond the high growth figure of 29,128 new dwellings. The resulting high growth could undermine regeneration programmes in north Staffordshire and could also see speculative development undermining the site allocations proposed within Cheshire East.

Following the suspension of the Examination for the Cheshire East Local Plan Strategy, an Objective Assessment of Housing Need has been published by ORS, acting on behalf of Cheshire East Council, on 13<sup>th</sup> May 2015. This identifies a need for a maximum of 36,000 new dwellings in Cheshire East between 2010 and 2030. The findings of this study are likely to increase the housing requirement identified in the Cheshire East Local Plan Strategy when it is republished.

In light of this, your officers believe that the redevelopment of this site, which is in accordance with proposed allocation CS12 for residential use, is preferable to speculative residential development taking place elsewhere in Cheshire East and should therefore be supported.

As was previously indicated an additional consideration for Newcastle-Under-Lyme would be the loss of the businesses in this location which may be providing employment opportunities for local residents within the Borough. Policy E10 of the Congleton Borough Local Plan aims to restrict the redevelopment of existing employment sites to other uses, unless it can be shown that the employment use is no longer suitable or that there would be substantial benefit in permitting alternative uses. Policy EG3 of the Cheshire East Local Plan Strategy Submission Document reiterates this by stating that existing employment uses are to be protected unless they are no longer suitable or viable and there is no potential for modernisation, alternative use or occupation from other employment industries.

The existing businesses on Cardway Business Park are due to relocate to more suitable premises elsewhere within the next five years. Whilst no new location has been identified within the submitted planning application documents, the Planning Statement does state that this will be a 'more suitable employment site' in Cheshire East. It is therefore not possible at present to determine whether or not the relocation of the existing business on the site would have a detrimental or beneficial impact on Newcastle-Under-Lyme Borough. The Borough Council did not raise any objection on "loss of employment" grounds last year and in the absence of any apparent change in circumstances it is difficult to see how it could now reasonably do so.

**Material Considerations relevant to this recommendation:-**

## **Congleton Borough Local Plan Review (2005)**

Policy PS3:	Settlement Hierarchy
Policy PS4:	Towns
Policy GR1:	New Development
Policy GR6:	Amenity and Health
Policy GR9:	New Development (Accessibility, Servicing and Parking Provision)
Policy GR10:	New Development (Accessibility, Servicing and Parking Provision)
Policy GR18:	Traffic Generation
Policy GR19:	Infrastructure
Policy GR20:	Public Utilities
Policy GR22:	Open Space Provision
Policy NR1:	Trees and Woodlands
Policy E10:	Re-use or Redevelopment of Existing Employment Sites
Policy H1:	Provision of New Housing Development
Policy H2:	Provision of New Housing Development
Policy H4:	Residential Development in Towns
Policy H13:	Affordable and Low-Cost Housing
Policy RC2:	Protected Areas of Open Space

## **Cheshire East Local Plan**

The Cheshire East Local Plan Strategy: Submission version was submitted to the Secretary of State for Communities and Local Government on 20 May 2014. The Examination commenced on 16th September 2014 and was suspended on 15th December 2014 following the publication of the Inspector's Interim Views. Further work is currently being undertaken by Cheshire East Council in order to address the concerns raised by the Inspector, with a view towards completing this work by the end June 2015. Following this, the Inspector will make a decision as to whether or not the Examination hearings should resume.

## **National Planning Policy**

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

## **Background Papers**

- National Planning Policy Framework
- Cheshire East Council Local Plan Submission Development Plan Document
- Planning Inspectorate letter to Cheshire East Council 15/12/14 re: Formal Request to Suspend the Cheshire East Local Plan Strategy Examination
- Joint letter to Cheshire East Council 16/11/13 re: Local Plan Strategy Pre-Submission version.
- Joint letter to Cheshire East Council 25/04/14 re: Local Plan Strategy Submission version.
- Report to Planning Committee on 22<sup>nd</sup> July 2014; "Cheshire East Local Plan Strategy"
- Report to Planning Committee on 26<sup>th</sup> August 2014; "Application for Major Development – Cardway Business Park, Linley Lane, Alsager; Cardway Ltd/Knights LLP; 348/213"

- Minutes of Cheshire East Council Southern Planning Committee on 22<sup>nd</sup> October 2014; 13/4081C Cardway Business Park, Linley Lane, Alsager
- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009)

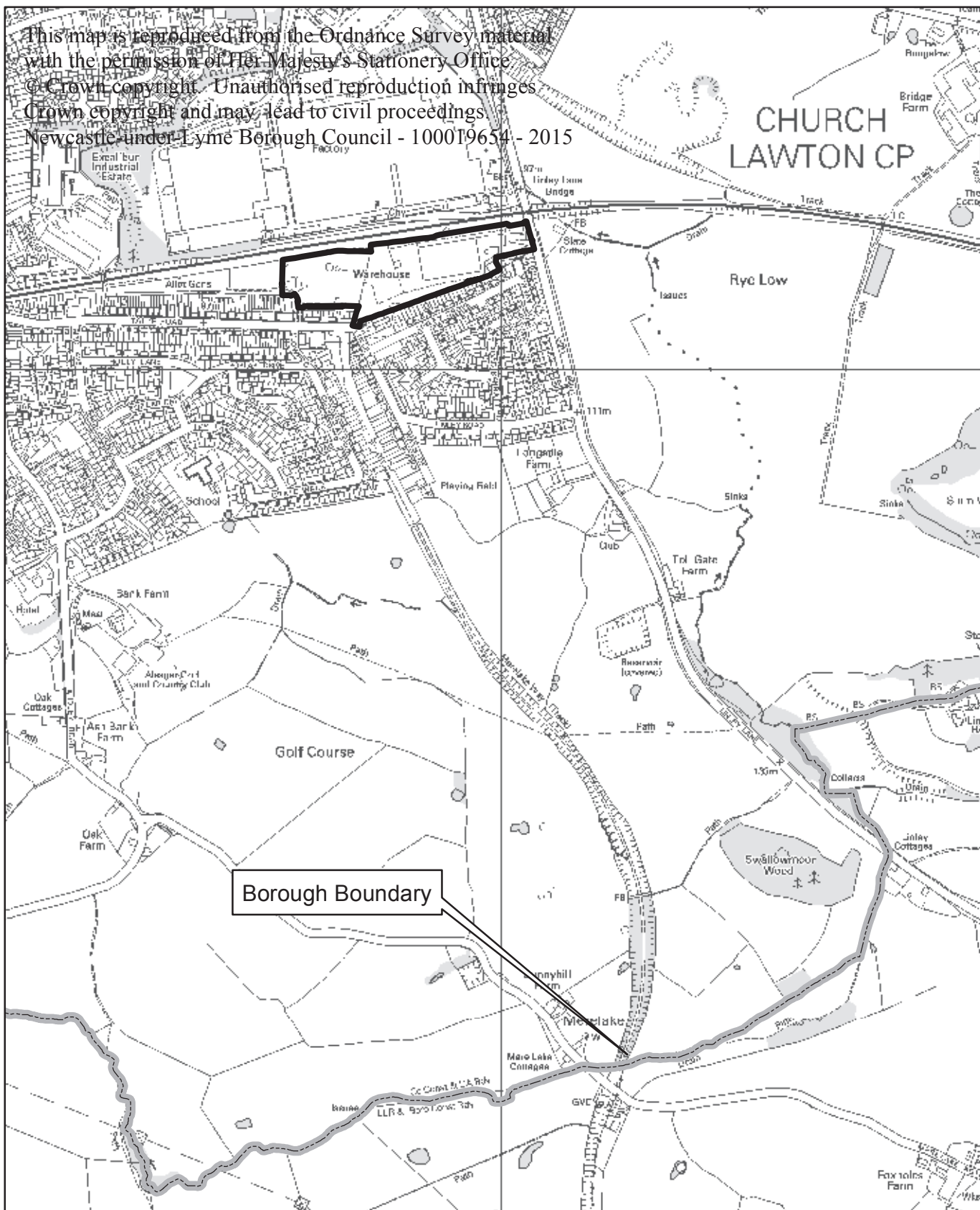
**Date report prepared**

11<sup>th</sup> June 2015

# Consultation by Cheshire East on application for residential development at Cardway Business Park, off Linley Lane 348/225



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**PLOT 37, BIRCH TREE LANE, WHITMORE**  
**TRUSTEES OF WHITMORE ESTATES**

**15/00281/FUL**

The Application is for planning permission for a detached dwelling and associated access.

The sites is located within the Green Belt, and an area of Landscape Restoration as defined within the Local Development Framework.

**The statutory 8 week determination period for the application expired on the 28 May 2015.**

**A decision on this application was deferred at the meeting of the Committee held on 13<sup>th</sup> May 2015 to allow Members to visit the application site.**

**RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Submission of materials**
- 3. In accordance with the approved plans**
- 4. Submission of noise assessment**
- 5. Contaminated land investigation and risk assessment to be submitted**
- 6. Tree protection in accordance with BS5837:2012 and submitted drawing**
- 7. Development in accordance with Arboricultural Method Statement for tree protection**
- 8. Prior approval of landscaping proposals**
- 9. Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting**
- 10. Arboricultural site monitoring schedule**
- 11. Implement recommendations within the Phase 1 Extended Habitat Survey received with the application**
- 12. Prior approval and implementation of sewage plant equipment on site**

**Reason for recommendation**

The development is inappropriate development within the Green Belt. There is, however, an extant outline planning permission for the residential development of this plot and a reserved matters application could lawfully submitted at any time. Such a 'fall back' position amounts to very special circumstances required. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12 and T16 of the Local Plan, Policy CSP 1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

**Statement as to how the Local Planning Authority has worked 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.

**KEY ISSUES**

The application seeks planning permission for the erection of a detached dwelling on a site off Birch Tree Road. The application site is located within an area of Green Belt, therefore the key consideration with regard to the principle of development is whether the proposal represents

inappropriate development within the Green Belt. In addition it is within a landscape maintenance area as indicated on the Local Development Framework Proposals Map.

The key issues to consider as part of the development are as follows;

- Is the development inappropriate development within the Green Belt
- Impact of design upon the character of the area
- Impact upon the amenities of neighbouring residents
- Highway implications
- Impact of the proposal on trees
- Impact upon protected species
- Any other material considerations
- If so, are any very special circumstances in place to outweigh harm to the Green Belt

#### Is the development considered appropriate development in the Green Belt?

Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Since the introduction of the NPPF in March 2012, only “due weight” should now be given to relevant policies of existing plans according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the framework, the greater the weight that may be given.

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. It goes on to state that any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

The construction of new buildings in the Green Belt is inappropriate development, unless they are one of the exceptions listed in paragraph 89 of the NPPF. The proposal does not fall into any of the exception criteria listed, therefore the proposed development must be considered as inappropriate development within the Green Belt. As such, the key question is whether there are any very special circumstances in favour of the development.

