

# Public Document Pack

**Date of meeting** Tuesday, 31st March, 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 - 8)  
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Land to the Rear of Former Randles Garage, Higherland; Tarpey Woodfine Architects; 15/00077/OUT** (Pages 9 - 18)
- 5 **Application for Other Development - 10 Sidmouth Avenue; The Birches (Staffs) Ltd; 15/00047/COU** (Pages 19 - 26)
- 6 **Application for Minor Development - Redgates, Haddon Lane, Chapel Chorlton; Mr Snaith; 15/00039/OUT** (Pages 27 - 30)
- 7 **Application for Minor Development - Land Between 36 and 38 Kestrel Drive, Loggerheads; Aspire Housing / Hewitt & Carr Architects; 14/00905/OUT** (Pages 31 - 38)
- 8 **Application for Minor Development - Land Adjacent to 2 Moss Cottages, Gloucester Road, Kidsgrove; Mr Woodcock; 15/00107/FUL** (Pages 39 - 46)
- 9 **Application for Minor Development - 1 The Woodlands, Liverpool Road East, Kidsgrove; Mrs Joyce Alderton Scott; 15/00016/FUL** (Pages 47 - 52)
- 10 **Application for Other Development - 1 Lansdell Avenue, Wolstanton; Mr Peter Palmer; 14/00941/FUL** (Pages 53 - 60)
- 11 **Application for Other Development - Barn at Holly Lane, Harriseahead; Mr Riley; 15/00098/COUNOT** (Pages 61 - 66)

- 12 Application for Other Development - 27 Hardingswood Road, Kidsgrove; Mrs Stanworth; 14/00971/FUL (Pages 67 - 74)
- 13 Application for Other Development - Opposite Spar Shop, Clayton Road; H3G UK Ltd / GVA; 15/00191/TDET (Pages 75 - 80)
- 14 Appeal Decision - Watermills Road; (13/00974/OUT) (Pages 81 - 84)
- 15 Appeal Decision - Land at Farcroft, Manor Road, Baldwins Gate; 14/00037/OUT (Pages 85 - 88)
- 16 Application for Financial Assistance; St James' Audley and Madeley War Memorial (Pages 89 - 90)
- 17 Quarter 3 Report on Decision to Extend Period of Time within which S106 Obligations can be Secured (Pages 91 - 98)
- 18 Changes to the threshold for Developer Contributions (Pages 99 - 102)
- 19 CONSULTATION BY CHESHIRE EAST COUNCIL ON PROPOSALS FOR RESIDENTIAL DEVELOPMENT ON THE FORMER GORSTY HILL GOLF CLUB, WESTON  
Report will be sent to follow.
- 20 REVIEW OF PUBLIC SPEAKING PROTOCOL, SITE VISIT PROTOCOL AND WITHDRAWAL OF CALL-IN PROCEDURES  
Report will be sent to follow.
- 21 URGENT BUSINESS  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

**Members:** Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Mrs Hambleton, Mrs Heesom, Miss Mancey, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, Waring, Welsh and Williams

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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

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

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

**PLANNING COMMITTEE**

Tuesday, 3rd March, 2015

**Present:-** Cllr Proctor – in the Chair

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

Apologies Apologies were received from Councillor(s) Baker, Mrs Bates  
and Welsh

**1. APOLOGIES**

Apologies were received from Cllr Welsh.

**2. DECLARATIONS OF INTEREST**

Cllr John Williams declared an interest in item number 5 on the agenda.

**3. MINUTES OF PREVIOUS MEETING**

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

**4. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO 31 BANBURY STREET, TALKE; BROWNS (SHOPFITTING & CONSTRUCTION) LTD/PLANT DESIGN/GW; 14/00027/FUL**

Cllr Robinson Spoke in favour of the application.

**Resolved:**

That the application be permitted 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 a year of the grant of planning permission.

and subject to conditions relating to the following matters:-

- Standard time limit for commencement
- Approved plans.
- Prior approval of facing materials and implementation of approved details.
- Prior approval and implementation of approved ground levels and finished floor levels.
- Prior approval and implementation of a detailed Arboricultural site monitoring schedule, and appropriate Arboricultural works to the sycamore tree.
- Prior approval of plans detailing 6m radius kerbs; a pedestrian crossing point including tactile paving; visibility splays of 2.4m by 43m; and an access gradient not exceeding 1:10 for the first 5m rear of the highway boundary. The access shall be completed before occupation of plots 7 to 14 and thereafter the visibility splays kept free of obstruction.

- Prior approval and implementation of the widening of the footway to 2m on Banbury Street and the permanent closure of the existing site access and its reinstatement as footway.
- No occupation until the access road, parking and turning areas have been provided in accordance with the approved plans.
- Submission, approval and implementation of surfacing materials for the access road, parking and turning areas; surface water drainage for such areas; and delineation of parking bays.
- Prior to occupation of plot 1 the parking spaces 1 and 2 shall be completed.

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO STATION ROAD, SILVERDALE; RELIANT BUILDING LTD; 11/00284/FUL**

**Resolved:** That the Council is prepared to vary the existing agreement so that half of each contribution is paid prior to commencement with the outstanding sums be paid prior to the commencement of the twelfth dwelling on the site.

**6. APPLICATION FOR MINOR DEVELOPMENT - LAND OPPOSITE SUPERSTORE, LYME VALLEY ROAD, NEWCASTLE; IAN MATTHEWS/ROBERT BERRY; 14/00472/FUL**

A vote was taken with 7 members voting in favour of the application and 2 against.

**Resolved:**

That the application be permitted subject to:

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

And conditions concerning the following matters:

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

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

7. **APPLICATION FOR MINOR DEVELOPMENT - CASTLE PRIMARY SCHOOL, MOW COP ROAD, MOW COP; CASTLE PRIMARY SCHOOL; 14/00782/FUL**

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

1. Time limit condition
2. Approved plans

8. **APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF CO-OPERATIVE LANE, HALMER END; MR AND MRS EARDLEY; 14/00929/OUT**

Cllr Becket proposed an amendment to the recommendation which was seconded by Cllr Miss Reddish:

*That the application be permitted but outline development only be agreed only for two bungalows.*

A vote was taken with 5 members voting in favour and 5 members abstaining.

**Resolved:**

- a) That the application be permitted but outline development only be agreed only for two bungalows.

And the following conditions:

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

9. **APPLICATION FOR MINOR DEVELOPMENT - REDGATES, HADDON LANE, CHAPEL CHORLTON; MR SNAITH; 15/00039/OUT**

Cllr David Loades spoke in favour of the application.

Cllr Becket moved a recommendation that the application should be accepted in principle and that the application be brought back to a future meeting of the Committee in order that conditions be imposed. The recommendation was seconded by Cllr Hambleton.

Nine members voted in favour of the proposal which was carried. One Member voted against.

**Resolved:** That the application be accepted in principle and that the application be brought back to a future meeting of the Committee in order that conditions be imposed.

**10. APPLICATION FOR OTHER DEVELOPMENT - 10 SIDMOUTH AVENUE; THE BIRCHES (STAFFS) LTD; 15/00047/COU**

Cllr Simon Tagg spoke against the application.

Members considered that the application was incomplete and that further information was required prior to a decision being made.

Cllr Williams moved that the application be deferred; this was seconded by Cllr Hambleton. A vote was taken with 8 members voting in favour and 2 abstaining.

**Resolved:**

That the application be deferred and that that applicant be requested to provide additional information such as plans for waste and recycling and whether a management scheme would be in place for the flats. Members also requested that the applicant speak to residents.

**11. APPEAL DECISION - WALL FARM HOUSE, 99 NANTWICH ROAD, AUDLEY**

**Resolved:** That the decision be noted

**12. QUARTERLY REPORT ON ACTION TAKEN WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

**Resolved:** That the information be received.

**13. QUARTERLY REPORT ON OPEN ENFORCEMENT CASES**

**Resolved:**

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

**14. TPO 161; INDUSTRIAL UNIT, LONDON ROAD, HOLDITCH ROAD, SPENDCROFT ROAD, CHESTERTON**

**Resolved:**

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

**15. TPO 162; 40/42 EARLS DRIVE, NEWCASLTE UNDER LYME, NEWCASTLE UNDER LYME, ST5 3QS**

**Resolved:**

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

16. **CONFIRMATION OF VARIATION OF TPO62**

**Resolved:** That Tree Preservation Order TPO62a (varied) is confirmed and that the owners of all of the properties that area affected are informed accordingly.

17. **PART 2 - DISCLOSURE OF EXEMPT INFORMATION**

**Resolved:** That the public be excluded.

18. **RESTRICTED ITEM - QUARTERLY REPORT ON ACTION TAKEN WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

**Resolved:** That the information be noted.

19. **URGENT BUSINESS**

There was no urgent business.

**Chair**

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**LAND TO THE REAR OF RANGLES GARAGE, HIGHERLAND**  
**MR P.WADE (RANGLES (GARAGES) LTD)**

**15/00077/OUT**

The proposal is a resubmission for outline planning permission following the refusal of application 14/00163/OUT also for the erection 12 dwellings on land to the rear of the former Randles Garage. Only access arrangements are applied for at this stage with the appearance, landscaping, layout and the scale of the development all reserved as matters for subsequent approval.

The Design and Access Statement and indicative plan information submitted with the application shows a scheme for twelve 2 bedroom flats together with 20 car parking spaces.

The site measures 0.21 hectares in area and is located within the Urban Neighbourhood of Newcastle as defined by the Local Development Framework Proposals Map. Certain trees in the vicinity of the site are the subject of a Tree Preservation Order. Higherland (Keele Road) is part of the A525, whilst Seabridge Road, from which the access would be taken, is a B class Road.

The preceding outline application was refused by the Authority due to concerns relating to 1). Harm to the form and character of the area, 2). Harm to neighbouring living conditions and 3). The absence of an obligation securing a contribution toward public open space provision and maintenance.

**The 13 week period for the determination of this application expires on the 11<sup>th</sup> May 2015.**

**RECOMMENDATION**

**1) Subject to the applicant entering into a planning obligation by 30 April 2015 securing a contribution of an appropriate sum for public open space improvement and maintenance reflecting that the accommodation, being for two bedroom flats, would be unlikely to be for children, PERMIT subject to conditions relating to:-**

- 1. Plans / time limit**
- 2. Approval of reserved matters**
- 3. Reserved matters to accord with Design and Access Statement**
- 4. Accommodation to be one or two bedroomed flats**
- 3. Levels and height of development**
- 3. Highways matters**
- 4. Contaminated land remediation**
- 5. Construction hours**
- 6. Construction management details- inducing mud and dust mitigation**
- 7. Internal and external noise levels for the new dwellings**
- 8. Waste storage and collection**
- 9. Tree protection measures**
- 10. Surface water and foul sewage drainage**

**2) That should the obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision; unless he considers it appropriate to extend the period for completion of the obligation.**

**Reason for Recommendation**

The Council has already accepted the principle of residential development and that the proposed access would not be detrimental to the interests of highway safety. Levels information has now been included with the current proposal which shows that a three storey development could be constructed with, where closest, a similar height to the Victorian properties along Seabridge Avenue overlooking the site. The potential for alterations in levels to accommodate the scale of the development applied for overcomes form / character harm and residential amenity concerns with respect to the buildings. Whilst the access could be detrimental to the interests of residential amenity regard has to be paid to the existing arrangements, and by the use of conditions an arrangement could be made that would be, on balance, satisfactory. A contribution towards the improvement and maintenance of public open space can be resolved by the securing of an obligation.

### **Key Issues**

The application is a resubmission for outline planning permission for the erection of up to 12 dwellings with only means of access applied for at this stage with all other matters of detail reserved for subsequent approval. The Design and Access Statement and indicative plan information which supports the application shows a scheme involving twelve, two bedroom flats of three storeys in height with 20 car parking spaces.

The site comprises two parts of the former car parking area of Randles Garage, together with an intervening area currently occupied by workshop building. The smaller part of the car park is served by an existing access off Seabridge Road which also leads into the above workshop building and the first floor of the former Randles building, with the larger part served by an access off Higherland (the A525). The proposals envisage all access would be off Seabridge Road. The site slopes significantly down towards the A525.

In consideration of an outline planning application, the Authority must assess if it has sufficient information to demonstrate that the use and amount of development proposed can be satisfactorily accommodated on the site. If it is considered necessary to ensure that the reserved matters of an outline permission accord with the indicative information submitted as part of an application and/or any elements of the Design & Access Statement, including the scale parameters of development, this would need to be made clear by conditions which the Authority has the option of imposing in the consideration of the proposal.

The proposal follows a previous outline application (reference 14/00163/OUT) refused last June due to concerns relating to 1). Harm to the form and character of the area, 2). Harm to neighbouring living conditions, and 3). The absence of an obligation securing a contribution toward public open space provision. Given the nature of the resubmission and the absence of any material change in planning policy or circumstances since June, it is only the Authority's reasons for refusal that need to be examined, although any representations received must be taken into account. In this context it should be noted that the Planning Authority found the proposed access arrangements acceptable in highway safety terms (on the basis of the advice of the Highway Authority).

The key issues to consider in the determination of the application therefore are:

- Is the impact of the development on the form and character of the area acceptable?
- Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
- What financial contributions are appropriate for the proposal?

### **Is the design and appearance of the development acceptable?**

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

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

Although the appearance of the development is not part of this application it is reasonable to consider the indicative material that has been submitted, particularly given that the size and shape of the site suggests that if 12 units are to be accommodated on the site, this would almost certainly have to be in the form of a three storey flatted development.

The form and character of the immediate area comprises semi-detached dwellings to the north on the opposite side of Higherland, terraced and semi-detached housing on Seabridge Road to the east, single storey backland development to the south, and the sheltered housing flats of Beaumaris Court to the west. The style and variety of housing in this location is broad but it is predominantly two storeys in height except for the backland development behind Seabridge Road. However the properties along Seabridge Road are tall Victorian dwellings, which are arranged in a stepped fashion up Seabridge Road, as it rises from its junction with Higherland. Beaumaris Court is a large residential building comprising of around 38 apartments. Its north, east and south elevations are two storeys although its western elevation is three storeys in height due to the sloping nature of the land which falls downwards toward the cul-de-sac known as Hillside off Higherland. The former Randles Garage building which is immediately to the north fronts onto Higherland. The application site in relation to Higherland is significantly elevated, although it is set back by at least 30 metres from that road. It is from this public vantage point that the development would be the most prominent. There being quite extensive tree cover between Beaumaris Court and Higherland, views approaching from the west are curtailed as a result.

There were previous concerns that the number of units proposed (up to 12), with provision for parking, and landscaping, and adequate separation between neighbouring properties, was too high. With respect to the indicative plan information supporting the application, of three storey flats, it was considered that such development due to its height in an elevated position relative to Higherland would appear incongruous and harmful to the form and character of the area.

The current submission includes indicative plan information which shows that a new building could be erected at a somewhat lower slab level than was previously anticipated and with the result that that part of the development furthest away from Higherland would have a comparable roofline height to that of the number 18 Seabridge Road. However the element closer to Higherland, somewhat stepped down from the other block, would be higher than the equivalent building on Seabridge Road when viewed from Higherland, but it also further away from those buildings and is still well set back from Higherland – the public viewpoint. The question is would such an arrangement and its impact on the form and character of the area still justify withholding planning permission. Your officers do not consider that such a concern can any longer be sustained.

Would the impact of the development on the living conditions for neighbouring be adequate?

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

The relationship of the development with existing residential properties along Seabridge Road adjacent to the site is the key aspect. Some of these properties have rear facing principal windows. The Beaumaris development also includes a first floor window on its side gable which appears to be a principal window (for the purposes of the SPG). Due to the significant level difference between the development site and the slab levels of neighbouring properties that descend along Seabridge Road it is not appropriate to rely solely upon the minimum separation distances advised in the SPG to judge the acceptability of the scheme. Subject to

the level alterations indicated on the submitted plan an acceptable relationship against these existing residential dwellings can it is considered be created.

Most of the site is a former car park to the former garage/showroom and accordingly there would have been movement upon it during business hours or in the case of the access from Seabridge Road also the movement on occasion of vehicles into the first floor of the building (which it is noted is not affected by the unimplemented retail consent referred to in the planning history section above). The access to the development is immediately to the rear of 2, 4 and 6 Seabridge Road which have a very small amount of rear private amenity space, particularly No.2. The circulation area for vehicles once within the site is also to the rear of 8, 10, 12 and 14 Seabridge Road, but it is recognised there is potential for landscaping between that area and the backs of those properties. Taking into account the gradient of the access and its likely usage, the noise and disturbance created from vehicles going to and from the development combined with that of vehicles turning around within the site and from the associated noise of vehicles starting up and the closing of car doors would have an impact upon residential amenity. However No.2 Seabridge Lane (the one most affected by the proposed arrangement) is occupied by a member of the applicant's family, which might suggest a higher tolerance of noise, and the historic use of the site may well have involved working in the open or noise from within workshop – a point not previously taken into account.

On balance, it is considered that this concern is not one which in itself would justify refusal of the application, although the detailed alignment of the access road, and of planting and screening along it, and the provision of a recycling and waste bin collection point, will need to be carefully considered at the reserved matters stage.

#### Financial contributions triggered by the development

The Council needs to have regard to the three tests set out in Section 122 of the CIL Regulations i.e. is any contribution necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

##### *1. Public open space provision*

Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle's Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The normal contribution expected is £2943 per dwelling (consisting of £1791 for improvements to capital development and maintenance in addition to £1152 per dwelling for 60% maintenance costs for 10 years).

Although it is not the view of the Landscape Development Section as indicated below, your Officer's view is that the Council should not, when calculating the appropriate financial contribution for this flatted development of one and two bedroom units – which children are unlikely to be in - require a contribution linked to children's play provision. It is relevant to note that a similar approach is currently taken by the Education Authority (and accepted by the Local Planning Authority) There is however no completed and secured obligation at this moment in time 'on the table'.

##### *2. Education*

The Education Authority accepts that it would be unreasonable to require a financial contribution towards local school provision if the development is to consist of one or two bedroom flats. Were family housing to be proposed they advise that as primary schools in the catchment area are projected to be at capacity a contribution of £33,093 would be required.

A permission for family housing for the density proposed is considered to be unrealistic and planning conditions would enable adequate control without the need for a planning obligation in this respect.