#### The design of the development and impact on the character of the area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

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.

The proposed dwelling would be split level, with a two storey elevation facing onto Birch Tree Lane. The dwelling would be of contemporary design, utilising large glazed elements to both the front and rear elevation.

The ridge height of the dwelling would be 10.9m from the nearest ground level. Reference has been made to the dwelling measuring 14m – this would be the height of the dwelling when measured from the garage area, the bulk of the dwelling is visually broken up by the stepped design. The scale of the proposed dwelling is not considered to be too large for the size of the plot, or in relation to other properties on the street.

The dwelling would be set approximately 7m into the site, with the site entrance and driveway taken from Birch Tree Lane. The other properties on Birch Tree Lane are set a similar distance from the road. Concerns have been raised with regard to positioning of the dwelling within the site, however it is considered that the proposal would be in keeping with the character of the area.

The proposed dwelling would be fabricated in render with a slate roof to complement the contemporary design. In order to ensure that appropriate materials are used for the development, it is considered that materials would need prior approval from the Local Planning Authority.

Birch Tree Lane is made up of detached dwellings within substantial plots. There is a number of single storey bungalow accommodation, some split level dwellings and also two storey properties. There is no defined character on the street, with some dwellings being very contemporary in their design, such as Glen Falls. As there is no defined character, it is considered that the design of the proposed split level dwelling would not be out-of-keeping with the area.

The proposed dwelling is considered to be of appropriate design, and would be in keeping with the character of the area and would not adversely affect the street scene.

#### Is the impact on residential amenity acceptable?

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The Council's Supplementary Planning Guidance; Space around Dwellings seeks to ensure that new development retains sufficient spacing in order to prevent an adverse impact upon the amenities of neighbouring residents.

A distance in excess of 50m would be retained between the proposed dwelling and neighbours to the rear; Foxdene and Woodycrest. A distance of 25m would be retained between the side elevation of the proposed dwelling and Craggen to the north-east. The distances would be in compliance with the council's SPD and as such the proposed dwelling would not adversely affect the amenities of any of these neighbouring residents.

The rear amenity space proposed to the dwelling will be somewhat limited due to the trees to the rear of the site, however the proposal includes the addition of decking, which would provide a reasonable useable space to the occupiers of the property. The total area of the rear amenity space would exceed the minimum standards within the SPD.

Concerns have been raised with regard to the positioning of the proposed dwelling in relation to the shared boundary with Misty Heights. Birch Tree Lane slopes upwards to the north east, therefore Misty Heights is set at a lower level than the application site, which is also a single storey dwelling. The proposed garage elevation would be adjacent to the boundary with Misty Heights, approximately 8m from the corner of Misty Heights. The spacing between the properties is considered to be sufficient in order to prevent significant impact upon the amenities of this property in terms of space, light, outlook and privacy.

Neighbours have raised a number of concerns with regard to the sewage treatment on site. The application form states that a Klargest Domestic Treatment plant would be used on site, however no additional details have been provided at this stage. As its location may affect protected trees it is considered necessary to request additional details are provided for prior approval and implementation via condition. Concerns expressed about whether the siting of the treatment plant is in accordance with the manufacturers installation instructions would be addressed through Building Regulations and is not a planning matter.

#### Are there any highway safety issues?

The access point would be taken from Birch Tree Lane which is a private road. As such, the Highway Authority raises no objections to the development, however notes that visibility would be restricted in one direction due to exiting evergreen planting to the front of Misty Heights. Given the limited vehicular movements on Birch Tree Lane it is considered that such restrictions to visibility will not result in a highway safety concern that would justify refusal of planning permission.

Several objections have been raised with regard to the road being held in private use, and that an agreement would have to be reached with the neighbouring properties to agree the access, this is between the land owners, and as such is not a planning matter for the consideration of the Local Planning Authority.

Is the impact on trees and the landscape acceptable?

The application site contains a number of protected trees under T62a, and the development would result in an impact upon those trees. However as stated above, the application site has the benefit of an extant consent for a dwelling, and as the consent was granted prior to the TPO being placed on the site, the planning permission is given precedence over the impact upon the trees.

The submitted information demonstrates that the development can take place without encroachment into the RPAs of the retained trees. The council's Arboriculturalist has viewed the proposal and raises no objections to the development.

Will the development have an unacceptable impact on protected species?

An extended Phase 1 Habitat Survey was submitted with the application. A badger sett is known to be located to the north-western corner of the site, the information submitted states that the sett does not display any evidence of recent use, with an active wasp nest blocking one of the entrances. Recommendations have been made to mitigate any impact upon badgers by using protective fencing during the build process, excavation works are carried out at night, exposed pipe work should be capped, and topsoil should be stored away from the sett. Also, due to the loss of foraging places for badgers within the site, additional foraging areas should be created within the wider landscaping scheme.

Other Matters

A number of residents have raised concerns with regards to the proposed dwelling and its proximity to the proposed HS2 route. From the draft information it appears that the site would be just beyond the buffer of the over ground HS2 route, and as such may be impacted upon by the development in the future, however this is unknown at this point.

If inappropriate, are there the required very special circumstances to justify approval?

As indicated above the proposal involves inappropriate development in Green Belt terms. Accordingly the Authority has to now to weigh in the balance any elements of harm associated with the use against any other material considerations.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.

Inappropriate development by definition is harmful to the interests of the Green Belt. However beyond that no element of "other harm" has been identified associated with the change of use of land.

Application 12/00180PLD established that the site had an extant consent for outline permission for a dwelling on the site (application reference NNR1378) and that there was no time limit in place for the submission of reserved matters. The principle of residential development of this site has therefore been established.

The extant consent is considered to be a genuine 'fall back' position and such a matter is considered to be the a very special circumstance required that justifies granting planning permission.

In light of the very special circumstance of the extant consent, it is considered that the principle of residential development is accepted.

**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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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 S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas

**Other material considerations include:**

National Planning Policy Framework (March 2012)  
Planning Practice Guidance (2014)  
Supplementary Planning Guidance: Space about Dwellings (July 2004)  
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)  
EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010

Relevant Planning History

14/00784/FUL	Detached dwelling Withdrawn
12/00180/PLD	Application for certificate of lawful development for proposed development of Plot 37 Positive issued 27/3/2012
NNR1378	Erection of dwellinghouses Approved 1956.

Views of Consultees

**Whitmore Parish Council:** Object on the following grounds;

- Contrary to Green Belt policy
- Development has no right of access onto Birch Tree Lane.
- Close to the boundary shared with Misty Heights – this may cause issues with drainage.
- Birch Tree Lane is narrow and there are concerns with regard to access / parking
- The scale is inappropriate and out of keeping with the character of the area

**Landscape Development Section:** No objections subject to the development taking place in accordance with the tree protection measures and arboricultural method statement, submission and approval of landscaping plan, approval of tree landscape management plan, and an arboricultural site monitoring schedule

**Highways Authority:** No objections to the development

**Environmental Health:** No objections subject to conditions for contaminated land and the submission of a noise assessment. An informative regarding the importation of waste should also be attached to the decision notice.

**County Ecologist:** Offer no comments

**Staffordshire Badger Conservation:** Comment that they have not be able to enter the site, however request that the recommendations from the badger report are implemented.

The views of **Staffordshire Wildlife** been sought, however as no comments have been received it is assumed they have no comments to make.

### Representations

Eight letters of objection have been received to date. A summary of the comments is provided below, however the full documents can be viewed on file.

- Inappropriate development within the Green Belt – no very special circumstances in place to outweigh harm to the Green Belt
- Balance of harm outweighs any benefits of granting planning permission
- Area blighted by HS2 route
- Loss and removal of trees subject to a tree preservation order (T62)
- Impact upon the amenities of residents in contrary to Human Rights Act
- Concerns over access and highway safety
- Scale of dwelling is out of keeping with the character of the area
- Access should be from Snape Hall Road
- Concerns during the construction process with regard to parking HGVs on Birch Tree Lane
- Neighbour Misty Heights did not receive notification letter – a letter was sent to the property on the 8 April 2015
- Site is within an Area of Outstanding Natural Beauty
- Ecological impact from the loss of trees especially upon habitats for owls, badgers, bats and snakes
- Over-shadowing to neighbouring dwelling Misty Heights
- Concerns over the location of sewage treatment plant to the proposed dwelling
- Neighbours were not informed about the lawful development certificate
- Plot 37 have never contributed to the upkeep of the private road
- Boundary treatment would not screen the development from Birch Tree Road
- Where will services come from?
- Numerous houses in the area for sale already
- Plot 37 may be subject to a statutory blight notice dependent upon the HS2 route
- Weather conditions may have meant the ecological survey was not conducted at premium time
- Concerns regarding the proposed sewage treatment on site and the discharge of water onto neighbouring properties
- Owners of Birch Tree Road will not accommodate the development

A number of attachments were also included in the submission including the following;

- Photographs showing the site without a dropped kerb
- Photographs of the application site
- Photographs showing local wildlife including fawn and deer
- Details of a Klargester Domestic Treatment Plant & installation and guidance notes
- Land registry search details
- Land registry plan
- Photograph of dwelling High Trees during the construction phase
- Letter from the highway authority confirming that the road is unclassified and in private ownership
- Confirmation of the approved lawful development certificate

Applicant/agent's submission

The application is supported by a Design and Access Statement and an Arboricultural Impact Assessment. All of the application documents can be viewed at the Guildhall or using the following link.