#### Other material considerations

The NPPF with its requirement that LPAs boost the supply of housing is a material consideration which whilst it would not overcome any specific concerns were they held to be justified, is a further factor in favour of the development.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles for Economic Development  
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 N2: Development and Nature Conservation – Site Surveys  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Considerations  
Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements  
Policy C4: Open Space in New Housing Areas  
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

#### Other Material Considerations

#### **National Planning Policy**

National Planning Policy Framework (March 2012)  
National Planning Practice Guidance (March 2014)  
Community Infrastructure Levy Regulations (2010) as amended

#### **Supplementary Planning Guidance/Documents**

Developer Contributions SPD (September 2007)  
Space around Dwellings SPG (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document (2010)

North Staffordshire Green Space Strategy (September 2007)  
Waste Management and Recycling Planning Practice Guidance Note (January 2011)  
Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

## **Planning History of other part of former Randles site**

14/00163/OUT Outline application for the erection of 12 dwellings Refused 2014.

12/00701/FUL Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access – Permitted 2013, unimplemented to date, but extant permission

13/00463/FUL Variation of condition 6 of planning permission 12/00701/FUL to allow the convenience goods store to open to members of the public between the hours of 07:00 and 23:00 on any day – Permitted, unimplemented to date, but extant permission.

## **Views of Consultees**

**Severn Trent Water** have no objections to the proposal subject to the prior approval and implementation of drainage plans for the disposal of surface water and foul sewage.

**Waste Management** have concerns that the access arrangement proposed will not be able to accommodate a standard sized refuse vehicle. Servicing the proposal would require a collection point to be agreed close to either Higherland, or Seabridge Road, which may prove to be impracticable. Should permission be granted the specific collection arrangements would need to be agreed and adhered to.

The **Highway Authority** have no objections to the proposal subject to conditions securing:

1. Details of the off-site highways works required submitted and approved in writing which shall include a Stage 2 Safety Audit, details of construction, surface water drainage and road markings deemed necessary by the Highway Authority.
2. Details of parking and turning within the site curtilage.
3. Means of surface water drainage.
4. Surfacing materials for the private access road and parking areas.
5. Construction Method Statement.
6. Bin storage area adjacent to the highway boundary

**Landscape Development** comment that there are trees that may be affected by the proposal (situated on land adjacent to the site) some of which are affected by Tree Preservation Order 85. Tree protection measures and landscaping of the site should be dealt with by planning condition and should include:

- An Arboricultural Impact Assessment.
- Retained trees and RPAs shown on proposed layout.
- Dimensioned Tree Protection Plan.
- Existing and proposed finished levels.
- Full landscaping proposals.

They also comment that the development triggers the need to secure a financial contribution for public open space improvement and maintenance which would normally be £2,943 per dwelling which equates to £35,316. To include 2 bedroom properties in the list of properties where the “childrens play element” is excluded (from the calculation) would go against the use of the Green Space Strategy for calculating the required sum. There is information available that supports the fact that households with more than 2 occupants do live in two bedroom properties. Commuted sums from the development will be used to pay for improvements to facilities at Queen Elizabeth Park, Westlands Sports Ground, Thistleberry Parkway, Lyme Valley Parkway and Brampton Park.

The **Education Authority** advise that no financial contribution toward education provision is required for a development involving 1 or 2 bedroom apartments. However if the 12 dwellings involved family accommodation they would be projected to generate 3 primary aged pupils and 2 high school pupils. The local High School is projected to have sufficient spare capacity but all three primary schools in this shared catchment area are projected to be full. Therefore

a financial contribution of 3 primary spaces at £11,031 each with a total education contribution of £33,093 would be required for a development consisting of family housing.

The **Local Flood Authority (SCC)** have no objections subject to the prior submission, approval and implementation of an appropriate surface water drainage scheme at reserved matters stage.

The **Environment Agency** comment that the site is located on a formation of sandstone which is designated a 'Secondary (A) Aquifer'. An un-named tributary of the Lyme Brook is located 70 metres to the west of the site. Lyme Brook itself is located 400 metres to the east. The previous use may be currently impacting such "controlled water" receptors. In this context they object to the proposal on the basis that no preliminary risk assessment has been submitted with the application demonstrating the risk to 'Controlled Waters' by any site contamination is understood by the applicant and can be safely managed.

**Staffordshire Police** comment that they have no concerns with the provision of housing for this vacant piece of land to the rear of the old garage site. The sketch scheme drawing although indicative at this stage shows apartment blocks orientated to provide good natural surveillance over the parking provision and towards the single site entrance. The absence of unnecessary through routes is noted and is desirable as it discourages casual access into or across the site and can help foster a stronger sense of community. They also comment that a robust boundary treatment for the western and northern boundaries (which exists currently) would be advisable to help create a secure environment for the future residents. Should outline permission be granted, an explanation within the Design and Access Statement at the reserved matters stage as to how crime prevention has been addressed would be welcomed.

The **Newcastle South Locality Action Partnership** have been consulted but no comments have been received by the due date so it must be assumed that they have no observations.

**Environmental Protection** have no objections subject to conditions relating to.

- Protection of the highway from mud and debris.
- Construction activity being restricted to between 0700 hours and 1800 hours Monday to Friday and not at any time of Sundays, Bank Holidays or after 1300 hours on any Saturday.
- Prior approval of waste storage arrangements.
- Noise mitigation measures to achieved internal and external noise levels.
- Contaminated land remediation matters.

### **Representations**

5 letters of representation have been received including a letter from the **Thistleberry Residents Association** objecting to the development on the following grounds:

- Three storey development situated on an elevated site would have a relationship with the properties along Seabridge Road, Beaumaris Court and Higherland that is harmful to the form and character of the area.
- The proposal would reduce light and privacy levels of neighbouring occupants by an unacceptable degree.
- Low rise bungalow development would be preferable.
- The development is of an inappropriate density for this area
- There are existing on-street parking problems in Seabridge Road. Use of the proposed access would be impeded by this problem and is also considered to be unsafe taking into account its proximity to the junction shared with Higherland and the approved retail store on the adjacent site.
- Surrounding trees and hedgerow should be protected.
- Insufficient parking accompanies the development.
- The approved retail development will be incompatible with the proposed development because of the former's permitted opening hours.
- There is no material difference in the current planning application for the Authority to reach a different conclusion than it did for the previous application entailing the same number of units.

### **Applicants/ Agents submission**

The application documents are available at the Guildhall and on the Council's website

[www.newcastle-staffs.gov.uk/planning/1500077OUT](http://www.newcastle-staffs.gov.uk/planning/1500077OUT)

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

Following negotiations and the consideration of level information the proposal is now considered to be a sustainable form of development.

### **Background Papers**

Planning File

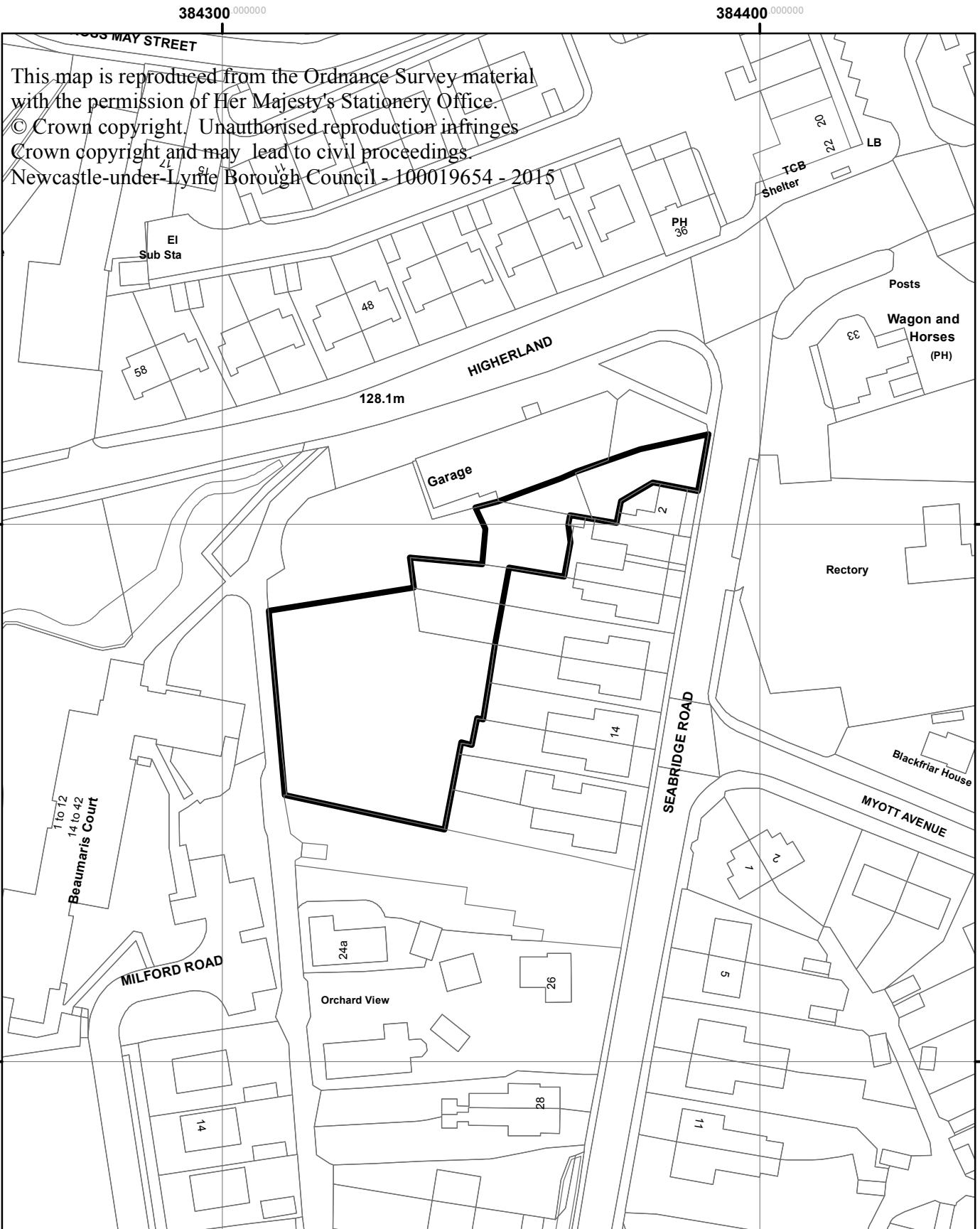
Planning Documents referred to

### **Date Report Prepared**

16 March 2015.



# Land to the Rear of Former Randles Garage Higherland 15/00077/OUT



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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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

**15/00047/COU**

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

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

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

Members may recall that the item was deferred at the last Planning Committee Meeting dated 3<sup>rd</sup> March in order to request the submission of additional information from the applicant, namely:

1. The submission of management of accommodation and waste/recycling arrangements details.
2. That the applicant speaks to local residents (making representation) about the proposal.
3. Floor plans showing toilet provision (which is currently unclear) be submitted.

**The 8 week period for the determination of this application expires on 17<sup>th</sup> March 2015.**

## **RECOMMENDATION**

**Permit subject to the following conditions;**

1. **Time limit and plans**
2. **Construction hours**
3. **Design measures to minimise noise**
4. **Submission and approval of drainage plans**
5. **Parking, access and turning areas**
6. **12 cycle parking spaces**

## **Reason for Recommendation**

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

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

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

## **KEY ISSUES**

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

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

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

#### The principle of the change of use of the building

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

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

The building is a large two storey property set within a spacious plot. It would provide 9 bedrooms each with a shower room, a communal kitchen and lounge at ground floor and a further 8 bedrooms (each with shower room), a communal kitchen and lounge at first floor. Toilets and wash basins have now been identified on a revised plan showing such facilities within each of the shower rooms.

Whilst the number of units proposed is high at 17 it is recognised that student accommodation is a use that is primarily residential in nature. The existing/ previous use was a children's home which falls within use class C2: Residential institutions and the existing floor plans shows that it had 11 bedrooms. There are no planning controls in place to limit the number of occupants of the existing facility or to stipulate that it can only be utilised as a children's home. At any time a new residential institution could take over the building which would accommodate a similar number of adults as proposed and there would be no planning controls to prevent it as it would be considered that no development had taken place. Therefore there is fallback position and this must be taken into consideration in the determination of this application. To assist members other uses within the C2 use class are a residential boarding school, college, hospital or training centre which may involve care of the residents.

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

In consideration of the identified fallback position, the proposed use having predominantly residential in character and the building being within a sustainable location your officers are of the view that the principle of this change of use is acceptable. It is also not considered that a change of use with no external alterations would significantly harm the character and appearance of the conservation area despite the number of residents being increased. Furthermore there are no development plan policies which the proposed use would be contrary to. In principle, therefore, the proposal is acceptable and should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

#### Parking and the impact on highway safety

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

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

The information that has recently been provided on behalf of the applicant indicates that the occupants will be provided with travel packs giving information of alternative modes of transport to the car and car parking will be managed on a permit system. A plan has been submitted which details 13 off street car parking spaces. A separate cycle and motor bike parking area has also been identified on the submitted plans.

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

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

The sustainable location of the building would encourage future residents to use public transport. It is not envisaged that the proposed use will result in off-site parking however there are parking controls on Sidmouth Avenue and in the wider area which would discourage this.

In addition the applicant has advised that the current practice of refuse vehicles turning in the site to avoid reversing down Sidmouth Avenue will continue.

Overall it is not considered that it could be demonstrated that the proposal will create or aggravate any on street car parking problem and as such would not breach policy.

#### The risk of anti-social behaviour and the impact to neighbouring living conditions

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

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

Residents have expressed objections to the use of the building and the increase in students within a residential street that would cause increase noise and anti-social behaviour.

In response to the request by Members of Planning Committee for additional information it has been indicated that the site will be let and proactively managed by a North Staffordshire accredited landlord in accordance with the relevant statute. Contracts are to be reviewed by Keele University to ensure that they are appropriate. In addition the site is secured by electronic gates and fixed boundary treatments. The existing CCTV system will be used.

The information provided demonstrates that the accommodation will be managed and there is no evidence that the proposed use of the building will result in unacceptable levels of anti-social behaviour or unacceptably affect the living conditions of neighbours. As such the proposal is acceptable in this regard.

#### Other matters

The applicant has indicated that in this case they did not consider it appropriate to make representation direct to local residents as the issues have been adequately address in the report to the planning committee. It should be noted that there is no formal planning requirement for further separate consultation to take place between the applicant and residents in consideration of the proposal and whilst the applicant did not consult neighbours in accordance with Members request this does not form the basis of a reason for refusal.

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

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

- Policy SP1: Spatial principles of Targeted Regeneration
- Policy SP2: Spatial principles of Economic Development

Policy SP3: Spatial principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

#### Newcastle-under-Lyme Local Plan (NLP) 2011

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

#### **Other material considerations**

##### Relevant National Policy Guidance

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

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

##### **Relevant Planning History**

None.

##### **Views of Consultees**

The **Highway Authority** has advised that they have no objections to the proposal subject to conditions relating to the provision of:-

1. access, parking and turning areas in accordance with the approved plans; and
2. weatherproof parking for a minimum of 12 cycles.

**Environmental Protection** has objections subject to conditions for construction hours and internal noise levels.

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

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

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

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

##### **Representations**

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

- The road is a quiet cul-de-sac not suitable for student accommodation.

- The proposal would result in increased traffic using Sidmouth Avenue, and would have an adverse impact due to parking on neighbouring streets.
- Students are not suitable neighbours for this area and would generate noise, litter within the area and increased anti-social behaviour.
- The proposal would adversely impact the existing community spirit and the applicant has had a careless attitude to the local community having not engaged with them.
- The number of flats is considered to represent over-intensification of the building and would put strain on the existing sewer system.
- The use would adversely affect the character of the Brampton conservation area and trees have been cut down without permission.
- The application is not supported by a planning or transport statement.
- The junction of Sidmouth Avenue and Queen Street is not suitable to take the volume of traffic and the increase in traffic arising from the proposal will exacerbate parking problems and will be hazardous to highway safety.
- There is a covenant on the building which limits its purpose.
- It would have a detrimental effect on the residents of the women's refuge at Elizabeth House.
  - There is no identified need for student housing in the area.
  - The proposal will operate as a house in multiple occupation (HMO) which will undermine the Council's aim of achieving an appropriate balance of housing provision mix in the locality.
  - There are already too many HMO's in the locality which is beyond an acceptable level.

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

Property Management Proposals have been submitted and this and all other application documents are available for inspection at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/1500047COU](http://www.newcastle-staffs.gov.uk/planning/1500047COU)

#### **Background Papers**

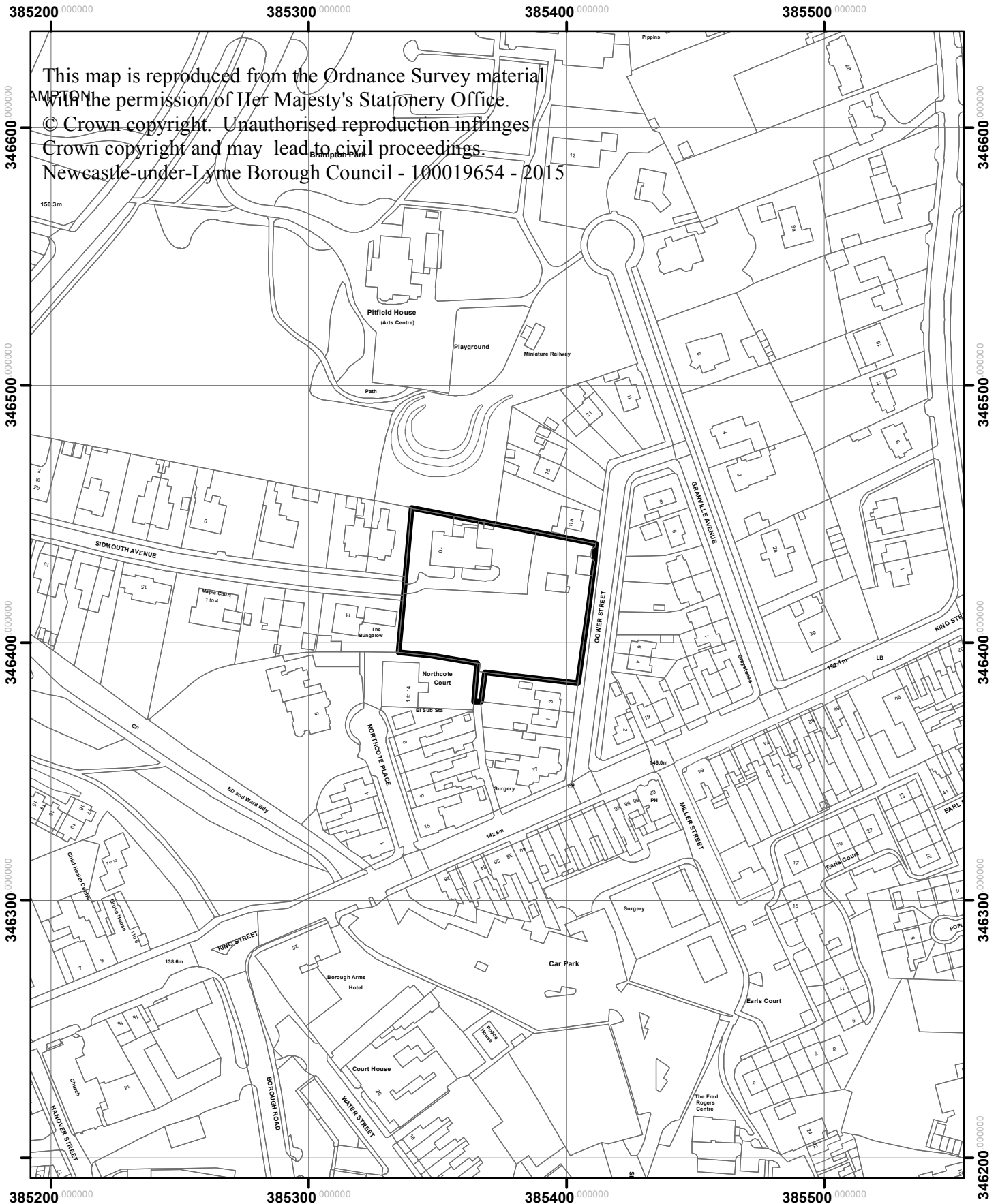
Planning File.  
Development Plan.