[www.newcastle-staffs.gov.uk/planning/1500281FUL](http://www.newcastle-staffs.gov.uk/planning/1500281FUL)

Background Papers

Planning File

Development Plan

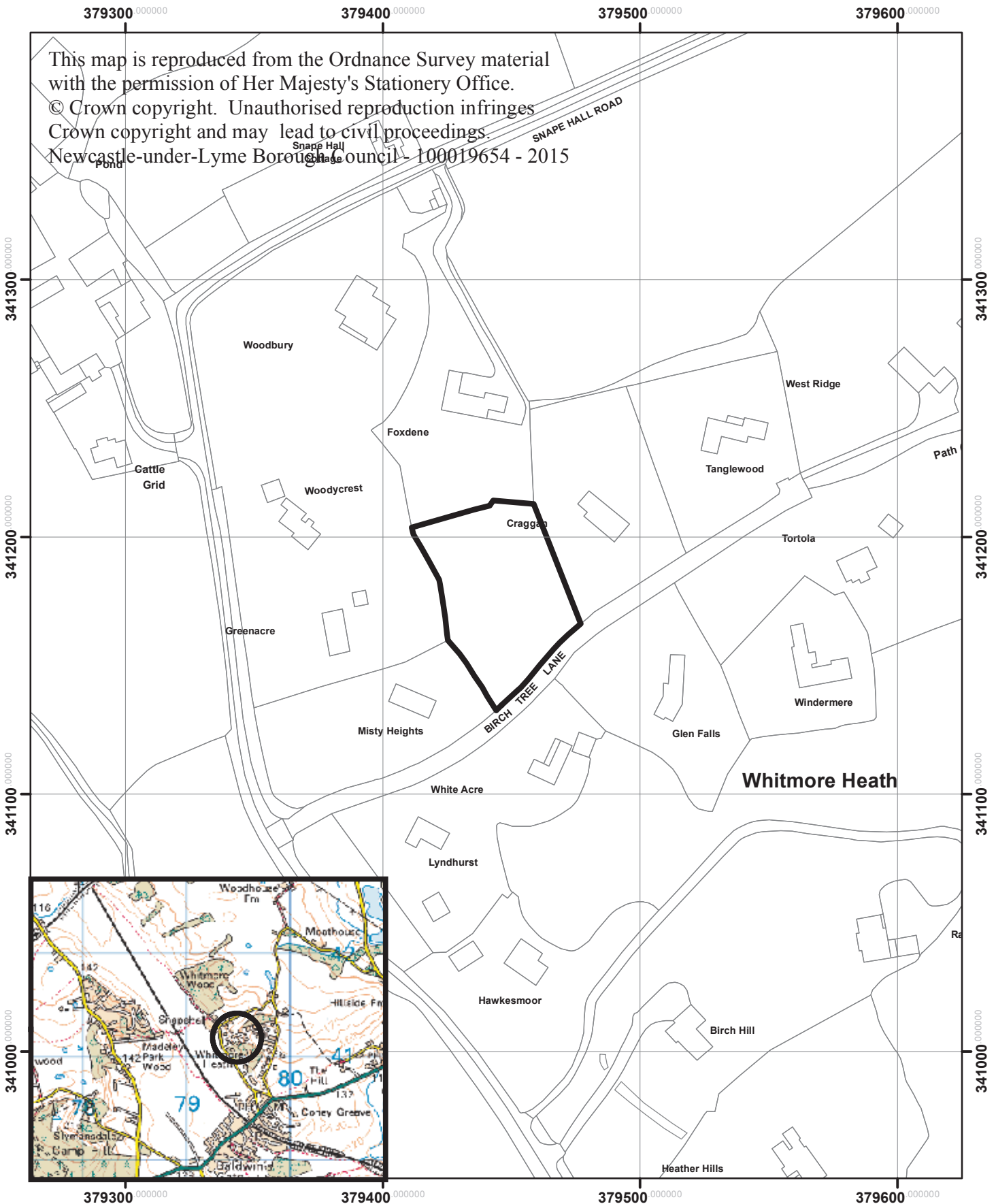
Date report prepared

4<sup>th</sup> June 2015

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# Plot 37 Birch Tree Lane Whitmore 15/00281/FUL



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## FORMER GARAGES QUEENSWAY, WESTLANDS ASPIRE HOUSING

15/00308/FUL

The application is for full planning permission for the demolition of 18 garages and the construction of 4, 2 bedroom semi-detached houses.

The site lies within the Urban Neighbourhood of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been "called in" to the Planning Committee by two ward members due to public concerns relating to highway safety and loss of amenity.

**The 8 week period for the determination of this application expires on 16 June 2015.**

### RECOMMENDATION

**REFUSE for the following reason:-**

**1. The layout and appearance of the proposed dwellings does not relate well or respond, in a positive manner, to the existing residential environment and would be harmful to the character of the area contrary to local and national policy.**

### Reason for Recommendation

In the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development unless any harm arising significantly and demonstrably outweighs the benefits. The benefits that have been identified are, in this case, outweighed by the harm that would be caused to the character and appearance of the area.

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

The design concerns cannot be addressed without substantial changes to the scheme and a period of further public consultation being undertaken. The appropriate course of action therefore is to refuse the application.

### Key Issues

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

1. Is the principle of residential development in this location acceptable?
2. What is the impact upon the character of the area, and is the impact acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Is the use of the existing access for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?

#### 1. Is this an appropriate location for residential development?

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

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban

area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

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.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

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.

This is considered to be a sustainable location for housing development being close to services and facilities which promotes choice by reason of its proximity to modes of travel other than the private motor car. The principle of 4 dwellings is therefore considered acceptable and in accordance with the development plan and the NPPF. The Local Planning Authority, however, in the opinion of your Officer, is currently unable to robustly 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) given that it does not have a full and objective assessment of need. As such the policies of the Development Plan, in as far as they relate to the location of dwellings, are to be considered out-of-date. Notwithstanding this, the starting point is one of a presumption in favour of residential development, unless adverse impacts of the development would significantly and demonstrably outweigh the benefits.

## 2. Is the impact on the form and character of the area acceptable?

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

Paragraph 17 of the National Planning Policy Framework (NPPF) identifies, as one of the 12 core principles, that planning should always seek high quality design as a core principle. At paragraph 60 it indicates that decisions should not attempt to impose architectural styles or particular tastes, but indicates at paragraph 58 it is proper for Planning Authorities to seek to promote or reinforce local distinctiveness.

The Urban Design SPD provides further specific detailed design guidance. It advises, at R3, that new housing must relate well to its surroundings, not ignoring the existing environment but responding to it and enhance it. At R12 it indicates that residential development should be designed to contribute towards improving the character and quality of the area.

Existing residential development in the area is primarily 1930's semi-detached housing with front gardens, generous rear gardens and independent driveway car parking. The site is surrounded by the rear gardens of residential properties fronting The Plaisance to the north, Kingsway East to the south and Doddington Place to the east. Immediately to the west there is a large block of three storey flats overlooking a central green, The Square. The size of the plots for the proposed dwellings is considerably smaller than the dwellings in the surrounding

area and would detract from the established structure and layout of the area which is relatively uniform. In addition the design and appearance of the proposed dwellings does not reflect the character of the area.

It is therefore considered that the development does not relate well or respond, in a positive manner, to the existing residential environment and would be harmful to the character of the area.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. The guidance states that for one or two storey buildings facing another of the same height, at least 21 metres should be maintained between dwellings where principal windows overlook each other. That distance can be reduced to 13.5 metres if a facing wall contains no principal windows or lowered to 17.5 metres where such windows do not directly face each other. The locality is an area where higher space standards are prevalent than those quoted in the SPG.

The proposed dwellings are located around 30 metres away from neighbouring properties of Kingsway West closest to the site. Around 40 metres from the closest properties along The Plausaunce and around 21 metres away from 18 metres from the rear of 10 Doddington Place. When measured against the guidance, the amount of separation evident exceeds the minimum recommended distances therefore the impact to amenity is considered to be acceptable.

4. Is the use of the access and parking provision proposed acceptable in highway safety terms?

Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March this year the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Policy H4 of the Local Plan states that planning permission will not be granted for additional dwellings on garage courts unless the facilities do not serve a local need; alternative parking with equivalent or better capacity is proposed; or car parking facilities that remain would be satisfactory for the identified demand. The applicant indicates that all but 2 of the 18 garages are tenanted and that all but three of the tenants have off street parking facilities at their home address. The submission argues that consideration only needs to be given to the replacement of 3 parking spaces lost to the tenants that do not have off street parking facilities at their home address. The applicant's conclusion, following a survey of on street parking is that there is capacity on street to accommodate an additional 3 vehicles if necessary without detriment to the local road network.

The proposed development provides two parking spaces for each dwelling which is in accordance with Policy T16 which indicates that a maximum of 2 spaces should be provided for dwellings with 2 or 3 bedrooms.

The objections received indicate that there is on street parking, particularly when there are events associated with the Churches nearby. There is no basis to conclude, however, that

any parking arising from the loss of the garages and in connection with the occupation of the proposed the dwellings would result in any highway safety concerns that would justify refusal.

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

The development will make a small contribution to the supply of housing and through the removal of two blocks of garages which are detrimental to the appearance of the area. Such benefits are not substantially and demonstrably outweighed by the harm that would be caused to the character of the area and as such the NPPF paragraph 14 presumption in favour of sustainable development does not apply in this case.

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

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

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H4:	Housing Development and Retention of Parking Facilities
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements

#### **Other Material Considerations**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

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

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

#### **Planning History**

None relevant.

#### **Views of Consultees**

**Landscape Development Section** has no objections subject to conditions requiring:-

1. the construction of the development to follow the tree protection information provided within the submitted Tree Survey and Arboricultural Impact Survey.
2. approval of a landscaping scheme

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

1. Access, parking, serving and turning have been provided in accordance with the submitted plan drawings.

2. The access drives rear of the highway have been surfaced and maintained in a bound material.

**Environmental Protection** has no objections subject to conditions relating to:-

1. Demolition and construction hours limited to between 7am hours and 6pm Monday to Friday and not at any time on Sundays, Bank Holidays or after 1pm on any Saturday.
2. Contaminated land remediation.

### **Representations**

18 letters of representation plus a petition with 117 signatories have been received objecting to the proposal on the following grounds:-

- The style of architecture is not in keeping with the area and the development appears crammed into the site.
- The removal of garages will exacerbate existing parking problems that arise particularly when social and religious events take place in the churches.
- The access to the site is inadequate and increased traffic from the development will also lead to highway safety problems.
- The proposal will lead to a loss of privacy, noise and overlooking.
- The proposal will lower amenity.
- There is no need for the type of housing proposed and low rise bungalows would be better.