#### **Date report prepared**

17 March 2015

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**REDGATES, HADDON LANE, CHAPEL CHORLTON**  
**IAN SNAITH**

**15/00039/OUT**

## **Introduction**

Members will recall that this application for outline planning permission for a single detached dwelling in the garden of Redgates came before the Planning Committee on the 3<sup>rd</sup> March 2015. Members resolved to permit the application but requested that a report was brought back to the next meeting to agree the conditions that should be imposed on the application

Members considered that the site, due to it being within an existing ribbon development of residential dwellings, would represent infill development and would allow an elderly relative to be cared for by the occupiers of Redgates and would outweigh the harm caused by the unsustainable location. Therefore it would be in accordance with the guidance and requirements of the National Planning Policy Framework.

The purpose of this report is to agree acceptable conditions and explore the possibility of a Section 106 agreement to ensure that the proposed development remains occupied in connection with the existing Redgates property.

## **Discussion**

The application is for outline planning permission with all matters reserved for subsequent approval. Therefore all matters of detail – access, appearance, layout, scale and landscaping are required to be submitted as part of the reserved matters application. Standard conditions attached to outline planning permissions - standard time limit, reserved matters submissions and approved plans, are advised.

Additional conditions requiring certain specific details to be submitted as part of any reserved matters application are considered appropriate to ensure that the development is of a high quality design in this location.

The Highways Authority also recommended a number of conditions regarding access, parking and turning areas. Some of their requirements would be addressed in the standard reserved matters condition which requires the submission of details of the access. The other conditions could reasonably be imposed on this decision.

Your officers consider that in this particular circumstance a Section 106 agreement is appropriate.

The National Planning Policy Framework (paragraphs 203 and 204) and the Planning Practice Guidance both provide guidance on when planning obligations are appropriate. They both detail that planning obligations can mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

In this instance there are concerns about the unsustainable location but when permitting the application Members acknowledged that, as well as involving an acceptable form of development in this particular location, the proposed dwelling would allow an elderly relative (of the applicant) to occupy the existing property and the present occupiers of Redgates could then occupy the proposed dwelling. This would enable the relative to continue to live an independent life whilst having the support of family members on hand when needed.

The S106 agreement would secure the long term retention of the proposed dwelling to the existing property (Redgates) and would avoid the proposed dwelling becoming an independent dwelling. The site is located in the open countryside and is wholly unsustainable. However it has to be acknowledged that there are sustainability benefits of an elderly relative being located next to other family members who can offer care. As detailed in the report

brought before the 3<sup>rd</sup> March committee all occupiers of an independent dwelling would be reliant on the use of a private motor vehicle to access all day to day services and amenities.

Therefore it is considered that a S106 agreement would meet the tests outlined in paragraph 204 of the NPPF.

### **Recommendations**

**Subject to the applicant entering into a planning obligation that ties the occupation of the dwelling permitted to Redgates, Haddon Lane, by 30 April 2015**

**PERMIT subject to conditions relating to:-**

- 1. Plans / time limit**
- 2. Approval of reserved matters**
- 3. Full and precise details of the finished floor levels**
- 4. Details of vehicle and pedestrian visibility splays, and location and opening of any access gates to be provided in any reserved matters application**
- 5. Sample facing and roofing materials, sample hardstanding materials, and boundary treatments**
- 6. Submission of tree protection plan, Arboricultural Impact Assessment and Arboricultural Method Statement, and**
- 7. Waste recycling storage and collection arrangement**

**2) That should the obligation not be secured within the above period, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such matters being secured the special circumstances that are required to justify residential development in this location would not exist; unless he considers it appropriate to extend the period for completion of the obligation.**

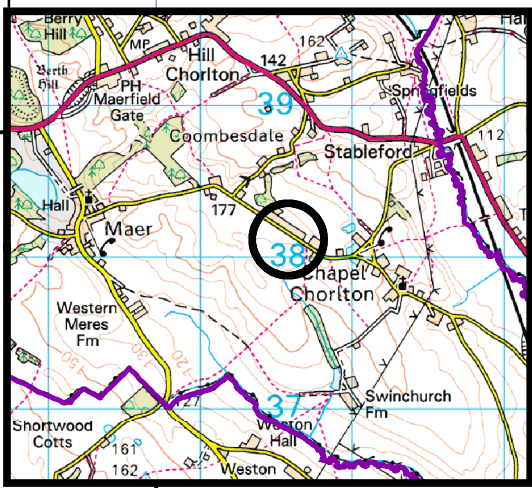
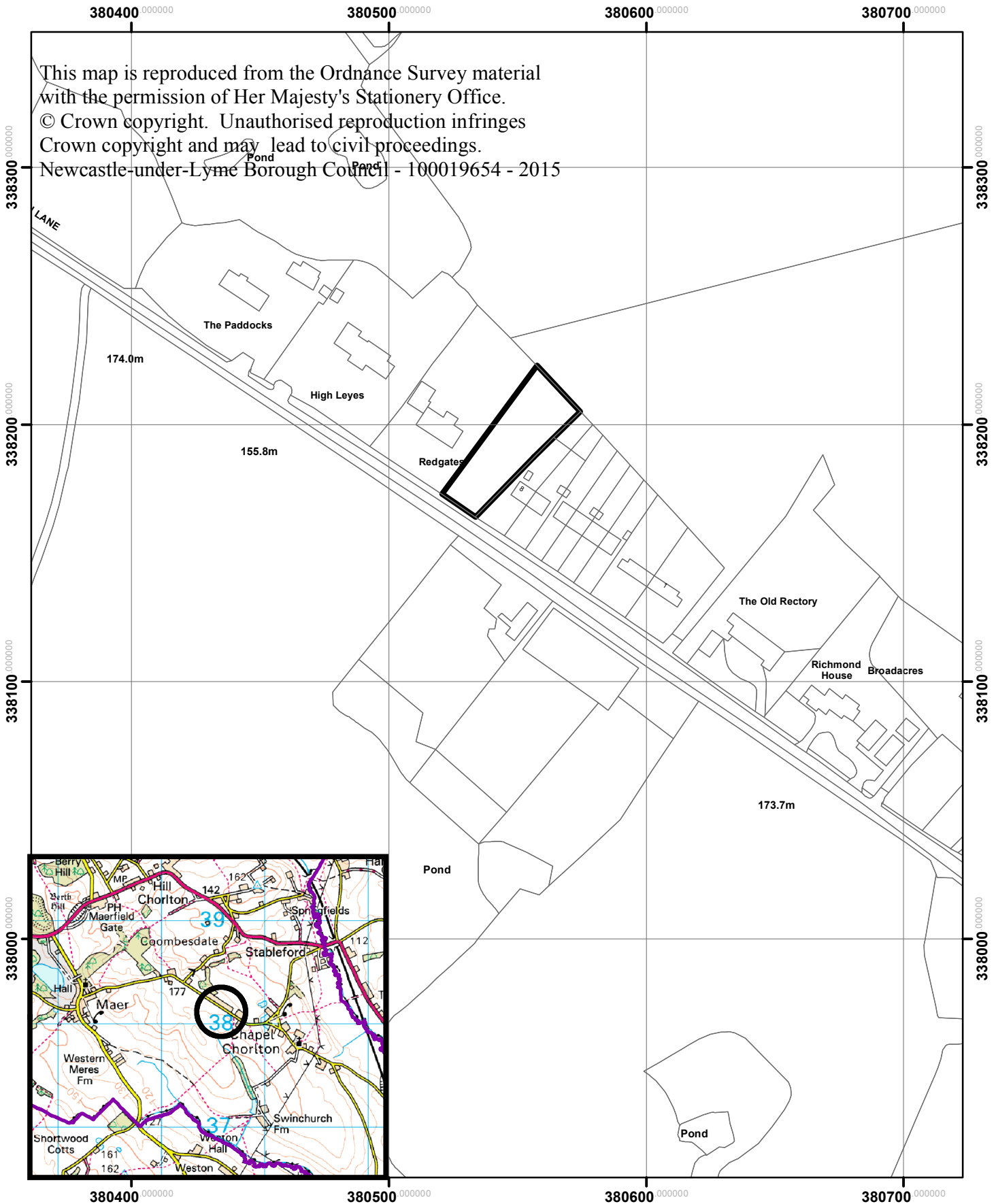
### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

17<sup>th</sup> March 2015

# Redgates, Haddon Lane Chapel Chorlton 15/00039/OUT



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**KESTREL DRIVE, LOGGERHEADS**  
**ASPIRE HOUSING**

**14/00905/OUT**

The application is for outline planning permission for the erection of a detached dwelling. Details of access and layout of the development are applied for at this stage with all other matters of detail (appearance, scale, and landscaping) reserved for subsequent approval. A parking area is also proposed for the dwelling adjoining the site.

The application site lies within an Area of Landscape Active Landscape Conservation located beyond the village envelope of Loggerheads as specified on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 3<sup>rd</sup> February 2014.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

- **Standard time limit;**
- **Approved plans;**
- **Approval of reserved matters;**
- **Prior approval of external facing materials;**
- **Replacement tree planting;**
- **Tree protection measures and arboricultural method statement ;**
- **Highway matters.**

**Reason for Recommendation**

The site is located approximately 200 metres (by road) beyond the village envelope of Loggerheads. Locations within the village envelope are accepted as sustainable location for new housing by the Councils current Development Plan, those outside it are not. Since the adoption of the National Planning Policy Framework March 2012 and in the context of the Council's inability to demonstrate an up to date 5 year housing land supply of deliverable housing sites, and acknowledging the proximity to existing local services it is not appropriate to resist the development on the grounds that the site is within the rural area outside of a recognised rural service centre. The negative impacts of the development – principally the site being outside of a rural service centre or village envelope and the loss of some trees (taking into account replacement tree planting can be secured) to accommodate the dwelling within the locality do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. No amendments were considered necessary during the course of the application.

**Key Issues**

The application is for outline planning permission for the erection of a detached dwelling. Layout and access details are applied for at this stage with all other matters of detail reserved for subsequent approval. The site is situated approximately 300 metres to the south, outside of the village envelope of Loggerheads.

The site is located at the end of a spur off the main Kestrel Drive and involves two parcels of land either side of the road. One of the parcels contains 7 garages and hardsurfacing. The other parcel contains a group of trees and scrub.

The site is within 500 metres of the Burnt Wood Site of Special Scientific Interest (SSSI) but is unlikely to have any significant impact upon flora and fauna in the immediate vicinity given it is already developed. Therefore the impact to wildlife is not a concern.

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 wider landscape, and is the impact acceptable?
3. Is the impact to surrounding trees acceptable?
4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the use of the existing access for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?
6. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

The site is approximately 500 metres from the enclave of village services offered with Loggerheads Village. The distance is walkable and the route is safe for pedestrians.

Policy SP1 of the Core Spatial Strategy states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provide access to services and service centres by foot, public transport and cycling.

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

The National Planning Policy Framework (NPPF) advises, at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

In light of the above policy considerations, in this particular context it is only the fact that the site is beyond the village envelope which counts against it. There is a presumption in favour of this development, therefore, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. Such impacts are addressed below.

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

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



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

The character of the area comprises of mostly detached houses and some terraced housing fronting Kestrel Drive. To the north of the site is dense woodland. Due to the terraced housing being set back from the other detached houses fronting Kestrel Drive the position of a detached property would not appear harmful to the form and character of the area.

### 3. Is the impact to surrounding trees acceptable?

The site contains a number of mature trees. Some tree loss is required to accommodate the development in the part of the site where turning area and informal parking for an adjoining property are to be provided. Taking into account the amenity value of the trees concerned it is considered that the degree of tree loss involved is acceptable. It is also the case that tree planting can be secured within any subsequent landscaping scheme. Tree protection measures can be employed as to minimise harm to other remaining trees.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. As details of layout have been submitted for approval at this stage the proposal can be assessed against the guidance.

The SPG recommends a separation distance of 21 metres between two storey properties containing principal rooms. It also advises minimum garden area sizes should be around 11 metres long and at least 65 square metres in area. Minimum separation distances can be exceeded and therefore adequate privacy and light levels for existing surrounding occupiers can be secured as well as sufficient garden space for the new dwelling.

### 5. Is the use of the existing access for the dwelling acceptable in highway safety terms?

Adequate visibility can be provided for the access sought. The vehicle movements associated to a further single additional dwelling would not have a significant detrimental impact on existing public safety levels. Subject to standard conditions recommended by the Highway Authority relating to proposed access, parking and turning area provision the impact to highway safety is acceptable.

As indicated above the proposal does involve the loss of seven garages. The information provided indicates that 4 of these garages are leased to two individuals and that they are not required for off street parking for the lessees vehicles as they have parking space available at their properties. The properties that front on to this part of Kestrel Drive all have off street parking with the exception of the dwelling directly adjoining the site and the proposed development includes parking spaces for that property.

The case therefore is that the loss of the garages and the parking area to the front would not be contrary to policy H4 of the Local Plan as it does provide parking facilities serve a local need and this is accepted.

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

In consideration of the above points there is no demonstrable harm to consider and the proposal otherwise represents sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough. Overall, the impacts which arise, namely the development of brownfield land, outside of the village envelope of

Loggerheads, do not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted.

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

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

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

##### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential development: sustainable location and protection of the countryside
Policy H4	Housing development and retention of parking facilities
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy N18	Areas of Active Landscape Conservation

#### **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)

#### **Relevant Planning History**

None relevant.

#### **Views of Consultees**

**Loggerheads Parish Council** – object to the proposal on the basis that:-

- The site is not brownfield within the village envelope of Loggerheads.
- The proposal is for market housing which is not supported by the Development Plan in this location.
- The 5 year housing land supply could be addressed with other more sustainable sites including Council owned land.
- The Councils projections are out of date and if they were updated by current population statistics (using national statistics) there would be a 5 year housing land supply evident taking into consideration a large number of sites that could be developed for residential purposes in the Council's ownership.
- There is no evidence of an attempt to let the vacant garage units.
- The majority of journeys to and from Loggerheads are reliant on car due to low levels of public transport provision which is not sustainable.

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

- Access and parking provision.
- The development shall not commence until the parking area for 36 Kestrel Drive has been provided in accordance with the submitted details and retained for the life of the development.
- The prior approval and provision of a refuse vehicle turning area.

The **Landscape Development Section** comments that:-

- A number of trees are to be removed and there are no objections to the principal of that subject to further information related to remaining tree retention methods.
- If permission is granted it should be subject to provision of a suitable landscaping plan and tree replacement planting to mitigate loss.

The **Environmental Health Division** – no response received by the due date 30 January so it is assumed there are no comments.

### **Representations**

7 letters of representation have been received relating to the following matters:-

- Unacceptable location for residential development remote from adequate infrastructure and facilities and not in accordance with the Development Plan.
- No identified need for the dwelling.
- Unsafe access with no footpath provision.
- Out of character in scale and appearance to properties in the vicinity of the site.
- Inadequate parking
- Unacceptable loss of garages.
- Loss of privacy.
- May resulting in flooding off site.

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

A Planning Statement, Tree Survey, Contaminated Land Assessment and Traffic & Transport Review have been submitted. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1400905OUT](http://www.newcastle-staffs.gov.uk/planning/1400905OUT)

### **Background Papers**

Planning File  
Planning Documents referred to

### **Date Report Prepared**

17 March 2015.

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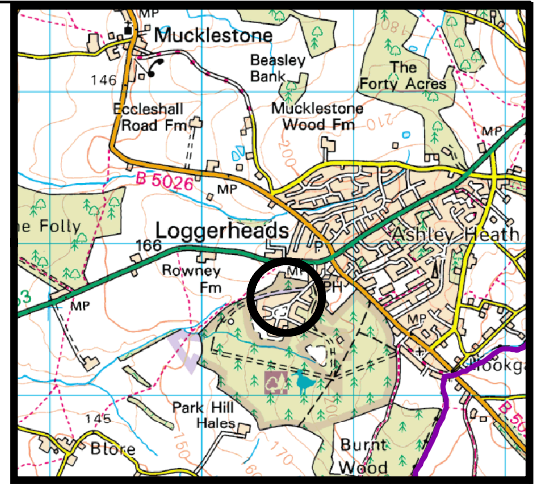
Land between 36 and 38  
Kestrel Drive, Loggerheads  
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Newcastle-under-Lyme Borough Council - 100019654 - 2015



**Issues**

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**LAND ADJACENT 2 MOSS COTTAGES, GLOUCESTER ROAD, KIDSGROVE**  
**Mr A WOODCOCK**

**15/00107/FUL**

**The Application** is for full planning permission for the change of use of land to the keeping of horses and the erection of two stables and a tack room at land adjacent to 2 Moss Cottages, Gloucester Road, Kidsgrove. The overall site area is approximately 0.25 of a hectare.