### **Applicant/agent's submission**

Application forms and indicative plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link

[www.newcastle-staffs.gov.uk/planning/1500308FUL](http://www.newcastle-staffs.gov.uk/planning/1500308FUL)

### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

8 June 2015

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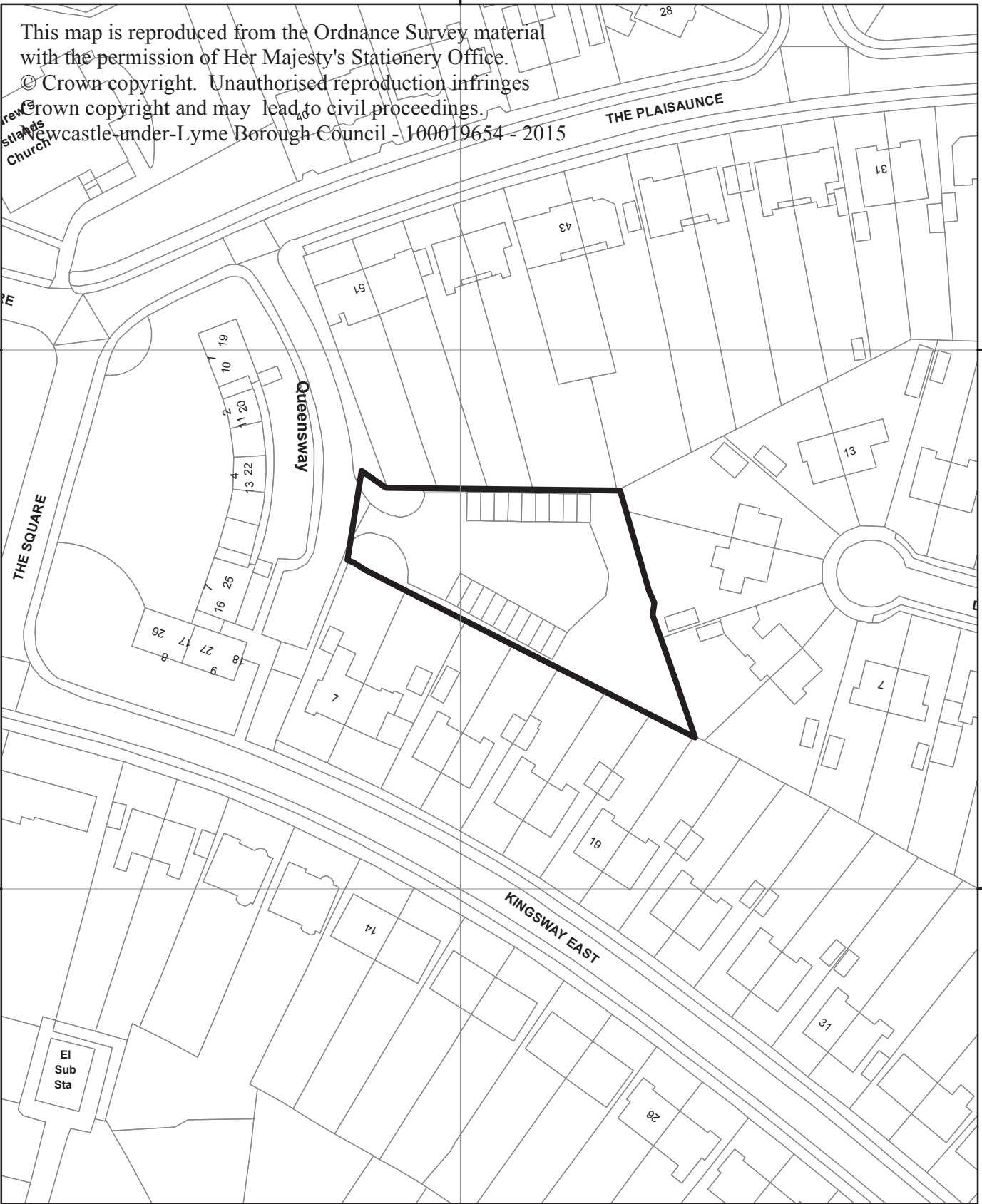


# Former Garage Site Queensway, Westlands 15/00308/FUL



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**HALCYON, TOWER ROAD, ASHLEY HEATH  
MISS G STANIER**

**15/00353/FUL**

The Application is for full planning permission for the erection of four detached dwellings.

The application site lies within the open countryside as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on 8<sup>th</sup> July 2015.**

## **RECOMMENDATION**

**Subject to no adverse comments being received from Landscape Development Section, in response to additional information to be submitted, which cannot be dealt with by appropriate condition(s),**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Approval of recyclable materials and refuse storage**
- 6. Tree protection**
- 7. Arboricultural Method Statement**
- 8. Landscaping proposals**
- 9. Revised access details**
- 10. Visibility splays**
- 11. Provision of access, parking and turning areas**
- 12. Garages to be retained for parking**
- 13. Construction Method Statement**
- 14. Construction hours**

## **Reason for Recommendation**

Whilst the site is not located within a Rural Service Centre it is considered that it is in a sustainable location in close proximity to existing local services and in the context of your Officer's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development. The negative impacts of the development – principally the site being Greenfield land and the loss of an area of undeveloped land do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

Subject to no adverse comments being received from Landscape Development Section in consideration of additional information to be submitted which cannot be dealt with by appropriate condition(s) and subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

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

## **Key Issues**

This application is for full planning permission for the erection of four detached dwellings. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on trees?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of residential development on the site acceptable?

The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

As indicated above this site is not within a village envelope and the proposed dwellings would not serve an identified local need and as such is not supported by policies of the Development Plan.

The site lies approximately 400 metres from the shops and services within Loggerheads and there is also a regular bus service within reasonable walking distance. It is considered that the occupiers of the proposed dwellings would have some option for alternative modes of transport to the car. There is residential development close to the site and therefore it cannot be said to be in an isolated location. Relative to many other sites outside of Rural Service Centres it is in a sustainable location and closer to services than many of the existing properties within the Loggerheads Village Envelope boundary. In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location. It should also be acknowledged that in considering an appeal for a new dwelling on Pinewood Drive (Ref. 14/00053/OUT) which is the adjacent road to the north, the Inspector concluded that the site comprised an accessible location close to shops, services and public transport nodes.

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 Local Planning Authority, in the opinion of your Officer, is currently unable to robustly 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) given that it does not have a full and objective assessment of need. The starting point therefore must be one of a presumption in favour of residential development. As has already been stated the development is considered to represent sustainable development and the issue of whether this is an appropriate location for a new dwelling will be considered further at the end of the Key Issues section of this report.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

The site comprises a greenfield site surrounded to the north, east and south-east by residential development.

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Urban Design Supplementary Planning Document, at R12, indicates that residential development should be designed to contribute towards improving the character and quality of the area. Where in or on the edge of existing settlements developments should respond to the established character where this exists already and has definite value. Where there is no established character the development should demonstrate that it is creating a new character that is appropriate to the area. At RE7 it indicates that new development in the rural areas should respond to the typical forms of buildings in the village or locality; RE6 states that elevations of new buildings must be well composed, well-proportioned and well detailed; and RE7 says new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The proposal is for four reasonably large detached dwellings each with an integral double garage. The surrounding area is generally characterised by large residential properties set within spacious plots and therefore at the scale proposed the dwellings would be in keeping with the character of the area. There are a variety of styles of dwellings in the area and it is considered that the design of the dwellings now proposed would be acceptable in this location.

Would there be any adverse impact on residential amenity?

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

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, sufficient distances are proposed between existing and proposed dwellings in compliance with the Council's SAD SPG.

With regard the proposed dwellings, it is considered that an acceptable level of amenity would be achieved.

In conclusion, it is not considered that a refusal could be sustained on the grounds of impact on residential amenity.

Is the proposal acceptable in terms of highway safety?

Each property would be served by a separate vehicular access off Tower Road and each dwelling would have a turning area and sufficient parking spaces.

The applicant's agent states that the development offers the opportunity to improve the junction of Tower Road with Eccleshall Road and an Engineering Layout Plan has been submitted to show improvements to visibility. The Highway Authority has no objections subject to conditions including the submission of details to indicate radius kerbs each side of the site access onto Eccleshall Road.

Subject to the imposition of conditions it is not considered that a refusal could be sustained on highway safety grounds.

Would there be any adverse impact on trees?

There are a number of trees on the boundaries of the site and the application is accompanied by a Tree Report. The Landscape Development Section considers that insufficient information has been

submitted with regard to the existing trees and requests further information. It is anticipated that this will be received shortly and a further report will be given to Members on the matter.

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

In this particular case, it is not considered that the adverse impacts of allowing the proposed development significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

**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
Policy CSP5:	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

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

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Views of Consultees

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

The **Landscape Development Section** considers that insufficient information has been submitted with regard to the existing trees and requests additional information including an Arboricultural Impact Assessment and a tree retention/removal plan.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of revised access details, provision of visibility splays, provision of access, parking and turning areas, retention of garages for the parking of motor vehicles and cycles and the submission of a Construction Method Statement.

The comments of **Loggerheads Parish Council** are awaited. Any comments received in time will be reported to Members in a supplementary report.

### Representations

None received to date.

### Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Tree Survey. These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500353FUL](http://www.newcastle-staffs.gov.uk/planning/1500353FUL)

### Background papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

8 June 2015

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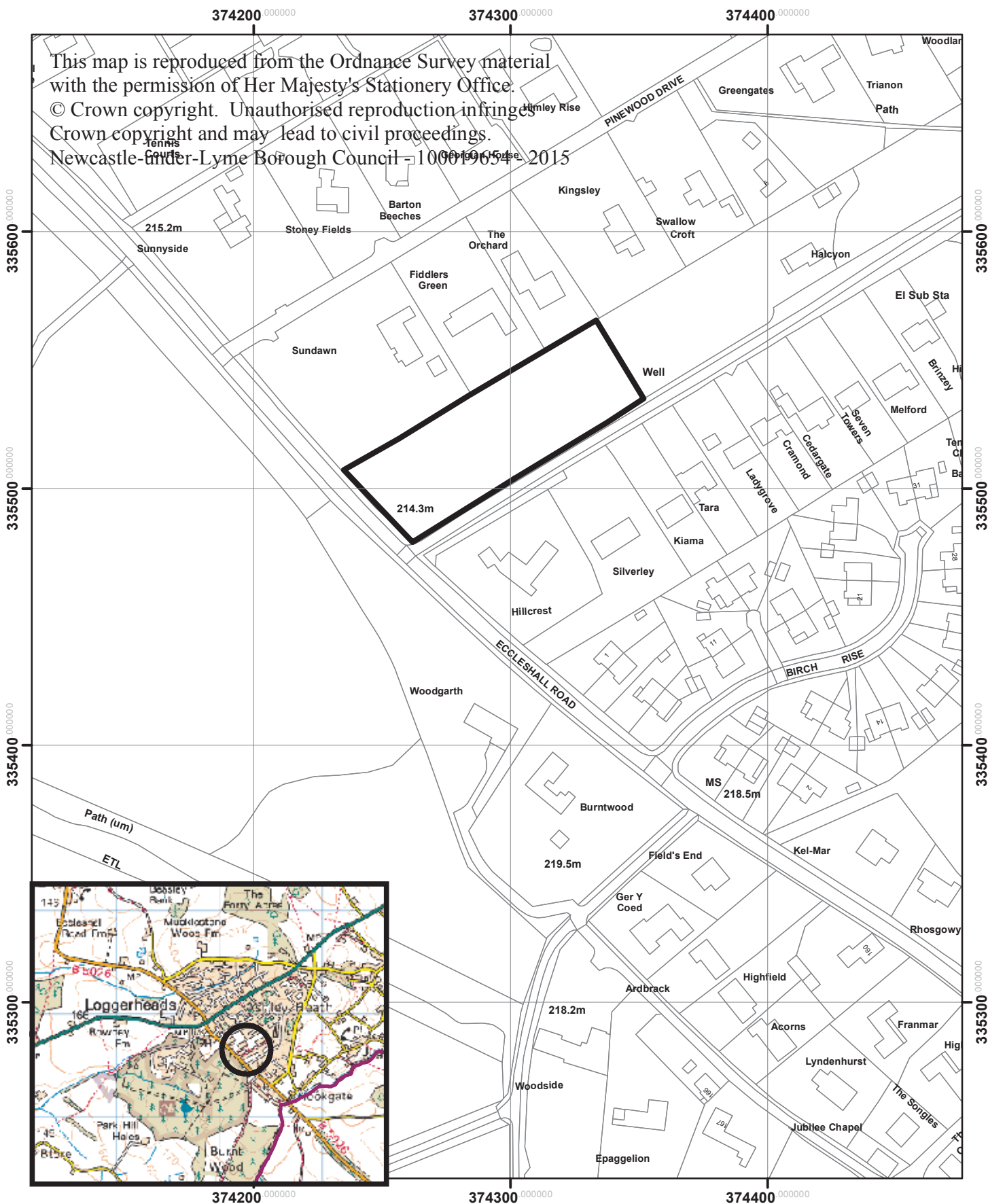


# Land adjacent to Halcyon, Tower Road, Ashley 15/00353/FUL



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Plot 34, Eastwood Rise, Baldwins Gate

15/00376/FUL

The application is for full planning permission for a detached dwelling and associated access.