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

**The 8 week period for the determination of this application expires on 7<sup>th</sup> April 2015.**

### **Recommendation**

**Permit subject to conditions relating to the following matters:**

- **Commencement of the development**
- **Plans referred to in consent**
- **Materials to be utilised (Hard landscaping, facing and roofing materials)**
- **External lighting**
- **Means of storing and disposing of stable wastes**
- **Surfacing of the Access**
- **Parking and turning areas**
- **non commercial use only**
- **No storage, as opposed to parking when visiting, of horse boxes and similar**
- **No jumps and similar features without prior approval**

### **Reason for Recommendation**

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses, is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would go hand in hand with the stables, and refusal of that element may lead to additional hacking on the highway network, and increased highway danger. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area or the Area of Landscape Restoration, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12, N17, T16 and N21 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 with the applicant in a positive and proactive manner in dealing with this application**

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

### **KEY ISSUES**

Full planning permission is sought for a change of use of the land to the keeping of horses and the erection of a stable and tack room block at land adjacent to 2 Moss Cottages, Gloucester Road, Kidsgrove.

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

The site is accessed from an unadopted private track, which serves several dwellings, and also has a public footpath running along it.

The stable and tack room building would have a shiplap finish to the exterior walls and black onduline roofing. The stable would be located adjacent to the access, and the boundary hedging would be retained. An area of hardstanding is proposed to the rear of the access.

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

- Is the development considered appropriate development in the Green Belt?
- Is there any Conflict with Policies on Development in the Countryside?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally
- If inappropriate, are there any very special circumstances to justify approval?

#### 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. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The provision of modest sized stables for the keeping of horses as here proposed is considered appropriate development in the Green Belt, as it would fall within the scope of appropriate facilities for outdoor sport and recreation, would preserve the openness of the Green Belt, and would not be contrary to any of the purposes of including land within the Green Belt including that of safeguarding the countryside from encroachment.

Turning now to the change of use of the land - the applicants seek consent to use the land to keep horses upon. The use of land for the grazing of horses is something that would not involve “development” (and would therefore not require planning permission) but that is not what is proposed. Changes of use of land are not listed within the NPPF as appropriate development. Therefore the starting point for the change of use of the land must be that it would be inappropriate development in this Green Belt Location.

#### Any Conflict with Policies on Development in the Countryside?

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

The site lies within an Area of Landscape Restoration. Policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas it is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The materials for the stable building are considered appropriate for the location and intended use, and the building is relatively small, measuring 9.2 metres in length, 3.6 metres in width and 3 metres in total height to the ridge of the pitched roof.



The site is relatively well screened from the surrounding countryside and no landscape features would be affected as a result of the development. The site is not in an isolated location, with other buildings within the vicinity and adjacent to the highway. It is not considered that the character or quality of the landscape would be harmed to a sufficient extent to justify refusal.

Are there any highway safety issues?

It is important to ensure that the development will not have any adverse impact upon highway safety. The site is accessed from a private and unadopted track, which serves several dwellings and also has a public footpath (Kidsgrove 157) running along it.

The current track between No.3 and the proposed field access is overgrown and made up of soil only. Due to the need for vehicles and or trailers to access the site it is considered necessary to condition the re surfacing of the track to ensure a suitable stable porous surface which will not damage the existing track or deposit mud further along the track when heading towards Gloucester Road.

The Highway Authority has no objections to the proposed development subject to the condition above, and a condition relating to details of parking and turning facilities within the site, and the type of surfacing within the site. Such conditions are considered reasonable and necessary to ensure that the development will not result in any highway safety concerns.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development will not have any adverse impact upon residential amenity or the environment. The keeping of horses often gives rise to complaints regarding noise, odours, smoke, insects and light disturbance. These complaints are often caused by the burning of wastes, poor stable hygiene and poor management of horse manure.

The area is likely to be inherently dark at night and the installation of any external lighting may unacceptably affect the amenity of the neighbouring premises. The Environmental Health Division therefore recommends that a condition is included on any approval for the prior approval of any external lighting at the site.

The Environmental Protection Division recommends a further condition for the prior approval of details of storing and disposing of stable waste.

Therefore, provided the above conditions are included on any approval, the development is considered acceptable in this regard.

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

As indicated above whilst the stable building (and its associated hardstanding/parking area) are "appropriate" development in Green Belt terms, that part of the proposal which involves the change of use of the field to the keeping of horses is not. Accordingly the Authority has to now 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.

There is no suggestion that the use of land for the keeping of horses involves any particular proposals for the provision of jumps or other more permanent equestrian paraphernalia within the field in question (and in any case that could be the subject of a condition). No harm to the Green Belt's openness or to any of the purposes of including land within the Green Belt arises from the use in question, and the use is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". It is considered that, as the stabling is accepted as appropriate

development, it would be unreasonable to not allow the change of use of the land, which would go hand in hand with the stables. Indeed the consequence of such an approach might also be perverse – leading to additional hacking on the highway network, which might itself bring with it a risk to highway safety. This is a material consideration that the Local Planning Authority can take into account.

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

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

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

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

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration  
Policy T16: Development – General Parking Requirements

### **Other Material Considerations include:**

National Planning Policy

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

### **Relevant Planning History**

None

### **Views of Consultees**

The **Environmental Health Division** has no objections subject to conditions relating to external lighting without prior consent and the means of storing and disposing of stable waste. They also recommend an informative regarding the importation of waste material to facilitate construction.

The **Highways Authority** has no objections subject to conditions requiring surfacing of the road and provision of parking and turning.

The **Landscape Development Section** and **Kidsgrove Town Council** have no objections.

### **Representations**

None received.

### **Applicant/Agent's Submission**

Documents submitted for this application are available for inspection at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/1500107FUL](http://www.newcastle-staffs.gov.uk/planning/1500107FUL)

### **Background Papers**

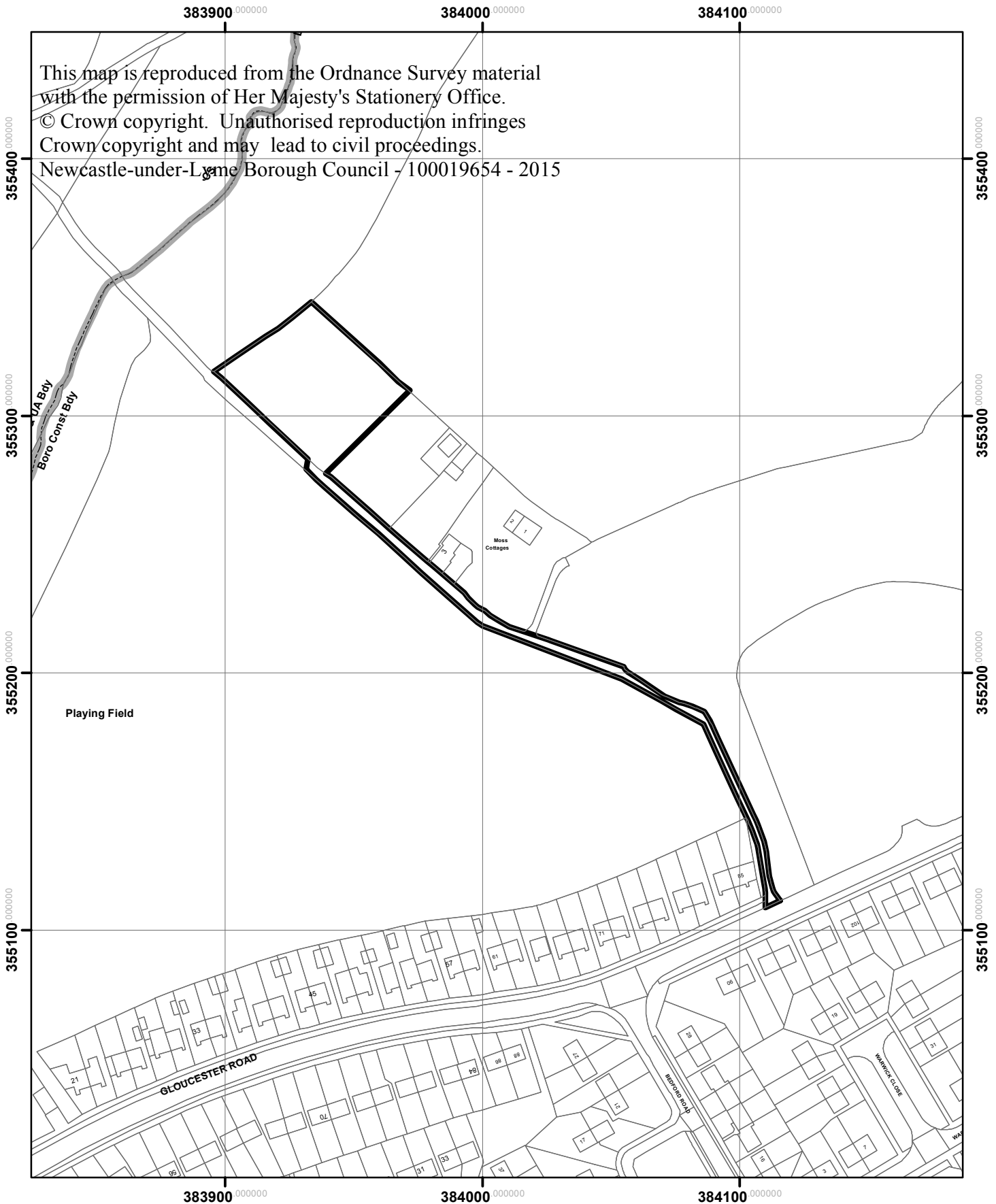
Planning file  
Planning documents referred to

**Date report prepared**

17<sup>th</sup> March 2015

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Land adjacent 2 Moss Cottages,  
Gloucester Road, Kidsgrove  
15/00107/FUL



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**1 THE WOODLANDS, LIVERPOOL ROAD EAST, KIDSGROVE  
MRS J ALDERTON SCOTT**

**15/00016/FUL**

The application is for full planning permission for the change of use of land to the keeping of horses and the erection of two stables and a tack room at land adjacent to 1 The Woodlands, Liverpool Road East, Kidsgrove. The overall site area is approximately 0.3 of a hectare. The application is retrospective as the development has already been undertaken.

The application site is located within the Green Belt as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expires on 20<sup>th</sup> April 2015.**

## **Recommendation**

**Permit subject to conditions relating to the following matters:**

- **Plans referred to in consent**
- **External lighting**
- **Means of storing and disposing of stable wastes**
- **non commercial use only**
- **No storage, as opposed to parking when visiting, of horse boxes and similar**
- **No Jumps and similar features without prior approval**

## **Reason for Recommendation**

The development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses, is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would go hand in hand with the stables, and refusal of that element may lead to additional hacking on the highway network, and increased highway danger. 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 with the applicant in a positive and proactive manner in dealing with this application**

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

## **KEY ISSUES**

Full planning permission is sought, retrospectively, for a change of use of the land to the keeping of horses and the erection of a stable and tack room block at land adjacent to 2 Moss Cottages, Gloucester Road, Kidsgrove. The application is retrospective, as the development has already been undertaken.

The application site is located within the Green Belt as indicated on the Local Development Framework Proposals Map.

The site is accessed from an unadopted private track, which serves several dwellings, and also has a public footpath running along it.

The stable is located to the northern side of the site, along with the access into the field and the parking area. There are three stables and a tack room in the building, and the building is constructed from plywood sheets with a mono pitched roof of green profile sheeting.

Stone gravel has been laid for the parking area.

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

- Is the development considered appropriate development in the Green Belt?
- Is there any Conflict with Policies on Development in the Countryside?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally
- If inappropriate, are there any very special circumstances to justify approval?

#### 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. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The provision of modest sized stables for the keeping of horses as here proposed is considered appropriate development in the Green Belt, as it would fall within the scope of appropriate facilities for outdoor sport and recreation, would preserve the openness of the Green Belt, and would not be contrary to any of the purposes of including land within the Green Belt including that of safeguarding the countryside from encroachment.

Turning now to the change of use of the land - the applicants seek consent to use the land to keep horses upon. The use of land for the grazing of horses is something that would not involve “development” (and would therefore not require planning permission) but that is not what is proposed. Changes of use of land are not listed within the NPPF as appropriate development. Therefore the starting point for the change of use of the land must be that it would be inappropriate development in this Green Belt Location.

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

Paragraph 56 of the National Planning Policy Framework advises of the importance attached to the design of the built environment, and that good design is a key aspect of sustainable development. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The materials used in the construction of the stable building are considered appropriate for the location and use, and the design and scale is considered appropriate.

The site is relatively well screened from the surrounding countryside and no landscape features would be affected as a result of the development. The site is not in an isolated location, with other buildings within the vicinity and adjacent to the highway. It is not considered that the character or quality of the landscape would be harmed to a sufficient extent to justify refusal.

The development therefore accords with Policy CSP1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.



Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety. The site is accessed from a private and unadopted road which serves several properties and the application site.

The site provides space for a vehicle to pull off the road, and it is laid with stone gravel. It is considered that there are no highway safety issues arising from this development and it is noted that the Highway Authority has no objections.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development will not have any adverse impact upon residential amenity or the environment. The keeping of horses often gives rise to complaints regarding noise, odours, smoke, insects and light disturbance. These complaints are often caused by the burning of wastes, poor stable hygiene and poor management of horse manure.

The area is likely to be inherently dark at night and the installation of any external lighting may unacceptably affect the amenity of the neighbouring premises. The Environmental Health Division therefore recommends that a condition is included on any approval for the prior approval of any external lighting at the site.

The Environmental Protection Division recommends a further condition for the prior approval of details of storing and disposing of stable waste.

Therefore, provided the above conditions are included on any approval, the development is considered acceptable in this regard.

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

As indicated above whilst the stable building (and its associated hardstanding/parking area) are "appropriate" development in Green Belt terms, that part of the proposal which involves the change of use of the field to the keeping of horses is not. Accordingly the Authority has to now 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.

There is no suggestion that the use of land for the keeping of horses involves any particular proposals for the provision of jumps or other more permanent equestrian paraphernalia within the field in question (and in any case that could be the subject of a condition). No harm to the Green Belt's openness or to any of the purposes of including land within the Green Belt arises from the use in question, and the use is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". It is considered that, as the stabling is accepted as appropriate development, it would be unreasonable to not allow the change of use of the land, which would go hand in hand with the stables. Indeed the consequence of such an approach might also be perverse – leading to additional hacking on the highway network, which might itself bring with it a risk to highway safety. This is a material consideration that the Local Planning Authority can take into account.

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

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt  
Policy N12: Development and the Protection of Trees  
Policy T16: Development – General Parking Requirements

**Other Material Considerations include:**

National Planning Policy

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

**Relevant Planning History**

00/00736/PLD Permitted 16.11.2000 Certificate of proposed lawful development for the growing of christmas trees

**Views of Consultees**

The **Highways Authority** has no objections.

The **Environmental Health Division, Landscape Division, County Footpaths Officer and Kidsgrove Town Council** had not provided their comments at the time of writing the report. Any comments will be reported to the planning committee via a supplementary

**Representations**

None received.

**Applicant/Agent's Submission**

Documents submitted for this application are available for inspection at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/1500016FUL](http://www.newcastle-staffs.gov.uk/planning/1500016FUL)

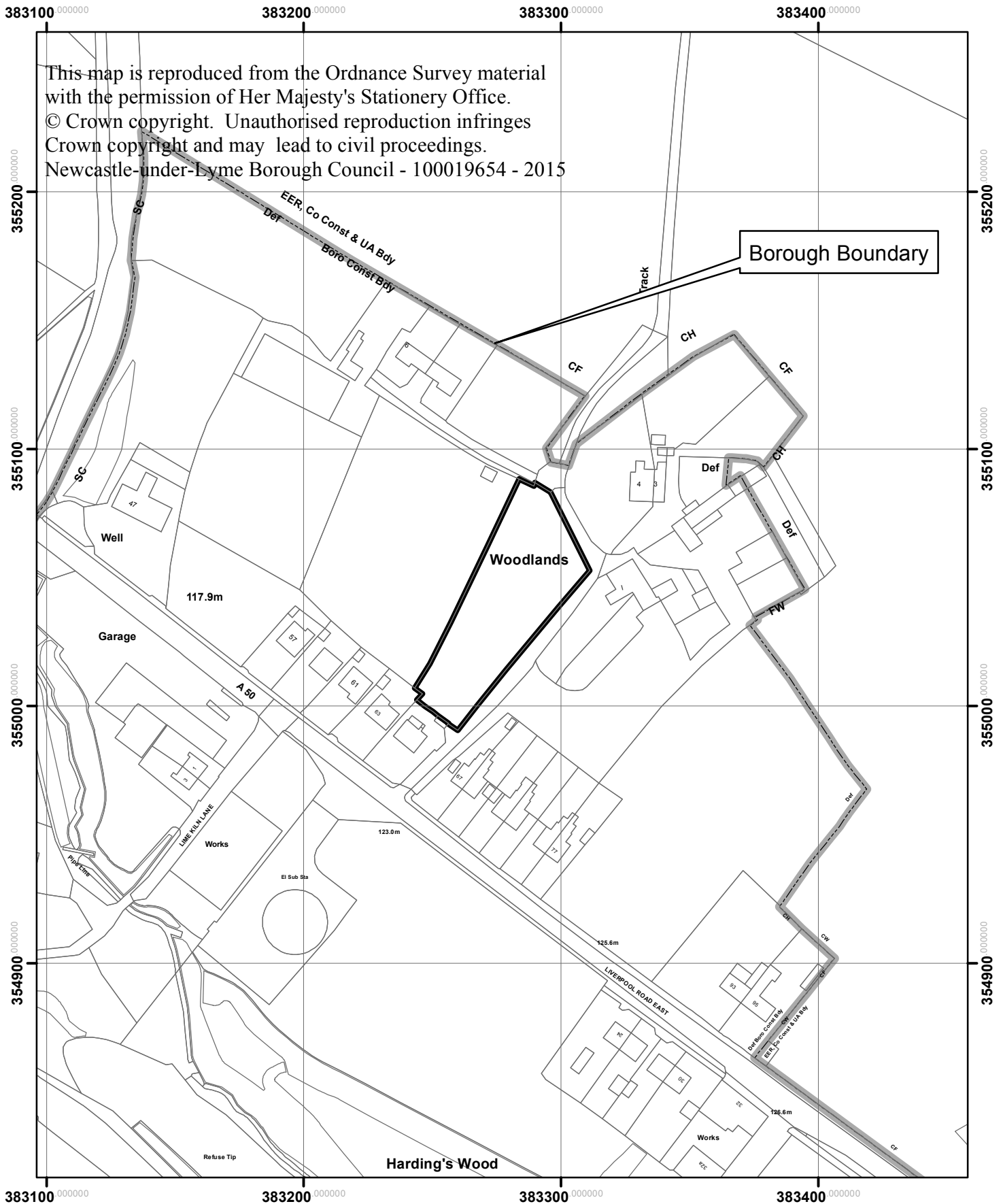
**Background Papers**

Planning file  
Planning documents referred to

**Date report prepared**

17<sup>th</sup> March 2015

1 The Woodlands,  
 Liverpool Road East, Kidsgrove  
 15/00016/FUL



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1 LANSDELL AVENUE, PORTHILL  
MR N FOXALL

14/00941/FUL

The application is for full planning permission for a two storey side and rear extension.