The application site is located off Eastwood Rise in Baldwin's Gate. The site lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. Trees within the site are protected by Tree Preservation Order T7/8

**The statutory 8 week determination period for the application expires on 30 June 2015**

## RECOMMENDATION

**(a) to the applicant entering into a Section 106 obligation by no later than 30<sup>th</sup> June unless the applicant agrees to extend the statutory determination period until 31<sup>st</sup> July, in which case by that later date, that cedes any right to construct a bungalow on this site pursuant to planning permission TP3226;**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Submission of materials**
- 3. In accordance with the approved plans**
- 4. Drainage works for the disposal of both surface water and foul sewage shall be carried out in accordance with the details approved in relation to Application Ref. 06/01088/FUL, or alternative details to be submitted to and approved in writing by the Local Planning Authority**
- 5. No occupation of dwelling until the access, parking and turning area have been provided on site**
- 6. No permitted development rights for the conversion of the garage area**
- 7. Tree protection in accordance with BS5837:2012 and submitted drawing**
- 8. Development in accordance with Arboricultural Method Statement for tree protection**
- 9. Prior approval of landscaping proposals**
- 10. Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting**
- 11. Arboricultural site monitoring schedule**
- 12. Implement recommendations within the Phase 1 Extended Habitat Survey received with the application**

**(b) That in the event of such an undertaking not being secured within the timescale indicated that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an undertaking the possibility of two dwellings being built upon the plot would exist and that would be contrary to a number of policies on residential development and development within the countryside or, if he considers it appropriate, to extend the period of time within which the unilateral can be secured.**

## Reason for recommendation

Although the proposal conflicts with current policy guidance relating to development within the countryside and with current policies on housing provision, as there was in 2007, there is a fall-back position available to the landowner in the form of an extant permission without time limit for a bungalow on the site and there are no other material considerations which would justify a refusal of planning permission. Given the size of the site and the possibility that it might be subsequently claimed that permission still exists for a further dwelling on the site it is recommended that a planning obligation be used to avoid this occurring. There is no substantive basis for coming to a different view on this application from that which was reached previously.

## **Statement as to how the Local Planning Authority has worked 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.

### **KEY ISSUES**

Full planning permission (06/01088/FUL) was granted in 2007 for a detached dwelling on this site and this was later granted a new planning permission (06/01088/EXTN) to extend the timeframe to implement the permission. Both these permission are no longer capable of implementation. Application 12/00301/FUL also granted permission for a detached dwelling on site and this permission remains extant until January 2016.

When the previous applications were determined planning policy framework did not support a new dwelling in this location and this remains the case as the policy context has not materially changed. In permitting the applications in question, however, policy was not the determining factor. The acceptability of the principle of this proposal relates back to permission in 1964 (TP3226) and a subsequent certificate of proposed lawful development granted in 2002. This was issued on the basis that application TP3226 which granted permission for the erection of bungalows is extant without time limit. Your officer is not aware of any case law or rulings since the approval of application 12/00301/FUL that would alter this position. As such the principle of residential development of this site has been established.

The current application is identical to that permitted under reference 12/00301/FUL and the application, if permitted, will allow additional time for its implementation. The impact of a two-storey dwelling on the site was previously assessed in terms of impact on the street scene and on the surrounding landscape, impact on residential amenity, impact on trees, and highway safety and considered to be acceptable. There has no material change in planning circumstances to justify a different conclusion at this time however to assist the consideration of the application these matters will be addressed below.

#### **Impact on the Street Scene**

The area is characterised by large modern properties of varying styles. Eastwood Rise slopes steeply and several properties are split level and are built into the hillside. There is a mix of bungalows and two and three storey dwellings therefore. The proposed dwelling would be two-storey and would be relatively simple in its design. It would be sited centrally within a large plot and is surrounded by extensive mature landscaping. The impact on the street scene would not be significant.

As previous conditions relating to materials and landscaping have been approved for this scheme previously and the same information has been proposed in this location, it is considered that these details are acceptable. Compliance conditions in this regard would therefore be included.

#### **Landscape impact**

The site is within a Landscape Maintenance Area as designated in the Local Plan. Policy N19 of the Local Plan states that within such areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The site is screened from the surrounding countryside by mature landscaping from most directions and would be seen in the context of the existing established development at Madeley Park Wood. Therefore it is not considered that the proposed dwelling would harm the character or quality of the landscape so as to justify a refusal, particularly in the context of the previous permissions on this site.

#### **Residential amenity**

Eastwood Rise and the access to the site slopes down steeply and the dwelling would be sited on levelled land in the centre of the site. The properties to either side are raised up above the site of the

proposed dwelling and they are a significant distance away. It is not considered that there would be any significant impact on the privacy of the neighbouring properties.

### **Impact on trees**

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

There are a large number of mature trees within the application site and the trees to the north-east of the site are protected by TPO T7/8. Whilst it is proposed to remove three trees at the entrance to the site, the vast majority will remain. The Landscape Development Section is satisfied that the proposal does not raise any adverse issues in respect of impact on these trees.

### **Highway safety**

Access to the site is via an existing driveway off Eastwood Rise. An integral double garage is proposed and sufficient parking and turning areas would be provided. It is not considered that the development would have an adverse impact on highway safety and as such, a refusal on highway grounds would not be sustainable.

### **Other matters**

The up to date phase 1 habitat survey and ecological scoping report indicate that no adverse impact upon protected species or wildlife would ensue as a result of the proposals as long as the development does not encroach upon the woodland area and semi-mature/mature trees.

Due to the existence of an extant permission on the site which could potentially lead to a further dwelling on the site, it is considered necessary to request a legal agreement to prevent this. This is something that has been done as part of the previous approvals and it would protect the authority from further development in an intrinsically unsustainable location. An appropriate timeframe would be given to the applicant to provide this.

### **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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 Considerations  
Policy N19: Landscape Maintenance Areas

### **Other material considerations include:**

National Planning Policy Framework (March 2012)  
Planning Practice Guidance (2014)  
Supplementary Planning Guidance: Space about Dwellings (July 2004)  
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)  
EC Habitats Directive  
The Conservation of Habitats and Species Regulations 2010

### Relevant Planning History

- 1963 TP1721 Permit – residential development.
- 1964 TP3226 Permit – proposed bungalows, roads and sewers Plots 24-47, 72-76.
- 2001 01/00856/PLD Permit – Certificate of Lawful Use or Development for Plot 32.
- 2002 02/00068/PLD Permit – Certificate of Lawful Use or Development for Plot 33.
- 2002 02/00310/PLD Permit – Certificate of Lawfulness of proposed erection of dwelling house in accordance with planning permission TP3226.
- 2007 06/1088/FUL Permit – detached dwelling.
- 2010 06/1088/EXTN Permit – application to extend the time limit for implementing planning permission 06/1088/FUL for detached dwelling.
- 2012 12/00301/FUL – Permit - detached dwelling

### Views of Consultees

**Whitmore Parish Council** have no objections to the planning application, however draw the planners attention to the PCs comments on the last application (12/00301/FUL) regarding drainage as the bottom half of the site becomes heavily waterlogged. Conditions No.8 and 9 of 12/00301/FUL should be attached to any consent.

**Landscape Development Section** have no objections and request conditions to secure details of work within Root Protection Areas, additional tree planting to mitigate the loss of trees to be removed and consideration of an alternative to the proposed lawn grass seeding of the steep embankments given that it will be difficult to safely cut and manage.

**Highways Authority** has no objections to the proposed development

**Environmental Health** has no objections to the development

### Representations

None received to date

### Applicant/agent's submission

The application is supported by a Design and Access Statement, an Extended Phase 1 Habitat Survey and an Arboricultural Impact Assessment. All of the application documents can be viewed at the Guildhall or using the following link.

[www.newcastle-staffs.gov.uk/planning/15003376FUL](http://www.newcastle-staffs.gov.uk/planning/15003376FUL)

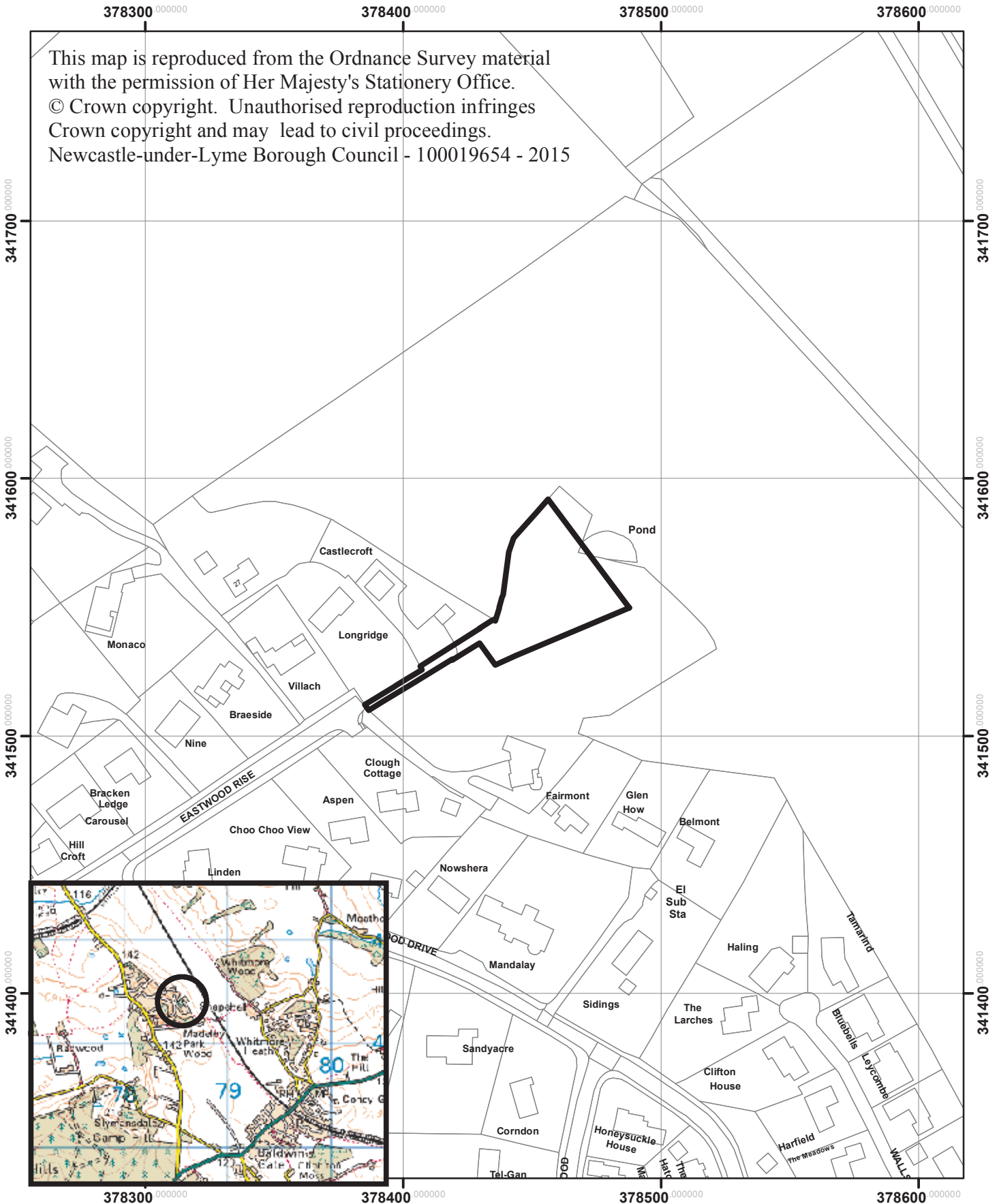
### Background Papers

Planning File  
Development Plan

### Date report prepared

4<sup>th</sup> June 2015

# Plot 34 Eastwood Rise, Baldwins Gate 15/00376/FUL



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## **Confirmation of Tree Preservation Order**

1 Wulstan Drive  
Newcastle  
ST5 0RE

### **Tree Preservation Order No.163 (2015)**

Town & Country Planning Act 1990

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

### **The Provisional Order**

This order protects two Beech trees are positioned within the front garden of 1 Wulstan Drive Newcastle ST5 0RE.

The Order was made using delegated powers on 26<sup>th</sup> February 2015.

Approval is sought for the Order to be confirmed as made.

**The 6 month period for this Order expires on 26<sup>th</sup> August 2015**

### **RECOMMENDATION**

That Tree Preservation Order No 163 (2015), 1 Wulstan Drive, Newcastle under Lyme, ST5 3QS, be confirmed as made and that the owners of the site are informed accordingly.

### **Reasons for Recommendation**

Your officers are of the opinion that the longer-term visual amenity of the two affected Beech trees is best secured by the making of a Tree Preservation Order. The two Beech trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order.

The two trees are positioned within the front garden, on the roadside frontage of 1 Wulstan Drive Newcastle. The trees are just outside the Brampton Conservation Area and are within the Sandy Lane/Brampton 'Retention of Character' Area.

T1 is a mature Beech tree and T2 is semi-mature Beech tree.

The trees are clearly visible from Wulstan Drive and are a prominent Skyline feature when travelling in an easterly direction towards Brampton Conservation Area. The trees make an important contribution to Brampton Conservation Area and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

In order to protect the long-term wellbeing of these trees they should be protected by a Tree Preservation Order.

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 any maintenance that would be necessary to safely manage these trees.

### **Representations**

No representations have been received.

### **Issues**

An enquiry was received from a prospective purchaser for the property following a Tree Status Enquiry from the property owner, giving rise to concern that the large Beech tree (t1) may be felled unnecessarily due to damage cracking an adjacent low retaining wall.

Your officer inspected the two trees on the site in January 2015 and carried out a TPO assessment. Your officers opinion following the site inspection was that damage to the wall could be successfully rectified without the need to fell the tree.

Your officers found that this tree and another prominent Beech tree on the roadside frontage were worthy of protection by a Tree Preservation Order. Other trees on the property did not meet the necessary criteria.

The two affected trees 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 provisional order was made and served on 26<sup>th</sup> February 2015 in order to protect the long term well-being of these trees.

### **Date report prepared**

2<sup>nd</sup> June 2015

## **Confirmation of Tree Preservation Order**

177 Liverpool Road  
Cross Heath  
Newcastle  
ST5 9HF

### **Tree Preservation Order No.164 (2015)**

Town & Country Planning Act 1990

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

### **The Provisional Order**

This Provisional Tree Preservation Order affects a Sycamore tree in the rear garden of 177 Liverpool Road Cross Heath.

The Order was made using delegated powers on 26<sup>th</sup> February 2015.

Approval is sought for the Order to be confirmed as made.

**The 6 month period for this Order expires on 26<sup>th</sup> August 2015**

### **RECOMMENDATION**

That Tree Preservation Order No 164 (2015), 177 Liverpool Road, Cross Heath, Newcastle ST5 9HF, be confirmed as made and that the owners of the site are informed accordingly.

### **Reasons for Recommendation**

The Sycamore tree is clearly visible from a considerable length of Liverpool Road (A34), from the Linden Road junction and also between gaps in houses on Derwent Place.

The tree is a prominent feature in the landscape when travelling along one of the busiest routes in the town and makes an important present and future contribution to the area.

There are no other trees of such a prominent stature in the nearby locality.

The tree as an individual is aesthetically pleasing when viewed from the surrounding landscape.

The tree is a significant feature in 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.

The tree is generally healthy at present and is of sufficient amenity value to merit the making of a Tree Preservation Order

In order to protect the long-term wellbeing of this tree it should be protected by a Tree Preservation Order.

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 for any maintenance that would be necessary to safely manage these trees.

### **Representations**

No representations have been received.

### **Issues**

A Tree Status Enquiry received from a perspective developer for the adjacent property gave rise to concern that the tree may be felled unnecessarily to prevent it being an obstacle to the development of the site.

Your officer inspected the site in February 2015 and carried out a TPO assessment and the Sycamore tree was found to be worthy of the protection of a Tree Preservation Order.

The tree is in reasonable health, and is visually significant with the prospect of continuing to provide visual amenity for many years. The provisional order was made and served on 26<sup>th</sup> February 2015 in order to protect the long term well-being of the tree.

### **Date report prepared**

2<sup>nd</sup> June 2015

## QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

### **Purpose of the Report**

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

### **Recommendations**

**a) That the report be noted**

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

### **Introduction**

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

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

This report covers the period between 31<sup>st</sup> March 2015 (when the Committee last received a similar report) and the date of the preparation of this report (11<sup>th</sup> June 2015).

In the period since the Committee's consideration of the last quarterly report section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, with respect to some 4 applications.

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

Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended period and the application has been determined 'in time'. This applies to applications received after the 1<sup>st</sup> October 2013. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the signing of the final document he retains the right to bring the

matter back to the Planning Committee. Applicants are also asked to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided.

Details of the applications involved are provided below:-

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

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

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

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

The 7<sup>th</sup> October 2014 passed without the agreement being secured. Given that the delays had been on the Council's side your officer had no alternative but to decline to exercise the authority to refuse the application and to agree a further extension to the 6<sup>th</sup> December 2014.

At its meeting in December 2014 the Committee were advised of a further extension having been granted – to the 13<sup>th</sup> December 2014. This date was not met but progress continued, albeit slowly, to be made, in part due to the involvement of a mortgagee, and the sharing of a draft decision notice, and it was considered appropriate to agree a further extension of time to the 19<sup>th</sup> March 2015. Although an agreement signed by the other parties was received, further alterations to it are being sought to ensure that it achieves what was sought by the Planning Committee. To allow time for this a further two week extension (until the 2<sup>nd</sup> April) was agreed, the other side then proposed the inclusion of a plan the effect of which your officers considered contrary to the position of the Committee, and upon being advised of this, the applicant's agent sought additional time to obtain instructions from their client and a short further extension was then given (to the 8<sup>th</sup> May). There has been no further correspondence from the other side since then. Your officer has written to the agent indicating that the matter must be brought to a conclusion and providing them with one further extension – to 25<sup>th</sup> June.

A supplementary report on this matter may be given to the Committee if there are further developments in this case.

At the time of writing some 111 weeks have passed since the application was received (before the introduction of the Planning Guarantee).

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

This application for permission for the erection of 13 dwellings came before the Planning Committee at its meeting on the 11<sup>th</sup> March 2014 (at around week 7). The resolutions of the Committee inter alia required that obligations securing financial contributions to

NTADS, education provision and open space improvement be secured by the 14<sup>th</sup> April 2014.

Members will be aware that there have been various delays in the process since the original committee date of the 11<sup>th</sup> March 2014 and these have been reported in detail previously.

In particular the applicant sought to demonstrate that the level of contributions would make the scheme unviable. The applicant submitted financial information to substantiate their claim, and the conclusion of the District Valuer has been that it is not viable for the developer to provide any of the financial contributions that the committee originally resolved should be secured.

A report was brought to the Committee of the 3<sup>rd</sup> March 2015 and members resolved to permit the application subject to the applicant entering into a Section 106 obligation by 14th June 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within 14 months of the grant of planning permission.

At the time of writing the agreement has not yet been drafted, because the Council is seeking to decide a standard wording for obligations requiring such a review, so an extension of time is likely to be given, but consideration is being given to whether it may be appropriate to reduce the time period before a review would be required to reflect the time that has now passed and if necessary the Committee may be asked to approve this. A supplementary report is expected to be provided to the Committee on this case which will indicate the new "end date". Some 71 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

### **(3) Application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove**

The application for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows came before the Planning Committee on the 9th December 2014 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to public open space and education contributions, with the usual caveat that your Officer could extend that period if he considered it appropriate, and the Coal Authority withdrawing its objection by no later than 20th January 2015.

Since the Committee decision the Coal Authority on the basis of further information received have withdrawn their objection.