The property is a two storey, semi-detached dwelling, and is located within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been referred to the Planning Committee at the request of two councillors in response of concerns of neighbours due to the size of the proposed extension.

**The statutory 8 week period for the determination of this application expires on 30<sup>th</sup> March 2015.**

## **RECOMMENDATION**

**Refuse for the following reason:**

- 1. As a result of the development the car parking provision on site would be significantly less than the maximum standards for a five bedroom dwelling therefore the development could create a local on street parking or traffic problem to the detriment of highway safety and contrary to Policy T16 of the Newcastle under Lyme Local Plan.**

## **Reasons for Recommendation**

The applicant has failed to demonstrate that 2 parking spaces can be provided on site and as such significantly less than the maximum standards for car parking provision can be achieved within the site which could create a local on street parking or traffic problem, contrary to Policy T16 of the Newcastle under Lyme Local Plan.

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

This is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

## **Key Issues**

Full planning permission is sought for a two storey side extension and a part single storey, part two storey rear extension to a two storey semi-detached dwelling located within the urban area of Newcastle under Lyme, as indicated by the Local Development Framework Proposals Map.

The extension would project 3600mm from the rear elevation at its furthest point, and the single storey element would have a chamfered edge at the point closest with the boundary with 3 Lansdell Avenue, the attached dwelling.

Part of the two storey rear extension would have a flat roof, with the remainder having a hipped and pitched roof that would be set lower than the main ridge height. The two storey side extension would have hipped and flat roof elements. The overall ridge height of the extension would be set down from the ridge of the existing

dwelling. The side extension would be set back from the existing front elevation at first floor. At ground floor it projects forward of the front elevation to create a hallway.

Materials are proposed to match those of the existing dwelling.

The application follows an application in 2013 which was withdrawn following concerns about impact on trees and off road parking. The current application includes a car parking plan and a revised arboricultural report.

The key issues in the determination of the application are:

- The design of the extension
- The impact upon highway safety and car parking
- The impact upon residential amenity
- The impact upon existing trees and hedgerows

### The design of the extension

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

Policy H18 of the Local Plan relates specifically to the design of residential extensions and considers that the form, size and location of the extension should be subordinate in design to the original dwelling, the materials and design of each extension should fit in with those of the dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The proposed extension is large, and would wrap around the side and rear of the dwelling at mostly two storeys in height. A small single storey extension is proposed to the rear which would have a chamfered edge, which has been designed this way to avoid conflict with the 45 degree code as set out later in the report under the residential amenity section. The chamfered edge is not a design solution which is encouraged, however it would not be visible within views from the street scene and would not have a significant impact on the overall appearance of the dwelling.

Turning to the two storey rear extension, this would not be visible within views from the street scene, and whilst large, it would be stepped down from the main ridge height of the dwelling in order to achieve a subordinate appearance. The flat roof section of the two storey element is not ideal; however it is to the rear of the dwelling and would not be visible within views from the street scene.

The ridge height of the two storey side extension would be stepped down from the main roof height of the dwelling, and would be set back at first floor level. The side extension does include a small, flat roofed element which will be visible from the street scene. Again this is not ideal, however it would appear subordinate to the appearance of the dwelling as extended and it is considered that it would not detract materially from the character of the original dwelling or the street scene.

Overall the extension is considered to be of an appropriate design and appearance, and would accord with Policy H18 of the Local Plan and the aims and objectives of the NPPF.

### The impact upon highway safety and car parking

The plans indicate that two of the upper floor rooms would be for a study and a box room. The study is considered an acceptable size for a bedroom. The box room is identified on the existing plan as a bedroom. Therefore, whilst the indication is that two of the upper floor rooms would not be used as bedrooms, these two rooms could be used for that purpose in the future and as such the application should be assessed as increasing the size of the dwelling from a three bedroom to a five bedroom dwelling.

The maximum car parking standards for a five bedroom dwelling as set out in the Local Plan are 3 off road spaces. It is considered, however, that two off road car parking spaces would be a satisfactory amount of off road parking for this dwelling in this location. The Highway Authority, however, have objected to the proposals as the proposed car parking plan does not show two parking spaces of an appropriate size. They also object to the lack of manoeuvring space within the site. The level of parking achieved is considered to be significantly below the maximum set out in Local Plan policy and, contrary to policy T16, has the potential to create a local on street parking or traffic problem. As such it is considered unacceptable.

### The impact upon residential amenity

It is important to assess how a proposed development will impact upon residential amenity in terms of loss of light or privacy.

The proposal complies with the 45 degree code with regards to loss of light, as set out in the Council's SPG when measured from the nearest principal window of the attached dwelling, 3 Lansdell Avenue. In terms of the impact of the extension on the occupiers of No. 3, the two storey part of the extension closest to the boundary would project 1800mm from the original rear wall, and it is considered that this would not have an overbearing impact on the adjoining occupiers

Turning to the impact on the adjoining dwelling whose rear elevation faces the side of the proposed extension. The extension would be approximately 12.75 metres from the windows on the rear elevation. The SPG sets out an advised distance of 13.5 metres from principal windows facing onto a wall of a two storey dwelling with no principal windows. The distance achieved falls short of the advised distance by just over 1 metre, however on balance this is considered acceptable when taking into account that there are intervening trees and the proposed extension would be to the north west of 11 Clare Avenue, therefore not likely to cause any significant shading issues to principal windows.

The distance between the proposed principal windows on the rear elevation and the dwellings to the rear on Croft Avenue would be around 38 metres. The advised separation distance in the SPG is 21 metres between facing principal windows which increases by 3 metres for each additional storey. Taking into account the change in land levels, which has a similar impact as additional storeys, the 38 metre separation distance is still considered to exceed the requirements of the SPG.

In terms of the amount of garden remaining should the development be permitted, there is an outbuilding in the south east corner of the rear garden, however the size of the remaining rear garden would exceed 65 square metres, which is the minimum standard advised for dwellings with three or more bedrooms.

Overall, the proposed development is considered acceptable in terms of its impact upon residential amenity, and is considered to comply with the requirements of the SPG.

#### The impact upon existing trees and hedgerows

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, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are existing trees within the garden area of the neighbouring property which contribute to the visual appearance of the area and which would be very close to the proposed extension.

The Landscape Division, having considered the submitted information, has no objections to the proposal, subject to conditions relating to tree protection fencing, and appropriate construction methods to ensure that if significant roots are discovered they can be dealt with appropriately. They also recommend that a condition is included on any approval to ensure that there are no changes in ground level within Root Protection Areas and that any hard surfacing is limited within these areas.

As advised it is therefore considered that subject to appropriate controls the trees will not be adversely affected by the development.

#### **Policies and proposals in the approved Development Plan relevant to this decision:**

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

Policy ASP5: Newcastle and Kidsgrove urban neighbourhoods area spatial policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

##### Newcastle under Lyme Local Plan 2011

Policy H18: Design of residential extensions, where subject to planning control  
Policy T16: Development – general parking requirements  
Policy N12: Development and the protection of trees

#### **Other Material Considerations**

##### Relevant National Policy Guidance:

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

#### **Relevant Planning History**



07/00612/FUL Permitted 24.08.2007 Two storey rear extension and single storey rear extension

13/00833/FUL Withdrawn Two storey side and rear extension

### **Views of Consultees**

The **Landscape Division** has no objections subject to conditions relating to tree protection and construction methods.

The **Highway Authority** objects to the proposed development on the grounds that submitted application does not provide sufficient parking and manoeuvring space to allow vehicles to park within the curtilage of the property.

### **Representations**

7 representations, all objecting to the proposal, have been received and are summarised below:

- Insufficient off road car parking; inadequate room to manoeuvre into the parking spaces; and the parking bays shown on plan are not to scale and will not accommodate the commercial vehicle that belongs to the property. The levels add to the parking difficulties.
- The arboricultural impact assessment does not assess the proposed development, may be incorrect and does not consider shade, amenity and future management requirements, all of which contribute to the poor relationship of the proposed development with existing trees. If the application is granted, a pre commencement condition should be made in respect of tree protection.
- The floor space would be doubled if the application is permitted which would significantly alter its appearance and detract from its character and that of the street scene. The design would be disjointed and contrary to Policy H18.
- The scale, height and general bulky mass of the proposal would have an adverse impact upon the amenities of adjoining properties due to loss of light, loss of privacy and its overbearing impact. The issues are increased due to the levels difference between the site and adjoining properties.
- Amendments to the proposal from the previous application have not addressed the concerns of residents unlike an extension to a nearby property which was permitted after a number of amendments.
- Council should consider the Human Rights Act – in particular Protocol 1, Article 1
- Surface water run off will increase as a result of the development

### **Applicant's/Agent's Submission**

A tree survey, car parking plan and the requisite plans and form were submitted by the applicant.

The application details are available to view at the Guildhall or using the following link [www.newcastle-staffs.gov.uk/planning/1400941FUL](http://www.newcastle-staffs.gov.uk/planning/1400941FUL)

### **Background Papers**

Planning File

Development Plan

National Planning Policy Framework (2012)

Date report prepared

9<sup>th</sup> March 2015

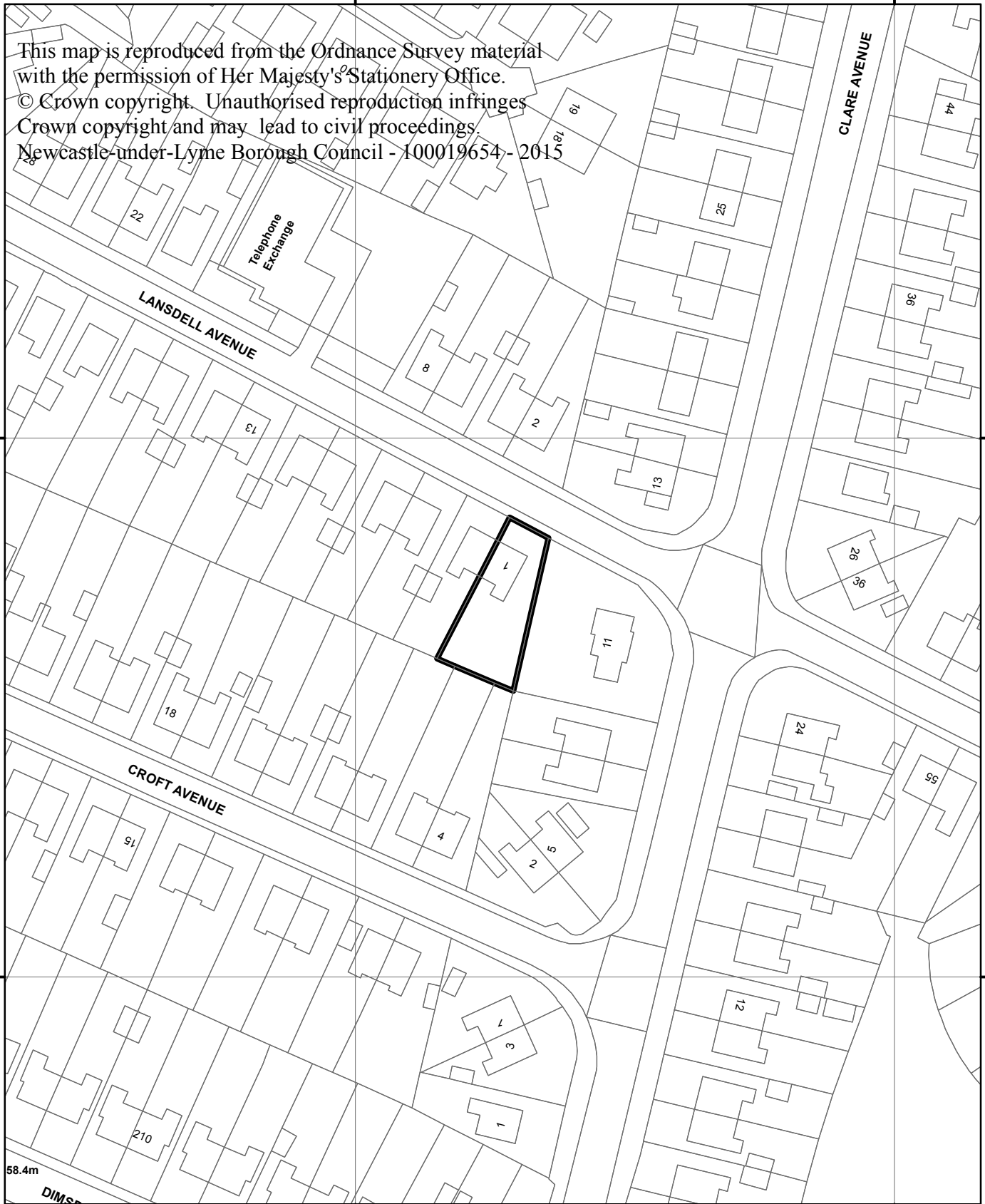
# 1 Lansdell Avenue Wolstanton 14/00941/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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BARN, HOLLY LANE, HARRISEAHEAD  
D RILEY

15/00098/COUNOT

This application seeks prior approval for a change of use from a barn to a dwelling under Class MB of Part 3 of the General Permitted Development Order.

This application has been brought to planning committee as the applicant is an employee of the Borough Council.

**The statutory 8 week determination period for the application expires on the 2<sup>nd</sup> April 2015.**

## **RECOMMENDATION**

- (a) Prior approval is **not required** as to the transport and highways impacts; the noise impacts; the flooding risks or as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwelling.
- (b) Prior approval is **required** as to the contamination risks on the site and should be **granted**. The following informatives should be included in the decision:
- Informative regarding importation of soil to facilitate development
  - Coal Authority informatives
  - Informative outlining the conditions of MB.2 of Part 3 of the Town and Country Planning General Permitted Development Order that before beginning the developer, the developer shall apply for a determination as to whether prior approval is required as to the design or external appearance of the building and that the development shall begin within 3 years.

## **Reason for recommendation**

The proposed development complies with the permitted development rights for converting agricultural buildings to residential dwellings as set out in Class MB of Part 3 of the Town and Country Planning General Permitted Development Order.

## **Key Issues**

The application is for prior approval for the change of use of an agricultural building to a dwelling. No extensions are involved in the conversion.

Class MB indicates that the developer is required to make an application for a determination as to whether the prior approval of the Authority will be required for

- the transport and highway impacts of the development;
- noise impacts of the development;
- contamination risks on the site;
- flooding risks on the site; or
- whether the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order.

Building operations reasonably necessary to convert the building to a dwellinghouse are also permitted under Class MB but with certain limitation and with the condition that before starting the development a further determination application is submitted to establish whether prior approval of the design external appearance of the building (relating to the building operations reasonably necessary to convert the building to a dwelling) is then also required.

The council may refuse such an application where the proposed development does not comply with, or there is insufficient information to establish whether the proposed development complies with the conditions, limitations or restrictions. It is noted that no extensions are proposed to the existing building. There would be an element of re building to some of the walls and roof with reclaimed materials, new window openings and new roof lights are proposed however such building operations are considered to be reasonably necessary to convert the building to a dwellinghouse. In this particular case, bearing this in mind and

considering the other conditions etc. it is concluded that the proposed development does comply. It is therefore necessary to determine whether prior approval is required and if it is, should it be granted.

### **Is prior approval required?**

The procedure set out in the GPDO requires that consideration is given to each of the matters covered by the bullet points above.

#### 1. Transport and highway impacts of the development

Prior approval is required if the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site and if so it should consult the relevant Highway Authority.

The application site is served by an existing access off Holly Lane which in turn serves a number of dwellings and farms. It is considered that the introduction of traffic associated with one addition dwelling would not be material and would not materially change the character of traffic in the vicinity of the site. As such it is considered that prior approval as to transport and highways impacts of the development is not required.

Whilst it was not required as part of the procedure, given that prior approval is not required, the Highway Authority has been consulted on the proposal and it should be noted that they have no objections to the proposal.

#### 2. Noise impacts of the development

The building is over 100 metres from the nearest residential property and agricultural buildings at Stonetrough Farm. It is therefore considered that this would not give rise to unacceptable noise implications and therefore prior approval is not required as to the noise impacts of the development.

#### 3. Contamination risks on the site

There is the potential for there to be contamination risks associated with the proposed change of use and as such it is considered that prior approval as to the contamination risks on the site is required.

If the Council determine that the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land then prior approval should be refused. The Environmental Health Division states that whilst the application site is within a high risk coal mining area, there is a low risk of contamination/ mining issues due to the proposal being a conversion involving only minor works as such there is no basis to conclude that any mitigation is required or to conclude that the site will be contaminated land and refuse to give prior approval. It is therefore recommended that prior approval should be granted.

#### 4. Flooding risks on the site

The site is not within a Flood Zone and as such it is considered prior approval is not required as to the flooding risks on the site.

#### 6. Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

There are no issues which would make it otherwise impractical or undesirable for this building to change from agricultural use to a dwellinghouse.

### **Material Considerations:**

National Planning Policy

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

Supplementary Planning Guidance  
Nil.

Planning History  
Nil

Views of Consultees

**Kidsgrove Town Council** – No objections

**Coal Authority** –No objections subject to informatives being included on any approval.

**Environmental Health Division and Highway Authority** – no objections.

**Footpaths Officer** – have not responded by the due date and as such it is assumed that there are no comments.

### **Representations**

A site notice has been displayed giving an expiry date of the 20<sup>th</sup> March 2015 for any comments to be made on the application. No comments had been received at the date of writing the report, and any comments received will be reported to the planning committee.