With respect to the contributions, as members were advised on the 31<sup>st</sup> March, since the Committee decision the applicant has now advanced a case that the scheme is not viable with the contributions referred to in the Committee resolution if the units are all to be 'affordable'. As reported although they did have the opportunity to raise such a case before or at the Committee and did not take it, given the Committee's clear wish to encourage the development of this brownfield site and the lateness in the process when the overall scale of the required contributions became apparent, your Officer did not 'time out' the applicant and refuse the application on the basis of their failure to meet the 20<sup>th</sup> January deadline. Instead your officer agreed to extend the period within which the agreement can be completed, initially to 28<sup>th</sup> April, and to arrange for the District Valuer to undertake an appraisal.

There have been extensive delays on both the applicant's and District Valuer's side which has meant that a draft District Valuer's report has only just been received at the time of writing. No formal agreement to extend the period for the completion of the Section 106, beyond the 28<sup>th</sup> April has been given, - that becoming a secondary issue to the question of what actual obligations need to be secured. It is hoped that there will be a report on

this application elsewhere on this agenda, and that report will inter alia propose a new end date by which certain planning obligations need to be agreed, and the determination of this application will then get back on track, and be able to be appropriately managed

At the time of writing some 36 weeks have passed since receipt of the application. However no refund of the planning application fee will be due if the application remains undetermined after 26 weeks, as the applicant has already agreed to extend the statutory period

**(4) 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle-under-Lyme**

The application for full planning permission for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development containing 14 two bed units and 8 one bed units with the formation of a new access (onto Vessey Terrace) and associated car parking was deferred at the Committee's meetings on the 9<sup>th</sup> December and the 6<sup>th</sup> January to allow for the receipt and consideration of the advice of the District Valuer regarding viability. At its meeting of the 3<sup>rd</sup> February 2015 (at around week 32) the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 17<sup>th</sup> 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 the potential requirement to make the policy compliant contributions).

At the end of March members were advised that in the light of the inability of the Council, due to capacity issues within Legal Services, to provide a draft in a timely manner, it was going to be necessary to set a new deadline beyond the 31<sup>st</sup> March. Since then the applicant has prepared a draft, but that has not yet been responded to, and they have actively pursued progress. The applicant wish to conclude an agreement is evident and in the circumstances it would have been unreasonable to time them out. As with the Land adjacent to 31 Banbury Street case consideration is being given to whether it may be appropriate to reduce the time period before a review would be required to reflect the time that has now passed, and if necessary the Committee may be asked to approve this. A supplementary report is expected to be provided to the Committee on this case which will indicate the new "end date".

At the time of writing some 50 weeks have passed since receipt of the application, but no refund of the application fee is required, the applicant having previously agreed to extend the statutory period.

**(5) 15/00077/OUT Land to rear of former Randles Garage Higherland**

This application, for outline planning permission for the erection of up to 12 dwellings, came before the Planning Committee on 31<sup>st</sup> March 2015 (at around week 7). The resolution of the Planning Committee include a time limit for the securing, by the 7<sup>th</sup> May, of a planning obligation relating to the payment of a public open space contribution.

The agreement was not secured by the 7<sup>th</sup> May. Your officer subsequently agreed to an extension to the 2<sup>nd</sup> June, having taken into account the circumstances of the case. Upon being advised of this date the applicant's solicitor immediately advised that she considered a further extension of time to the 30<sup>th</sup> June would be required because her client was in the process of providing the necessary evidence that 3 mortgages relating to the land have been discharged. If such evidence were not provided the Council would want the mortgagees to be a signatory to the agreement.

Your officer has considered the basis upon which the additional time is sought by Grindeys, and has noted that insofar as the draft agreement is concerned some substantive progress has indeed been made in this matter – the applicant's solicitor has confirmed that the main provisions of the section 106 document are agreed (by her client). Furthermore evidence of the discharge of one of the mortgages has now been obtained and submitted to the Council. The applicant is entirely dependent upon the



response of the mortgagees to his requests for the appropriate documentation – i.e. it is not a matter within his control. The requested extension has been agreed, but it has also been indicated to the other side that the Council, mindful that some 13 weeks after the Committee resolution will have passed by the 30<sup>th</sup>, is not prepared to have a situation where there is no end date and where matters can drag on for ever. The making of timely decisions on applications once they have been submitted remains a consideration that has to be taken into account by the Council.

At the time of writing some 17 weeks has passed since the original receipt of the application.

Date Report prepared

11<sup>th</sup> June 2015

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## REPORT TO PLANNING COMMITTEE

### DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2014/2015

#### Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management (Development Control) between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2015. Figures for 2012/13 and 2013/14 are also provided in all but one case for comparison, as are the targets set out within the 2014/15 Planning and Development Service Plan .

#### **Recommendations**

- (a) That the report be received**
- (b) That the Head of the Planning and Development, with the Development Management Team Manager, seeks to maintain performance of the Development Management team where satisfactory and improve the service provided where our level of performance falls significantly below the targets set for 2015/16 in the Planning and Development Service Plan**
- (c) That the 'Mid-Year Development Management Performance Report 2015/16' be submitted to the Committee around October 2015 reporting on performance achieved for the first half of 2015/16 in relation to these targets**

#### Reasons

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

#### **1. Background:**

For many years information on an extensive set of indicators have been collected to monitor the performance of Development Management. These include both 'National Indicators' and those devised by this Council – 'local indicators'. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every appropriate area. The range of indicators used reflects the objective of providing a *balanced end to end* development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development. The measurement of the quality of a Planning Service is however difficult to achieve. Inevitably the focus is upon those outputs that are capable of measurement.

#### **2. Matters for consideration:**

There is an Appendix attached to this report:-

**APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2012/13, 2013/14, and 2014/15:** Contains quarterly and annual figures for the 'local' Performance Indicators applicable during 2014/15 (comparative figures for 2012/13 and 2013/14 are also shown).

This report is a commentary on the performance achieved against the local performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 18<sup>th</sup> November 2014 which reported on the mid-year performance figures and gave predictions on whether the targets for 2014/15 would be likely to be achieved.

The Council's Finance, Resources, and Partnerships Scrutiny Committee and subsequently Cabinet receives a quarterly Financial and Performance Management report on a series of performance indicators including the three below which related to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception.

### 3. The performance achieved and the targets for 2015/16

6 indicators were included in the 2014/15 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 6 performance indicators, the target set has been met in 1 case, but it has not been achieved in the other 5 cases.

The also provides the targets for 2015/16 which have been agreed with the previous Planning Portfolio holder. Members are reminded that the Planning Peer Review Team in their final report of August 2014 made the following observation

*“The Council’s service plan has a range of challenging targets that are mainly focussed on speed but which include preapplications and enforcement. The service failed to reach these stretch targets in 6 out of 7 areas in 2013/4. One target involving customer satisfaction has not been met for three years. We think it is important to reassess these stretch local targets to see if they remain priorities for councillors and the public. Again this is part of our concern to create some ‘space’ for better communication and engagement, management and training”*

When the Review Team’s report was considered by Cabinet last November, amongst the actions agreed by Cabinet was that the current targets should be reviewed in consultation with the Portfolio holder. This was done earlier this year, and revised targets have been agreed and they are referred to within this report.

#### **INDICATOR Percentage of applications determined within the following timescales:-**

- (1) % of ‘Major’ applications determined ‘in time’**
- (2) % of ‘Minor’ applications determined within 8 weeks**
- (3) % of ‘Other’ applications determined within 8 weeks**

‘Major’ applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1000 square metres or more or the site area is 1 hectare or more. ‘Minor’ applications are those for developments which do not meet the criteria for ‘Major’ development nor the definitions of Change of Use or Householder Development. ‘Other’ applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

The Government no longer sets “targets’ for the speed of determination of applications, but instead has brought in a system of designation of poorly performing planning authorities – which includes the setting of a threshold relating to the speed of determination of Major applications, below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council. In June 2014 the Government confirmed that they were lifting the designation threshold from 30% to 40%, and that it remains their intention to lift the threshold progressively in future years. Indeed the Chancellor in his Autumn 2014 Statement announced that the Government would be keeping the speed of decisions on major applications under review, with the minimum performance threshold increasing to 50% of major decisions on time as performance continues to improve.

The other designation criteria relates to appeal performance and the Council’s performance in this respect was considered in the Annual Appeals Performance report presented to the 26<sup>th</sup> May 2015 Planning Committee.

The Council is required in any case to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council’s failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are often quoted by various stakeholders as a symptom of a poor planning system, and the applicant’s interests are not the only ones that need to be considered. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded.

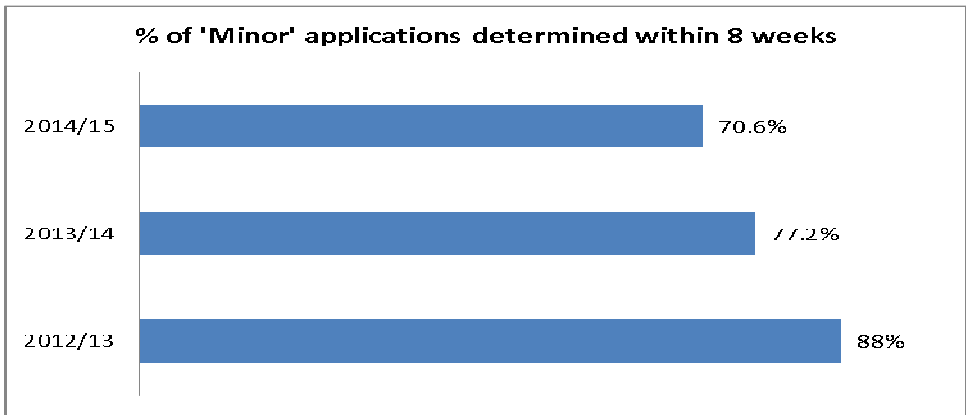
(1) In dealing with ‘Major’ applications during 2014/15 a new indicator measuring decisions defined by the Government as having been made ‘in time’ was adopted to reflect the Government’s designation criteria. We determined 86.4% of the 22 such applications “in time” against a target of 70%.

#### **TARGET ACHIEVED**

Performance has significantly exceeded the target for dealing with ‘Major’ applications largely reflecting a new focus on the obtaining of agreements by applicants to extend the determination period. To ensure that there continues to be

appropriate focus on good performance, to recognise the importance to the economic wellbeing of this area of facilitating developments of this scale, and to avoid any possibility whatsoever of designation, the same 70% target is to be used for this indicator in 2015/16.