### **Applicants/agents submission**

The requisite plans and application form can be viewed on the Borough Council's website at [www.newcastle-staffs.gov.uk/planning/1500098COUNOT](http://www.newcastle-staffs.gov.uk/planning/1500098COUNOT)

Background Papers  
Planning File  
Development Plan

Date report prepared

18<sup>th</sup> March 2015

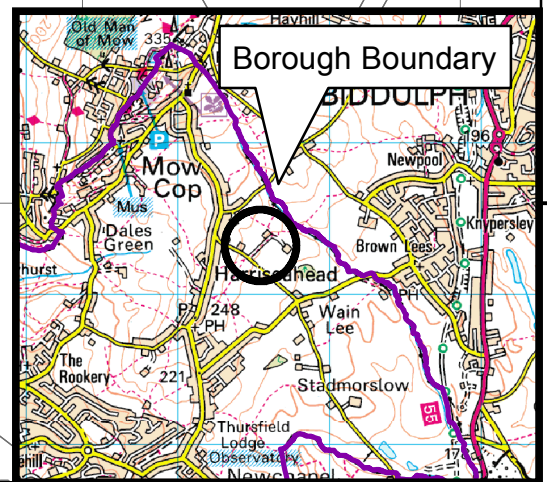
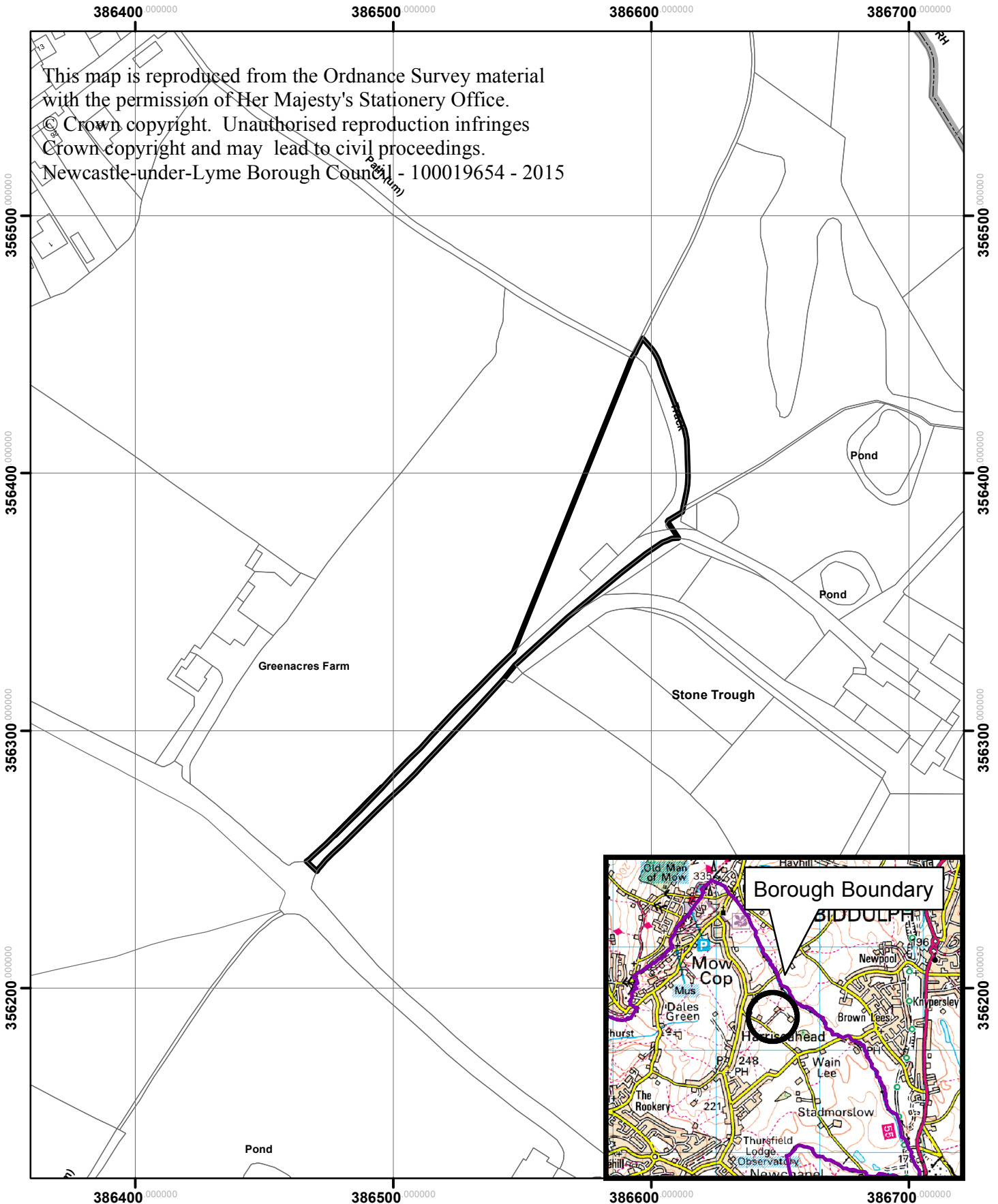
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# Barn at Holly Lane, Harriseahead 15/00098/COUNOT



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27 HARDINGSWOOD ROAD, KIDSGROVE  
MRS KATY STANWORTH

14/00971/FUL

The application is for full planning permission for the demolition of 27 Hardingswood Road in order to extend the garden area of the adjacent dwelling, 28 Hardingswood Road.

The site is located within the urban area of Kidsgrove, and within the Trent and Mersey Canal Conservation Area, as defined on the Local Development Framework Proposals Map.

The application has been 'called in' to the Planning Committee by two Councillors who support the demolition of the house.

**The statutory 8 week determination period expires on the 20<sup>th</sup> April 2015.**

## **RECOMMENDATION**

**REFUSE** as the demolition of the building would be detrimental to the overall character and appearance of the Trent and Mersey Canal Conservation, would not result in any public benefit and it has not been demonstrated that the building is incapable of beneficial use. As such is contrary to policy.

## **Reason for recommendation**

The demolition of this building within the Trent and Mersey Canal Conservation Area would be detrimental to the overall character and appearance of the designated Conservation Area. There would be no public benefit arising from the proposal, and it has not been demonstrated that the building is incapable of beneficial use. The proposal therefore conflicts with Policies B9, B10, B11 and B13 of the Newcastle-under-Lyme Local Plan and the aims and objectives of the National Planning Policy Framework 2012.

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

This is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

## **Key Issues**

The application seeks planning permission for the demolition of a dwelling and the incorporation of the plot into the garden area of the adjoining property, 28 Hardingswood.

The property is located within the urban area of Kidsgrove and within the Trent and Mersey Canal Conservation Area, as defined by the Local Development Framework Proposals Map.

The main issue is considered to be the impact of the demolition of this property on the character and appearance of the Trent and Mersey Canal Conservation Area.

This is a re submission of the previously refused planning application 14/00453/FUL, which was refused at planning committee on 5<sup>th</sup> August 2014 for the following reason:

- 1. The demolition of this building within the Trent and Mersey Canal Conservation Area would be detrimental to the overall character and appearance of the designated Conservation Area through the loss of the building which has value when viewed in the context of other buildings and the gap that would arise. There would be no public benefit arising from the proposal, and it has not been demonstrated that the building is incapable of beneficial use. The proposal therefore conflicts with Policies B9, B10, B11 and B13 of the Newcastle-under-Lyme Local Plan and the aims and objectives of the National Planning Policy Framework 2012.*

The impact of the demolition of this property on the character and appearance of the Trent and Mersey Canal Conservation Area.

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, and in doing so should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

The NPPF goes on to state that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site, and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible, and
- The harm or loss is outweighed by the benefits of bringing the site back into use.

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 of the Local Plan sets out the requirement to preserve or enhance the character or appearance of a conservation area, in terms of materials choices, size of development, protecting important views into and out of the area and impact on trees and important open spaces.

Policy B11 of the Local Plan states that consent to demolish a building or any part of a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:

- i) The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area
- ii) Detailed plans for redevelopment are approved where appropriate
- iii) An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate

In an attempt to demonstrate that the building is incapable of reasonably beneficial use, a local property maintenance business has provided a quotation and estimate for a list of works that they consider are required to bring the property up to habitable use. This states that the property is in a very poor state of repair, and lists various things that need work on prior to the dwelling being habitable. No independent structural advice has been sought.

A site visit was undertaken with the Conservation Officer and a Building Control Officer (BCO) from Stoke on Trent City Council to assess the state of the building both internally and externally. The BCO reported no major structural problems with the property and that no essential work is required to bring it up to habitable condition. In addition the BCO advised the property has a good solid roof, the chimney is not leaning, and that there is no justifiable reason to take the building down. The building is structurally sound, not damp and does not require a damp proof course, the roof structure is new and there are no visible issues with the chimneys and no obvious defects with the building. The quotation for the new bathroom and kitchen is not essential and there is no requirement for floor insulation. The windows and doors are not broken or in urgent need of replacement, this is just down to personal choice and decoration.

The building is therefore capable of habitation in its current state, and the only obvious defect was a small patch of water penetration behind a failed section of the render on the front elevation which needs a patch repair.

The supporting information states that the removal of the dwelling and its replacement with a "canal side style" wall would enhance the Conservation Area. It goes on to state that the upvc windows, Juliette balcony external porch canopy and white picket fence are not original and none are appropriate to or sympathetic with the character or appearance of the area.

Whilst it is accepted that the building has lost some of its original character through insensitive alteration, it nevertheless has retained its original structure and its relationship with the canal. The building has townscape value along the edge of the canal when viewed in the context of other historic buildings and contributes to views into and out of the conservation area and particularly from the canal and towpath. The buildings in and around the canals were connected to the canal and add to the historical significance of the area. Your officers do not agree with the applicant's assertion that the property to be demolished has little or no historical connection with the canal as most canal side cottages, pubs and other buildings had a connection to the canal, that is why they were there, whether for trade or otherwise. No formal evidence of what the building was used for does not mean it can be discarded as having no value. No clear research has been undertaken to try to find out any previous uses or what the occupation of previous residents were, which may indicate an association with the canal. It is considered that the area would not be improved by the demolition of this building, as the building is not in any way detrimental to the character of the Conservation Area. It is a simple structure relating positively to the canal and the historical development of the area and therefore it cannot be simply dismissed as having no significance.

The site, following the demolition of the building, is proposed to be used for private domestic garden to the adjoining property. The end use proposed would not, therefore, result in any public benefit. In addition it is considered that the benefits to the occupier of the adjoining property through an increase in amenity space and additional light to rear facing windows (none of which are principal windows – the lounge has two windows of identical size, one on the front and one on the rear) would not be so significant that it outweighed the harm that arises from the loss of a building that adds to the character of the area, and that is structurally sound and capable of beneficial use.

The design of the proposed boundary wall, whilst not detrimental to the character of the conservation area, it is not of what could be considered to be of a "canal side style", and would not be considered to enhance the character of the Conservation Area when judged in the context of the loss of the building.

#### Conclusion

Overall, the proposed demolition of the property to create a private garden with boundary wall for the neighbouring dwelling conflicts with Policies B9, B10, B11 and B13 of the Local Plan and the aims and objectives of the National Planning Policy, and for this reason the application should be refused.

#### **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

- Policy ASP5: Newcastle and Kidsgrove urban neighbourhoods area spatial policy
- Policy CSP1: Design Quality
- Policy CSP2: Historic Environment
- Policy CSP3: Sustainability and Climate Change

##### Newcastle under Lyme Local Plan 2011

- Policy B9: Prevention of harm to conservation areas

- Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area  
Policy B11: Demolition in conservation areas  
Policy B13: Design and development in conservation areas

### **Other Material Considerations**

#### Relevant National Policy Guidance:

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

#### Relevant Planning History

##### 28 Hardingswood (adjoining property)

98/00817/FUL	Permitted	Replacement Dwelling
99/00727/FUL	Permitted	New boundary walls and amended garage position (garage not constructed)
11/00534/FUL	Permitted	Replacement vehicular access
12/00096/FUL	Permitted	Replacement vehicular access
13/00387/FUL	Permitted	Single storey side extension

##### 27 Hardingswood (dwelling proposed to be demolished)

N13383	Permitted	Alterations to form bathroom
14/00453/FUL	Refused	Demolition of property

#### Views of Consultees

The **Conservation Officer** (CO) advises that the buildings in and around the canals were connected to the canal and add to the historical significance of the area. The CO does not agree with the applicant's assertion that the property to be demolished has little or no historical connection with the canal and does not accept that the building is incapable of beneficial use as asserted within the application following advice from a Building Control Officer.

The County Council **Landscape Archaeologist** responded to the consultation on the previous application (14/00453/FUL) and commented that the canal and its associated structures and buildings make a positive contribution to the local character and history of the wider landscape of this part of north eastern Staffordshire and therefore is in agreement with the comments and conclusions of the Borough Conservation Officer

However, should planning permission for demolition be granted and taking into account the contribution of the building to the local character and history of Hardingswood it is advised that a building recording survey be carried out prior to its demolition.

The **Environmental Protection** Division has been consulted, and their comments had not been received at the time of writing the report. Any comments that they make will be reported via a supplementary.

**Kidsgrove Town Council** had not responded to the consultation at the time of writing the report and have requested an extension of time to the 20<sup>th</sup> March to comment. Any comments made will be reported via a supplementary.

#### Representations

None received at the time of writing the report. Any that are received will be reported via a supplementary.

#### Applicant/Agent's Submission

The application is accompanied by a heritage statement and a quotation and estimate for works to make the dwelling habitable by Robert Finney Property Maintenance.

The documents are available for full inspection at the Guildhall and on the Council's website [www.newcastle-staffs.gov.uk/planning/1400941FUL](http://www.newcastle-staffs.gov.uk/planning/1400941FUL)

Background Papers

Planning File  
Planning Documents referred to

Date Report Prepared

12<sup>th</sup> March 2015

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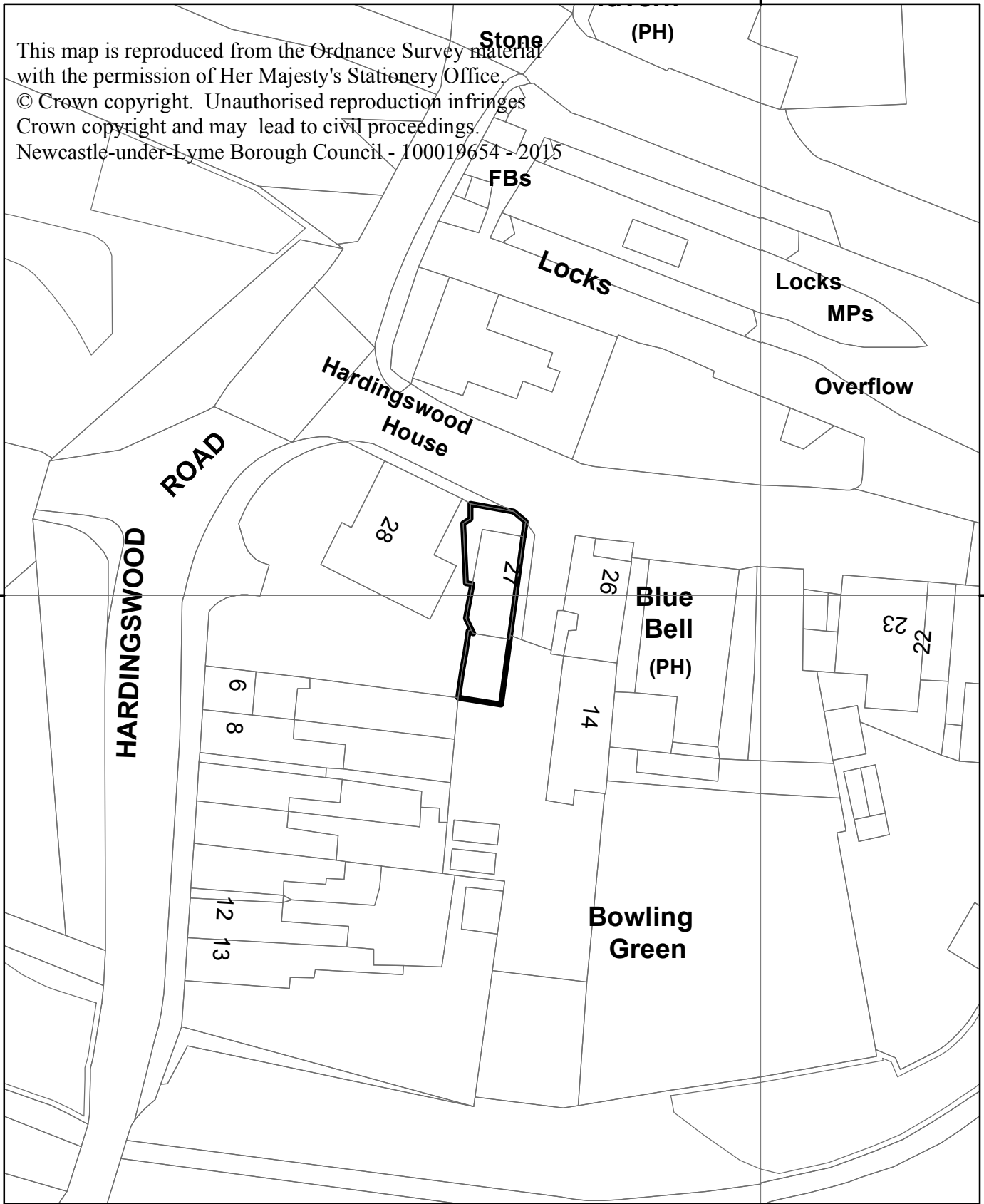


27 Hardingswood Road, Kidsgrove  
14/00971/FUL



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**LAND OPPOSITE SPAR SHOP, CLAYTON ROAD, NEWCASTLE  
H3G UK LTD**

**15/00191/TDET**

The proposal is for the upgrade of existing telecommunications equipment which includes the substitution of an existing 12 metre high monopole for a 12.5 metre high monopole to be positioned approximately 4 metres to the north of the present location. A separate cabinet is also proposed measuring 1.2m by 0.4m in front print and 1.5m in height. The new monopole and cabinet are to have a steel metallic coloured finish.

The application site lies within the Urban Area of Newcastle as defined on the Local Development Framework Proposals Map.

**Unless a decision on this application is communicated to the developer by the 28<sup>th</sup> April 2014 the development will be able to proceed as proposed.**

**RECOMMENDATION**

**Subject to the receipt of no objections to the proposal which fresh planning considerations not already addressed within this report by the 27th March 2015:**

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

**Reason for Recommendation**

The appearance and siting of the development would not have a harmful impact upon the visual appearance of the street scene. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network permission should be granted. The proposal accords with the requirements of the NPPF, policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

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

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

CSP1: Design Quality

Newcastle Under Lyme Local Plan 2011(NLP)

Policy T19: Telecommunications Development – General Concerns

Policy T20: Telecommunications Development – Required Information

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

05/00334/TDET                      12m high telecommunications monopole,                      Refused 2005  
antennae and associated equipment cabinets *Subsequently allowed at appeal.*

Views of Consultees

**Environmental Protection** comments are awaited, a separate update will be given.

## Representations

No letters of representation have been received. The period for public comment expires 27<sup>th</sup> March 2015.

## Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

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

The full documents are available for inspection at the Guildhall and on the Council's website [www.newcastle-staffs.gov.uk/planning/1500191TDET](http://www.newcastle-staffs.gov.uk/planning/1500191TDET)

## **KEY ISSUES**

The proposal is for the upgrade of existing telecommunications equipment which includes the relocation of an existing 12 metre high monopole for a 12.5 metre high monopole to be positioned approximately 4 metres to the north of the present location. A separate cabinet is also proposed measuring 1.2m by 0.4m in front print and 1.5m in height.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

### Is prior approval is required?

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

The substitution of the existing monopole with a new monopole to the north which is slightly taller in height (0.5 metre) alongside a slightly thicker width represents a sufficient change to the visual appearance of the area to conclude that prior approval is required.

### Should prior approval be granted?

Paragraph 42 of the NPPF details that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF also goes on the state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

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

The proposed increase in the width of the pole and a limited increase in height will be visually more obvious due to its location in a built up area than other less prominent locations. The design of the development is, however, dictated by functional requirements. The replacement of the existing monopole as proposed involves the best environmental solution available. The impact to the street scene is minimal in order to successfully allow the upgrade to take place. Overall it is considered that the change is not harmful and given that there is no conflict with any Development Plan or the National Planning Policy Framework prior approval should be granted.

## **Background Papers**

Planning File referred to  
Planning Documents referred to

**Date report prepared**

18<sup>th</sup> March 2015.

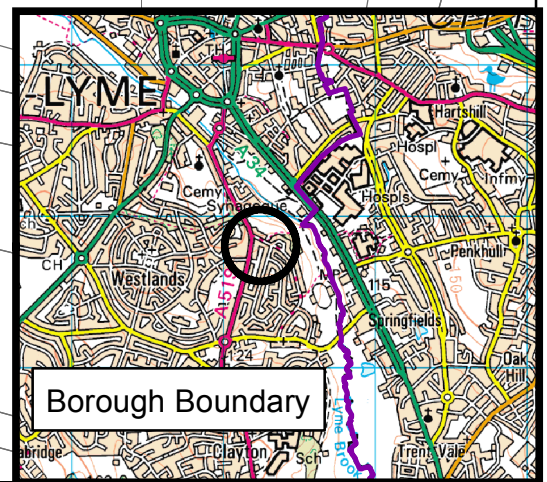
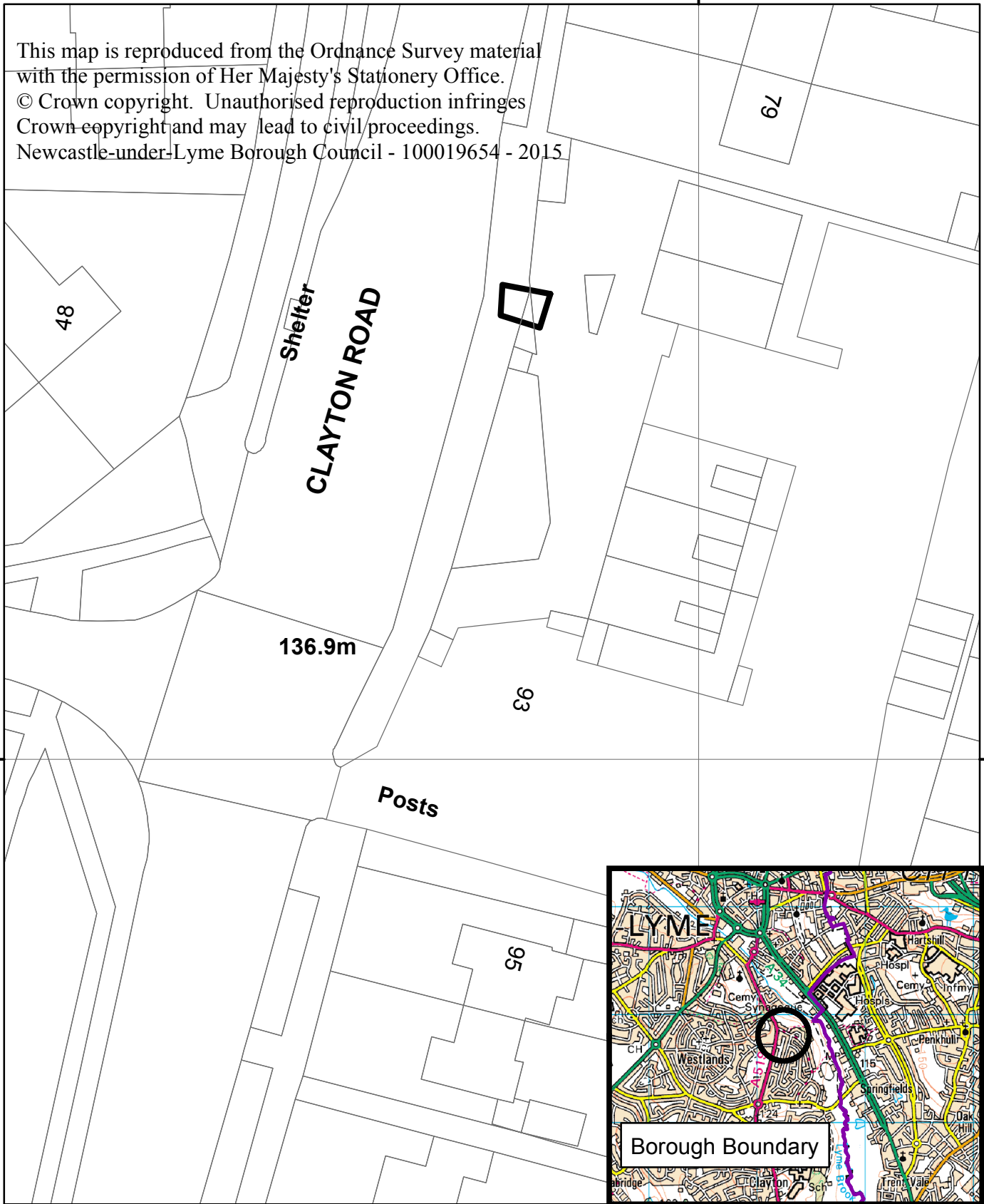
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Opposite Spar Shop Clayton Road,  
Newcastle  
15/00191/TDET



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**APPEAL BY MR M CARDEN (CARDEN DEVELOPMENT LTD) AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT OF UP TO 65 DWELLINGS INCLUDING MEANS OF ACCESS ON LAND OFF WATERMILLS ROAD, CHESTERTON**

<b><u>Application Number</u></b>	<b>13/00974/OUT</b>
<b><u>Officer recommendation</u></b>	<b>Refusal</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee 3rd April 2014</b>
<b><u>Appeal Decision</u></b>	<b>Allowed – Planning permission granted subject to conditions, with a unilateral undertaking being entered into by the appellant</b>
<b><u>Date of Appeal Decision</u></b>	<b>20 January 2015</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00974/OUT) and the following is only a brief summary.

The Inspector considers the main issue to be the effect of the proposed development on the supply of employment land in the borough and the future economic development and growth of Newcastle-under-Lyme. In allowing the appeal, the Inspector makes the following comments:-

- Although the site is covered by Policy E9 of the Local Plan (NLP), it was agreed by both parties that this policy does not allocate land for employment purposes as other policies of the NLP do..
- Notwithstanding this, the Council have indicated that the Development Brief prepared for the site in the early 1990s and the subsequent planning permissions for employment uses on the site, show that it has always been their intention that the site should be used for economic purposes. As such they consider it forms part of the employment land supply within the borough and is covered by Policy E11 of the NLP which seeks to resist the loss of good quality employment land and buildings where this would limit the range and quality of sites and premises available.
- The Council have acknowledged that the site is in a sustainable location and that in principle, the site could be developed for residential purposes without having an unacceptable impact on the character and appearance of the area, highway safety, the living conditions of existing and future occupiers, mineral extraction and protected species.
- The NPPF sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. There is agreement from both parties that the Council cannot demonstrate this. The Inspector is mindful in this respect that the Framework (paragraph 14) has a presumption in favour of sustainable development unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- The deficit (of housing land) is clearly a matter of significant weight. However the Council are concerned that the loss of the site for employment purposes would be detrimental to the supply of employment land in the borough and would undermine the aims and objectives of the Core Spatial Strategy (CSS) to promote economic growth. The NPPF also gives strong support to securing economic growth.
- Policy SP2 of the CSS sets out a requirement of 112ha of employment land in the borough over the plan period. The more recently produced Newcastle-under-Lyme and Stoke-on-Trent Employment Land Review (ELR) utilises two methodologies to forecast future requirements for employment land. However, following concerns raised in a previous appeal regarding the methodology and findings of these forecasts, it was accepted that the figures in the CSS were the appropriate ones to use.

- There was a lack of clarity over how much employment land had been developed to date. Whilst the ELR indicated that 68ha of employment land had been developed between 2006/7 and 2009/10, the Council indicated in its statement that between 2006 and 2014 only just over 58ha had been developed. Using the later more conservative figure which the Council considered to be more accurate leaves a requirement of 54ha over the rest of the plan period.
- The current supply of employment land in the borough was disputed but at the hearing a list of 9 sites totalling approximately 19ha was agreed as being currently available – the availability of a further 5 sites totalling 82 ha was disputed.
- The Inspector considered that from the evidence before her she has no firm basis for reaching a conclusion on the current supply of employment land in the borough. However, she is mindful of the fact that in April 2014 following an inquiry on land at Trentham Lakes in neighbouring Stoke-on-Trent, the Inspector in that case concluded that there was more than sufficient employment land available within Stoke-on-Trent, and the wider market area, to satisfy future demand in the short to medium term. The Inspector considers that no evidence has been presented to her to make her come to a different conclusion on the matter.
- Even if it is accepted that there is a shortage of employment land in the borough, it is clear that this site has been available for employment development for 20 years. During this time, despite extensive marketing and the fact that the site has had the benefit of planning permission for the development of business units the site has remained undeveloped.
- The Council raised concerns as to whether the price being asked for the site has been realistic but the Inspector noted that the price has changed over recent years to reflect market conditions. -
- It was also argued by the Council that the fact that the site no longer has planning permission would be detrimental to the ability to develop the site. However the Inspector agreed with the appellant that given that Policy E9 of the NLP makes it clear that planning permission for employment purposes is likely to be considered favourably, this (absence of a planning permission) is unlikely to be detrimental in the marketing of the site.
- Reference was made to an offer that was made for the site in October 2014 but the appellant indicated that this verbal offer was never converted into a formal written offer and furthermore that it was known that verbal offers were made on a number of sites and that negotiations on the purchase of another site (by the party concerned) are well underway.
- The appellant considered that access was the biggest constraint to the site coming forward for economic development and this corresponds to the view put forward in the ELR which classed the accessibility of the site as poor.
- Whilst the site is physically not far from the A34 or junction 15 of the M6, it is perceived to be a 'tertiary' location that is 'off-patch'. The Inspector observed that there are a number of employment parks along the route from the site to the M6, many of which had land and/or buildings available. These will be competing directly with this site and their accessibility is likely to be perceived as superior to that of this site.
- Paragraph 22 of the NPPF indicates that planning policies should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose. Although this site is not formally allocated for employment purposes, the Council have sought to protect it for such purposes and as such this paragraph is of relevance.
- In conclusion, the site has been available for employment purposes for a considerable period of time, including both periods of significant economic growth as well as periods of recession. During this time extensive marketing of the site has taken place but the site has remained undeveloped. Given this the Inspector was satisfied that there is no reasonable prospect of it being used for employment purposes.
- In the light of this the Framework indicates that applications for alternative uses should be treated on their merits, having regard to market signals and the relative need for different land uses. As the Council cannot demonstrate a five year supply of

housing land there is a clear need for housing land within the borough and the development of this site would make a significant contribution to the housing supply.

- Whilst the development of the site would result in the loss of just over 1ha from the employment land supply, overall, the Inspector considers that the borough and the wider market area within which it operates, would still have an adequate supply of employment land. As such, the proposal would not have a detrimental impact on the supply of employment land in the borough and the future economic development and growth of Newcastle-under-Lyme, and there is accordingly no conflict with development plan policies

**With respect to the submitted Unilateral Undertaking the Inspector concludes**

- A development of this size would create additional pressures on the existing local transport infrastructure and the Inspector considers that the proposed contribution of £40,079 towards NTADS is necessary to the acceptability of the development, is directly related to it and is fairly related in scale and kind. As such it would accord with the statutory tests.
- Regarding education, as the schools in the area are projected to be full or have very limited space for the foreseeable future, the proposed contribution of £154,434 would meet the statutory tests.
- Regarding affordable housing, the Council expressed concern regarding the type of affordable housing proposed within the Unilateral Undertaking, which they stated, to accord with the SPG, should be predominantly Social Rented. They were also concerned that there is inadequate regulation to ensure that the housing would be given to people with affordable housing needs. However, as the Undertaking states that they are managed by the Registered Provider, in accordance with their normal lettings policy, the dwellings would be given to people with affordable housing needs. Whilst the type of affordable housing may not be exactly what the Council would prefer, overall, she concluded, the Undertaking would ensure that the development contributes to the affordable housing needs within the borough and the obligation passes the statutory tests.
- Although the proposal will provide a variety of publically accessible open space within the site it is expected that it would also increase demand for other green space facilities in the area. Consequently, in accordance with the Green Space Strategy, a contribution of £2,943 per dwelling is sought towards improvements at a nearby playground and recreation ground. The proposed contribution within the Undertaking is directly related to the development and is fairly related in scale and kind. As such it would accord with the statutory tests.

**Officer Comments**

The Inspector highlighted the Council's lack of evidence relating to the supply and demand for employment land in the Borough. In particular, she gave weight to an appeal decision relating to land at Trentham Lakes in the City and stated that in the absence of any evidence to the contrary, she agreed with the conclusions reached by the Inspector in that decision, that there was more than sufficient employment land available within Stoke-on-Trent, *and the wider market area*, to satisfy future demand in the short to medium term. The Council's attempt to distinguish the Watermills Road case from the Trentham Lakes case by referring to evidence of the historical take up of employment land (over a period long enough to be persuasive) rather than the econometric projections within the ELR did not convince the Inspector as to the shortage of employment land. This is a matter of concern and likely to be a significant factor in your officers' approach to similar applications in the future elsewhere in the Borough, at least until new evidence comes forward.

The decision also illustrates the present vulnerability of employment land within the Borough to residential proposals so long as the Council is unable to demonstrate a five year supply of deliverable housing sites, although it is important to note that the Inspector finds a number of site specific features which convinces her that there is no realistic prospect of the site being used for employment purposes.

An update of the joint Newcastle-under-Lyme and Stoke-on-Trent Employment Land Review has recently been commissioned and is likely to be published in the autumn. This will assess need across the functional economic market and will help to ensure that in future the decision-maker has an up-to-date and robust position regarding supply and demand of employment land within the Borough.

**Recommendation**

That the decision and your officers' comments be noted

**APPEAL BY MR G ADAMS AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR 3 EXECUTIVE CODE LEVEL 6 DWELLINGS AT LAND AT FARCROFT, MANOR ROAD, BALDWIN'S GATE**

<b><u>Application Number</u></b>	<b>14/00037/OUT</b>
<b><u>Officer Recommendation</u></b>	<b>Refusal</b>
<b><u>LPA's Decision</u></b>	<b>Refused by Planning Committee on 11<sup>th</sup> March 2014</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>18 March 2015</b>

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 14/00037/OUT) and the following is only a brief summary.

The Inspector considered the main issues to be whether or not the proposed housing would be in an acceptable location having regard to development plan and national policies; the effect of the houses on the character and appearance of the open countryside; and any other material considerations in support of the proposal.

*Location of development*

- Given that the site is outside the settlement boundary, the proposal for housing development is contrary to Local Plan Policy H1 and Core Strategy Policy ASP6. At a national level, paragraph 55 of the National Planning Policy Framework (the NPPF) confirms that isolated new homes in the countryside should be avoided other than in special circumstances. The appellant contends that there are special circumstances in this case which would justify development in that the dwellings would be of an innovative design, built to code level 6 and incorporating carbon offsetting measures.
- There is no detailed scheme to demonstrate that code level 6 could be achieved but appellant contends that a condition could be imposed requiring the dwellings to meet code level 6 requirements. In the absence of a detailed scheme only limited weight can be attached to this factor. In any event the transition to a low carbon future in a changing climate is a key objective of national policy in all developments, irrespective of location. It is not considered that such a condition, in the absence of details, would constitute a design of exceptional quality or innovative nature as required by paragraph 55 (of the NPPF).
- In terms of its location therefore, the proposal would represent an isolated dwelling in the open countryside and is contrary to local plan and national policies which seek to restrict development in such areas.
- The NPPF seeks to boost significantly the supply of housing. Paragraph 49 of the NPPF provides that housing proposals should be considered in the context of the presumption in favour of sustainable development. It further states that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites.
- The Council accepts that it does not have a 5 year supply of housing land and as such it concedes that LP policy H1 and CS policy ASP6, as policies concerned with the supply of housing land, should be regarded as not up-to-date.
- For the above reasons, it is concluded that the proposal would not be in conformity with relevant development plan policies concerned with the supply of housing. The Council do not have a five year housing land supply and the weight given to this harm would be reduced, to some extent, by the relevant policies being out-of-date.

*Effect on the character and appearance of the open countryside*

- Manor Road is an open, rural road with views over rolling countryside and development of the site would effectively consolidate the existing dwellings. The

proposal would bring built development to the green paddocks and result in a tighter formation of dwellings along this part of the road. Rather than appearing as sporadic development, there would be a more built up appearance. The development would result in further subdivision of the site, boundary planting or enclosures and other domestic paraphernalia. Development on the appeal site would effectively transform this part of the lane, causing some harm to this quiet rural backwater.

- Some harm would be caused to the character and appearance of this part of the open countryside and moderate weight is attributed to this harm.

#### *Other matters*

- The appellant relies on a number of factors in support of the contention that there are reasons to justify the proposal. One of the factors is the lack of a five year housing land supply. Reliance is also placed on the presumption in favour of sustainable development set out at paragraph 49 in the NPPF. The appellant further contends that the increased car use would be offset by ensuring that all dwellings are highly energy efficient.
- The NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities. It goes on to confirm that there are three dimensions to sustainable development: economic, social and environmental.
- In terms of the *economic dimension*, the proposal would result in the provision of construction work and would bring additional occupants to the rural area to support services in the local villages. There would also be benefits with the provision of additional housing in a district which is in need of such provision. The three dwellings would be executive homes, but as the Council points out the relevant study indicates a more limited need for such housing across the whole of North Staffordshire.
- The appellant further relies upon payment of the New Homes Bonus as a factor in support of development. Whilst payment of the bonus can be a material consideration there is little evidence to suggest that the New Homes Bonus should be taken into account as there is not a clear indication that the Council intends to use the receipts in a way which is material to the development being proposed.
- There are several aspects to the consideration of the *environmental dimension*. Firstly, in terms of accessibility; the site is in a rural location some 1600 metres from the Baldwin's Gate, containing a post office, newsagents, public house, petrol filling station, primary school and village hall. The site does not benefit from regular bus services or present opportunities for pedestrians to walk or cycle to services.
- It is accepted that the day to day needs of residents would be serviced by the private motor vehicle for the majority of trips. Given the limited nature of facilities and services in Baldwin's Gate, it is also likely that occupants would have to travel further afield to meet some needs such as main food shopping, healthcare and secondary school attendance.
- Whilst the intention to produce dwellings which are highly energy efficient is noted, national policy objectives seek to reduce carbon emissions in any event. The objective applies equally to homes in less remote locations. Other environmental considerations include the harm which would be caused to the character and appearance of the rural area.
- On balance, when all three aspects are taken into account, the Inspector concludes that the proposal would not represent sustainable development and the presumption in favour of sustainable development set out in the NPPF does not apply.