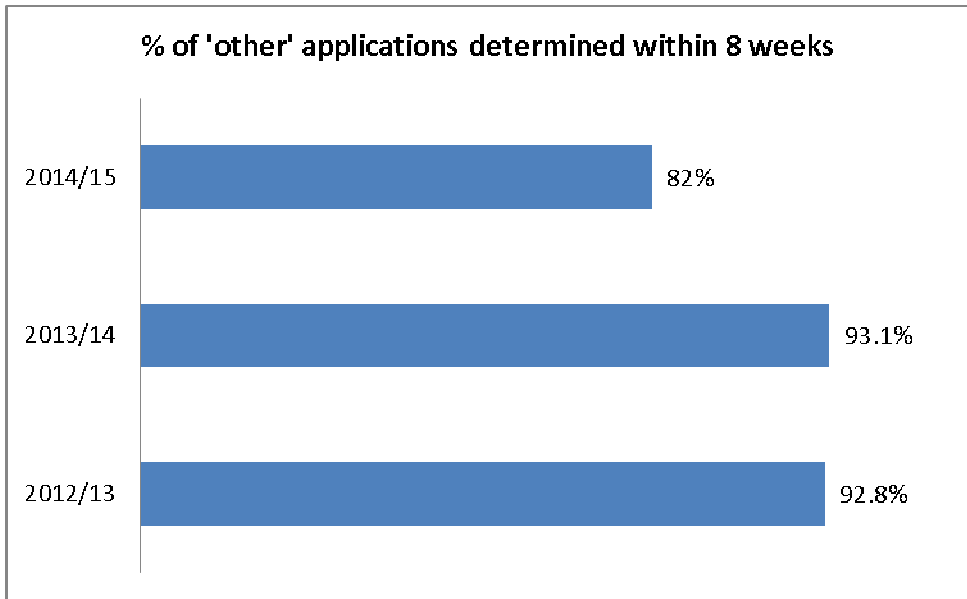
(2) During 2014/15 70.6% of the 218 **'Minor' applications** were determined within 8 weeks against the 'local' target of 85%. Comparison with performance in previous years is indicated below.



**TARGET NOT ACHIEVED**

Performance on Minor applications did not achieve the target, falling short by almost 15%, and dropped significantly for the third consecutive year. This was primarily as a consequence of a period when posts have been vacant and staff have been absent for long periods due to illness. The vacant posts were filled by September 2015 but absence due to sickness continued until February 2015. Since January 2013 there has been a steady increase in the number of Minor applications received. The backlog of undetermined Minor applications had, and continues to have, an impact on performance against this indicator. However it is hoped that performance will improve in 2015/16 once the backlog of undetermined applications already 'out of time' has been cleared. The target for this indicator has been reduced by 10% down to 75% for 2015/16, still above the former national target, but somewhat lowered to allow some time for improved quality of decision making and communications with the various parties involved.

(3) During 2014/15 82% of the 366 **'Other' applications** were determined within 8 weeks. The 'local' target was 92.5%. Comparison with performance in previous years is indicated below



**TARGET NOT ACHIEVED**

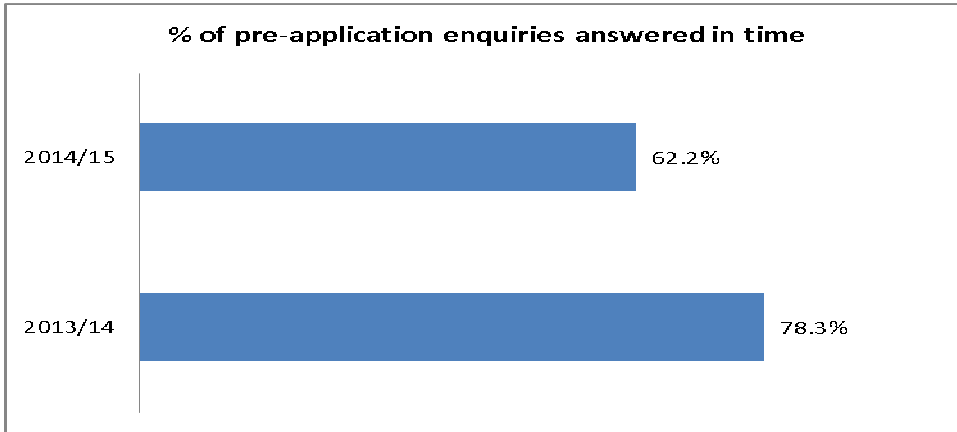
The performance with respect to "Other applications" has been very commendable in previous years, however for reasons outlined above it was not possible to maintain this level of performance in 2014/15. The the target has been lowered by 7.5% down to 85% for 2015/16, still some 5% above the former national target. It is hoped that this will

allow some time for improved quality of decision making and communications with the various parties involved, as well as releasing some capacity within the team to deal with the growing number of Minor applications and enforcement cases.

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**(4) INDICATOR - Percentage of pre-application enquiries answered in time**

During 2014/15 62.2% of pre-application enquiries were answered 'in time'. The target for this 'local' indicator in 2014/15 was 80%. Comparison with performance in the previous year is indicated below.



**TARGET NOT ACHIEVED**

This indicator, introduced in 2013/14, allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 14 calendar days, and for 'Other' pre-application enquiries the target response time is 10 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective, and clarification has recently been provided to officers on this aspect.

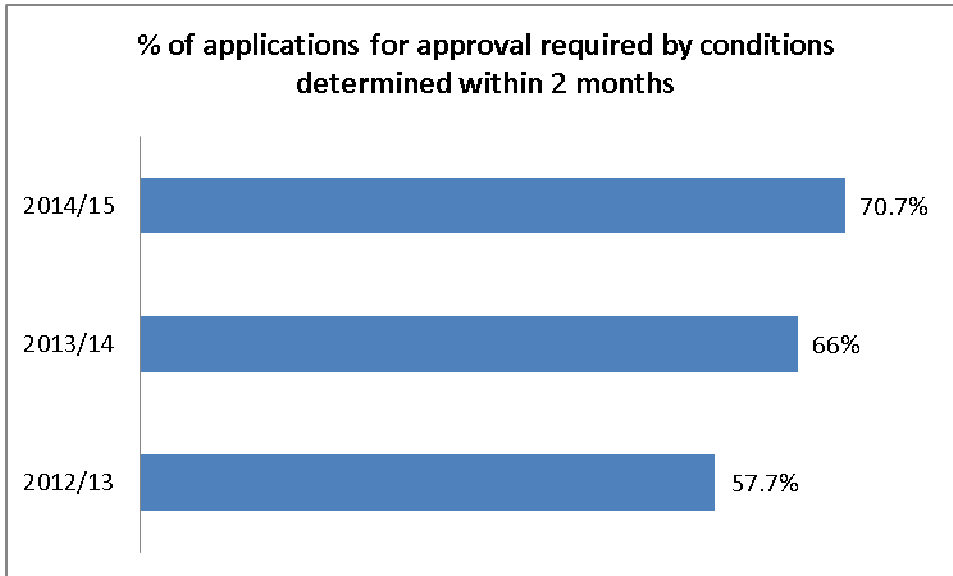
To give Members some idea of volume the Service received some 830 such enquiries in 2014/15, of which 24 were 'Major' pre-application enquiries; 225 were 'Minor' pre-application enquiries; and 581 were 'Other' pre-application enquiries.

The performance level achieved was significantly below the 80% target for reasons explained above. The target is to be maintained at 80% for this indicator for 2015/16 despite this performance level, given the importance of the pre-application service.

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**(5) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months**

During 2014/15 70.7% of conditions applications were determined within 2 months against a target of 75%.. Comparison with performance in previous years is indicated below.

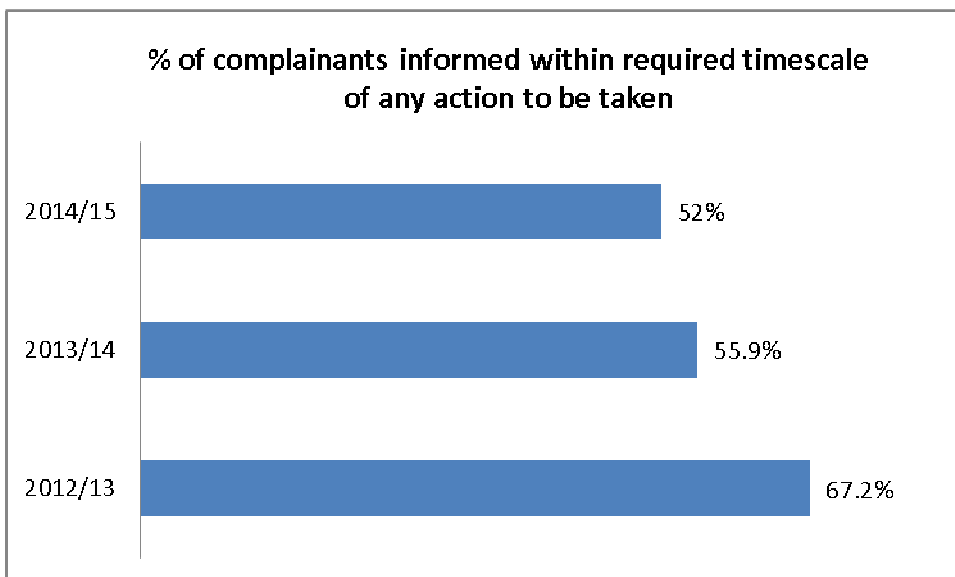


**TARGET NOT ACHIEVED**

Performance in 2014/15 improved notably from that achieved in 2013/14, which in turn was an improvement on the 2012/13 position. This was despite the staff resource issues that have been referred to within this report, although the 75% target was not achieved. The number of conditions applications dealt with in 2014/15 at 450 was higher than the number in 2013/14 (402) so the performance achieved was respectable. The target for this indicator is to be maintained at 75% for 2015/16. At national level there has been a new focus on local authorities' performance in dealing with applications for approvals required by conditions and various changes have been introduced which have to be addressed by the Service.

**(6) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.**

Performance in 2014/15 was 52% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



**TARGET NOT ACHIEVED**

There was a slight increase in the number of new complaints received in 2014/15 (220) compared with the number in 2013/14 (199).

Performance was particularly low in the second quarter of the 2014/15 as a consequence of the absence of the Enforcement Officer for a significant period of that quarter in addition to other staff resource issues. This fed through into the annual performance achieved. Performance against this indicator has, however, been improving in the second half of the year with performance significantly exceeding the target for the final quarter. The target for this indicator will remain at 75% for 2015/16. It is considered that any further change in this target should be on the basis of a review of the Council's planning enforcement policy, rather than as a response to the continued failure to achieve the target levels over the last three years.

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#### **Source of information/background papers**

- 1. General Development Control Returns PS1 and PS2 for 2012/13 – 2014/15**
- 2. Planning Services own internal records, produced manually and from its uniForm modules**
- 3. Planning and Development Service Plans for 2010/11 - 2013/14 and 2014/15**