#### *Overall conclusions*

- In her overall conclusion the Inspector indicates
  - That on balance the proposal would not represent sustainable development when all three dimensions referred to in the NPPF are considered
  - That the development would cause some harm to the character and appearance of the rural area
  - That these are all factors which weigh against the development
  - That the proposal would however result in the modest contribution of 3 units of additional housing and this is a matter of some weight

- That the proposal would be contrary to the development plan and national policy in terms of its location. When policies for the supply of housing land are not up to date then less weight must be given to policy objectives in relation to the location of development. However, even in the absence of a 5 year housing land supply and reduced weight to policies H1 and ASP6, when the factors in support of the development are weighed against the factors against, the adverse effects of allowing the development in this proposal, significantly and demonstrably outweigh the benefits and it is concluded therefore, that the appeal should be dismissed.

### **Officer Comments**

This represents an important decision regarding housing development in the open countryside. The Inspector considered that in terms of its location, the proposal would represent isolated dwellings in the open countryside and that due to a number of factors it would not represent sustainable development. As a result, the presumption in favour of sustainable development set out in the NPPF did not apply to this proposal. She dismissed or gave limited weight to a number of arguments, as well as identifying a measure of harm to the character and appearance of the area.

Members are asked to note how the Inspector then conducts an exercise involving the weighing up of both the benefits and harm attributable to the scheme - and that, applying the test set out in paragraph 14 of the NPPF, she was satisfied, in this case, that the elements of harm significantly and demonstrably outweighed the benefits.

The Inspector highlighted the distance of the site from the facilities and services in Baldwin's Gate. Importantly, she makes a clear distinction between the appeal before her and the allowed development at Gateway Avenue observing that the Inspector in that other appeal noted that the facilities in Baldwin's Gate were within walking distance and there were other social benefits in the form of affordable housing provision.

### **Recommendation**

That the decision and your Officer's comments be noted

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**Applications for Financial Assistance from the Conservation and Heritage Fund for St James' Church, Audley, (Ref: 14/15006/HBG) and Madeley War Memorial, (Ref: 14/15007/HBG)**

**RECOMMENDATION:**

**That Planning Committee approves the following grants:-**

- 1. £5,000 for the repair of the South Aisle roof of St James' Church, Audley, subject to the appropriate standard conditions**
- 2. £180 for the repair of the Madeley War Memorial and reinstatement of the bayonet on that memorial, subject to the appropriate standard conditions**

**Purpose of report**

To consider two applications for financial assistance which are recommended by the Council's Conservation Advisory Working Party.

1. St James' Church, Audley

This building is a Grade II\* Listed Building. The project is to fix leaks in the south aisle roof. The slates will be removed, new sarking membrane installed and tiles refitted. The guttering has been found not to be sufficient during periods of heavy rain so the size of the guttering will be increased and an additional downpipe installed.

The total cost of the work is £44,450 including VAT, contingencies and mitigation for bats (the latter of which is not grant eligible work). Eligible costs total £41,210 including VAT. The works are eligible for grant up to 20% of the total costs which comes to £8,242 however the maximum grant that can be awarded under the rules of the Fund is £5,000. This is the recommended grant.

2. Madeley War Memorial

This project by Madeley Parish Council is to reinstate the soldier's bayonet on the memorial which was stolen some years ago and to repair damage to the soldier's hand. The memorial is a Grade II Listed building. The Borough Council supported a previous scheme in 2014 to stabilise the memorial awarding £2,160 to the Parish towards the costs. This work has been undertaken.

The lowest quotation for the work is £900 including VAT. The work is eligible for grant up to 20% of the total cost which comes to £180. This is the recommended grant.

**Financial Implications**

There is sufficient funding to meet both grant applications with £27,583 in the Fund allowing for commitments.

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## 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 9<sup>th</sup> December 2014 (when the Committee last received a similar report) and the date of the preparation of this report (17<sup>th</sup> March 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 11 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. Significant steps have been made in respect of clearing the backlog of cases since the last quarterly report which was brought to the 9<sup>th</sup> December Committee and many of the applications referred to within this quarterly report are relatively new but still at an advanced stage. However the number of decisions to allow for more time is indicative of the problems which are being experienced in progressing these matters.

Members may wish to note that the Government are currently consulting on proposals to speed up the completion of Section 106 agreements. Details of the consultation are available via the link below

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/405819/Section\\_106\\_Planning\\_Obligations\\_speeding\\_up\\_negotiations.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/405819/Section_106_Planning_Obligations_speeding_up_negotiations.pdf)

As from 1<sup>st</sup> October 2013 Local Planning Authorities have been 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 the Committee were advised of a further extension having been granted – to the 13<sup>th</sup> December. 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 has now been received, further alterations to it are being sought to ensure that it achieves what was sought by the Planning Committee. This will mean that a further two week extension (until the 2<sup>nd</sup> April) will be required and this has been agreed by your Officer.

At the time of writing some 99 weeks have passed since the application was received (before the introduction of the Planning Guarantee), and considerably beyond the timescale which the applicant has been prepared to agree.

## **(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 14<sup>th</sup> 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 some 59 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 13/00990/OUT Land Adjacent To Rowley House, Moss Lane, Madeley**

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

There have been numerous delays on the Council's behalf since the original decision of the committee which has resulted in your officer agreeing to various extensions of time. The previous report to the 9<sup>th</sup> December meeting advised that an extension had been agreed to the 16<sup>th</sup> December. This date passed without the completion of the agreement. Alternative versions continued to be exchanged between the parties and the number of outstanding issues gradually reduced, and in the circumstances extensions were agreed to the 9<sup>th</sup> February, the 19<sup>th</sup> February and the 31<sup>st</sup> March. The agreement remains uncompleted with both the applicant and the Borough Council now waiting for the response of the County Council – the terms of the schedule regarding education contributions being now the principal sticking point.

At the time of writing some 58 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee but no repayment of fee will be required in this particular case.

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

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

This application for the erection of up to 350 dwellings including open space, new vehicular access, infrastructure, ancillary development and associated earthworks which

came first before the Planning Committee at its meeting on the 28<sup>th</sup> January, when it was deferred for a site visit and further advice, before being determined at the meeting on the 11<sup>th</sup> March 2014 (at around week 35). The resolution of the Committee was that planning permission should be granted subject to prior securing of a planning obligation by the 29<sup>th</sup> May 2014. The obligations sought include an NTADS contribution, a contribution towards an extended bus service, an education contribution, affordable housing, a travel plan monitoring contribution and a reappraisal mechanism.

The Committee on the 9<sup>th</sup> December were advised that the agreement had reached an advance stage and an appropriate extension to the period which the obligation can be completed would be agreed. Your Officer agreed to an extension to the 15<sup>th</sup> December and the agreement was eventually completed and the decision notice of approval was issued on the 12<sup>th</sup> December within the extended statutory timescale agreed by the applicant – i.e. 'in time'.

By the time of the decision some 78 weeks had passed since the application was received (before the introduction of the Planning Guarantee).

**(5) Application 13/00970/OUT Land off Pepper Street, Keele**

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

That date passed without the securing of the planning obligations and your officer agreed to further extend the period to the 18<sup>th</sup> December but this deadline passed without completion.

Progress continues to be made and the applicants have demonstrated that they are actively pursuing the completion of the agreement and the solicitor acting on behalf of the applicant has recently indicated that a further 4 weeks will be required (principally because of the number of parties to the agreement). Your officer has therefore agreed to extend the statutory period to the 2<sup>nd</sup> April.

At the time of writing some 64 weeks has passed since the receipt of this application. No refund of the planning fee is required in this instance.

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

This application for the erection of a 65 apartment extra care scheme with allied facilities came before the Planning Committee on the 7<sup>th</sup> October 2014 (at around week 14). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to the payment of a public open space contribution and a contribution towards Travel Plan monitoring costs – of the 18<sup>th</sup> November, with the usual caveat that your Officer could extend that period if he considered it appropriate.

The applicant's solicitor initiated the process with the submission of a draft agreement on the 6<sup>th</sup> November. It did not prove possible to finalise the document by the 18<sup>th</sup> November. The target date for completion was not achieved and further extensions of time of the 2<sup>nd</sup> December and 16<sup>th</sup> December were also not achieved. A further (and final) extension of time was agreed of the 9<sup>th</sup> January 2015 and the agreement was eventually completed and the decision notice of approval was issued on the 9<sup>th</sup> January within the extended statutory timescale agreed by the applicant – i.e 'in time'.

By the time the decision was issued some 28 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this instance.

**(7) 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 have clarified exactly what they require, but the applicant has not to date provided the required additional information regarding the location of the mine shafts (which requires the employment of a specialist contractor and thus apparently could not be provided by the 20<sup>th</sup> January). The situation has been complicated by the fact that 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'. 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 has not 'timed out' the applicant and refused the application on the basis of their failure to meet the 20<sup>th</sup> January deadlines. Officers are now cooperating with the applicant and the District Valuer to obtain a viability appraisal from the latter, the results of which will be reported to the Committee – probably at its meeting on the 28<sup>th</sup> April.

Your Officer has agreed to extend the period within which the agreement can be completed to 28<sup>th</sup> April, but in practice if the Committee do agree that certain contributions are not required, a section 106 agreement will still be required (to secure a reassessment of the scheme's viability should there be no substantial commencement and the potential requirement to make contributions).

At the time of writing some 24 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

**(8) 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 17th March 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission (and the potential requirement to make the policy compliant contributions).

At the time of writing the deadline of the 17<sup>th</sup> March has passed without the above obligation being secured and the applicant has requested additional time (for this). Very limited progress has been made on the agreement to date there being some confusion between the parties as to who was acting on the applicant's behalf and a delay in progressing instructions on the Council's side. Your Officer has taken the view that whilst it is appropriate to allow some extra time for the planning obligation to be secured, this should be a relatively limited period. Given the importance of timeliness in planning decisions, the avoidance of uncertainty to third parties, the period of time that has already passed since the 3rd February Committee, the date of the District Valuer's report and the

importance of there being a limited time between that date and the date of any consent, given the advice within that report as to the reliance that should be placed upon it in the future, an extension to only the 31<sup>st</sup> March is appropriate.

At the time of writing some 38 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.

**(9) 14/00736/FUL Former Diamond Electronics, West Avenue, Kidsgrove**

This application is for full planning permission for a new industrial unit, link to existing unit, and associated service area and car parking that came before the Planning Committee on the 3<sup>rd</sup> February 2015 (at around week 8). The resolution of the Planning Committee was to permit subject to a planning obligation for a travel plan monitoring fee being secured by the 27<sup>th</sup> February, with the usual caveat that your Officer could extend that period if he considered it appropriate.

A draft agreement has been circulated and the applicant has sought to vary the standard trigger point for payment which has resulted in some delay whilst this was explored, and as a result the 27<sup>th</sup> February deadline was not met. However, the applicant is now content with the original trigger point for such agreement, and it is expected that the agreement will now be completed relatively quickly, although an end date for this has yet to be set. At the time of writing some 13 weeks has passed since receipt of the application.

A further update on this case will provided to the Committee

**(10) 14/00930/OUT Land Off New Road, Windy Arbour Farm, Madeley**

This application for outline planning application for the erection of up to 32 dwellings (including details of access) came before the Planning Committee on the 3<sup>rd</sup> February 2015 (at around week 11). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to 25% affordable housing, public open space and education contributions by the 17<sup>th</sup> March, with the usual caveat that your Officer could extend that period if he considered it appropriate.

In this case the applicant's solicitor, at the suggestion of the Council's solicitor, submitted a draft agreement on the 3<sup>rd</sup> March. It did not prove possible to finalise the document by the 17<sup>th</sup> March and in the circumstances the view has been taken that it is appropriate to extend the period – until the 31<sup>st</sup> March. A revised draft agreement has been prepared and is ready to be circulated.

At the time of writing some 18 weeks has passed since receipt of the application.

A further update on this case will provided to the Committee

**(11) 14/00973/FUL Oxford Arms, Moreton Parade, May Bank**

This application is for full planning permission for residential development of 10 dwellings comprising 3 pairs of semi-detached dwellings and 4 detached dwellings came before the Planning Committee on the 3<sup>rd</sup> February 2015 (at around week 6). The resolution of the Planning Committee included a time limit for the securing of a planning obligation relating to a public open space contribution by the 10<sup>th</sup> March, with the usual caveat that your Officer could extend that period if he considered it appropriate.

The agreement was not secured by the 10<sup>th</sup> March. At the time of writing no decision has yet been made as to whether or not to refuse the application or to allow for some more time. A further update on this case will provided to the Committee.

At the time of writing some 12 weeks has passed since receipt of the application.



Date Report prepared  
17<sup>th</sup> March 2015

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## Changes to the threshold for Developer Contributions

### Purpose of the Report

To advise members of changes to the threshold for Section 106 Obligations announced on 28 November 2014 by the Minister of State for Housing and Planning

### RECOMMENDATION

That the changes be noted and applied by the Committee when making decisions on planning applications

### Summary of Changes

1. On 28 November 2014 the Minister of State for Housing and Planning made a Written Statement to Parliament on 'Support for small scale developers, custom and self-builders'. This followed a consultation on Planning Contributions (or Section 106 Planning Obligations) which the Borough Council had responded to earlier in the year
2. The Statement announced changes to national policy with regard to planning contributions and has been mirrored in amendments to the National Planning Practice Guidance (referred to as the PPG).
3. The changes in national policy outlined are as follows :-
  - that affordable housing and tariff style planning obligations should not be sought from small scale and self-build development i.e. developments of 10 units or less (and which have a maximum combined gross floorspace of no more than 1000 sq m).
  - For rural areas designated under section 157 of the Housing Act 1985, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought.
  - The changes in national planning policy will not apply to Rural Exception Sites which, subject to the local area demonstrating sufficient need, remain available to support the delivery of affordable homes for local people.
  - A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned.

### The impact on decisions by this Local Planning Authority

4. The main changes that affect the Borough are the introduction of a policy that affordable housing requirements and tariff style contributions for development should not be sought for sites of 10 units or less and developments which have a maximum combined gross floor space of 1000 square metres.
5. This Council's threshold for securing affordable housing in planning applications in the urban area, as set out in its adopted 2009 Affordable Housing Supplementary Planning Document (SPD) and Core Strategy (CS) Policy CSP6 is 15 or more dwellings. Therefore the ability of the Council to seek the provision of affordable housing in the urban area will not be affected by the new national policy.

6. However, in the rural areas, this Council's threshold is 5 or more dwellings as set out in the SPD and the CS. CS Policy ASP6 (part of the approved development plan for the area) states that new residential development within the rural areas, on site of 5 dwellings or more will be required to contribute towards affordable housing.
7. This authority does not have any Designated Rural Areas (under section 157 of the Housing Act 1985) and therefore can no longer require the provision of affordable housing for schemes of less than 10 dwellings or developments which have a maximum combined gross floor space of 1000 square metres in the rural areas of the borough.
8. This change in national policy will clearly have an adverse impact on the provision of affordable housing in the rural area, where developments have tended to be under the 10 unit threshold, and it will make the Council reliant upon larger developments to provide affordable housing in the rural area – a point which the promoters of those developments will no doubt refer to. Concerns were raised by a number of local authorities in the consultation but the government considers these types of requirements can place disproportionate burdens on small scale developers and developments which can otherwise help to boost house building in order to deliver growth.
9. In effect the previous local policy, even though set out in part of the Development Plan the Core Strategy, has now been superceded and rendered out of date by the Ministerial Statement. Your officers are aware that at least one Council (Shropshire Council) has decided to continue with its previous policy of seeking contributions from sites of all sizes, as contained within its more recently adopted Core Strategy, but such a course of action is not recommended. A Written Statement by the Secretary of State constitutes government policy, and as such it has the status of a material consideration in decision-making. Were the Council to disregard this policy change it would be most unlikely to be able to sustain that position in any appeal and indeed any attempt to do so would be likely to lead to an award of costs against the Council as it would almost certainly be deemed 'unreasonable behaviour'
10. In terms of 'tariff-style' contributions the LPA will no longer be able to secure (in relation to developments of 10 units or less) such contributions.
11. 'Tariff-style' contributions are described in the PPG as contributions to pooled funding 'pots' intended to provide common types of infrastructure for the wider area and it states that for sites where the threshold applies, planning obligations should not sought to contribute to pooled funding pots intend to fund the provision of general infrastructure in the area. Your Officer notes that education contributions are calculated (by the County Council) on a proposal specific basis rather than per dwelling, to reflect the projected spare capacity at the catchment schools, and provided they are applied on a school specific basis they should comply with the new policy even for sites where the threshold applies. Public open space contributions are already only sought for developments of 10 units or over, so the national planning policy change does not alter matters in that respect. Other contributions that may be sought will have to be considered on a case by case basis in the context of the new policy.
12. The purpose of planning obligations is to mitigate the impact of development which benefits local communities and supports the provision of local infrastructure. It could be said that the changes that have been introduced, regarding 'tariff-style' contributions reinforce the existing statutory tests – that obligations or contributions must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The changes will require contributions to be more specific to development proposals thus mitigating specific impacts or providing specific benefits to the local communities

13. Members may also be aware that as from the 6<sup>th</sup> April by reason of Regulation 123 of the CIL Regulations, as amended, it will become unlawful, in the determination of planning applications to take into account an obligation which provides for the funding or provision of an infrastructure project or type of infrastructure where 5 or more separate planning obligations that
- a. relate to planning permissions granted for development by this Council; and
  - b. which provide for the funding or provision of that project, or type of infrastructure,
- have been entered into since between 6<sup>th</sup> April 2010 and the date that the obligation was entered into

The implications of this change are being assessed and are the subject of some uncertainty in that there are as yet no test cases, but Regulation 123 will have to be addressed in future application reports.

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