

- 12 **Application for Financial Assistance (Historic Buildings Grant) (Pages 75 - 76)**
 - Newcastle Congregational Church
- 13 **Appeal Decision - 2 Nursery Gardens, Butterton (Pages 77 - 78)**
- 14 **Appeal Decision - the Lodge, Station Road, Onneley (Pages 79 - 80)**
- 15 **URGENT BUSINESS**

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Bailey, Baker, Clarke (Chair), Fear, Hambleton, Mrs Hambleton, Howells, Matthews, Miss Reddish, Stringer (Vice-Chair), Studd, Sweeney, Turner, Williams and Mrs 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, 22nd April, 2014

Present:- Councillor Michael Clarke – in the Chair

Councillors Bailey, Baker, Hambleton, Mrs Hambleton, Matthews, Miss Reddish, Studd, Sweeney, Turner, Williams and Mrs Williams

30. APOLOGIES

Apologies were received from Cllr Fear and Cllr Howells.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 22nd April 2014 be agreed as a correct record.

33. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO REAR OF ROWLEY HOUSE; IAN MORETON/PETER JACKSON ASSOCIATES; 13/00990/OUT

Cllr Billy Welsh and Cllr Simon White spoke against the application.

A recommendation for refusal was moved on the grounds that there was a potential flood risk and that there were concerns in relation to highway safety. The recommendation was seconded and a vote taken. Two members voted in favour of the recommendation and four voted against therefore the recommendation fell and debate returned to the original recommendation.

It was moved and seconded that the recommendations put forward in the officer reports with the addition of the Urban Vision conditions listed on pages 14 and 15 of the agenda report and a condition that the development be of mixed housetypes including bungalows be agreed. A vote was taken and five members voted in favour and two voted against.

Resolved:

A. Subject to the applicant first entering into a Section 106 obligation by 20th May 2014 to require:-

- A contribution of £49,866 (on the basis that the development as built is for the full 42 dwellings and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy, towards the provision of school spaces at Madeley High School, unless that provision cannot be made within an appropriate period, following which the contribution would be available for the provision of secondary school places in the area;
- Tenure Blind Affordable Housing provision ;

- A contribution of £2,943 per dwelling towards open space improvement/ enhancement/ maintenance at in the first instance Madeley Pool and the Birch Dale play area, and only if that is not possible within an appropriate period at College Gardens

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

- Condition to reflect outline nature of application
 - Time limit for submission of any approval of reserved matters and for commencement
 - Approved plans and documents
 - Reserved matter submission to be informed by the principles within a revised Design and Access Statement taking into account Urban Vision's recommendations
 - The proposed dwellings to be built to minimum Code for sustainable homes Level 3 standard
 - Recommendations in the submitted tree survey and arboricultural impact report
 - Tree protection measures
 - Arboricultural Method Statement
 - Control works within the Root Protection Areas
 - Landscaping reserved matters to include tree planting
 - Reserved matters to include details relating to surface water drainage and road specification
 - Provision of the new access onto Moss Lane as applied for
 - Off Site footpath widening
 - Provision of details of residential street layout and character
 - Mitigation measures prevent debris being deposited on the Highway
 - Site and construction compound details
 - Contaminated Land Conditions
 - Construction hours restriction where appropriate
 - Construction management plan
 - Internal noise levels in dwellings
 - External noise levels
 - Vibration assessment
 - External lighting
 - Waste storage and collection arrangements
 - Sustainable drainage methods including SUDS and permeable paving
 - Separate storm and foul water drainage
 - Recommendations within the submitted Ecological walk-over Survey are implemented
 - That the development be of mixed housetypes including bungalows.
- B. Failing completion by 20th May 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the improvement, enhancement and maintenance of off site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

34. **GREAT OAK, LAND AT BIGNALL END; 00128CPO**

Cllr Ann Beech, Cllr Mike Stubbs and Cllr Dylis Cornes spoke against the application.

Resolved:

That the County Council be informed that the Borough Council objects to this proposal and considers that it involves inappropriate development in the Green Belt and that very special circumstances do not exist to justify such development as the economic benefits, and any other benefits, of the scheme do not outweigh the harm to the openness and the visual appearance of the Green Belt that arises.

The Borough Council are not satisfied that enough has been done to ascertain that remains of any casualties of the Diglake Colliery disaster, that may lie in the former workings, will not be disturbed by the proposed development and that the submission does not provide suitable assurances as to what the developer considers should happen should any remains be disturbed during operations on site. The Borough Council request that the application should therefore be refused.

Should the County Council not accept the above, the Borough Council request that careful consideration is given to the consultation response of the Environmental Health Division and that planning permission should only be granted if the County Council are satisfied that the environmental issues, from dust, noise and particle emissions can be suitably addressed.

In addition the Borough Council consider that very special circumstances that justify inappropriate development will not exist, without the security of a financial bond through a Section 106 Planning Obligation by agreement that can be called upon to complete the restoration of the site if necessary. Such a bond is also justified on the basis of the harm to the setting of the listed Wedgewood Monument that arises as a result of the proposed extraction.

If the County Council are minded to permit the application conditions relating to the following should be imposed;

- All conditions to secure appropriate mitigation measures as recommended by the Environmental Health Division.
- A routing agreement for vehicles.
- All existing trees on boundaries and in undisturbed areas within the site to be retained and protected during the works.
- All recommendations of the Arboricultural Survey Report to be followed.
- Submission of a Tree Protection Plan and Arboricultural Method Statement to BS5837:2012;
- Submission of detailed restoration proposals including landscaping and planting proposals and a forward programme for planting management and establishment.
- Requirement that all footpaths affected by the development are reinstated to their existing routes.

Consideration should also be given to securing a significant financial contribution toward the restoration of the Wedgewood Monument, provided the County Council considers that such a contribution would meet the requirements of Section 122 of the CIL Regulations.

2) The Borough Council requests that the County Council Planning Committee undertakes a site visit prior to making any decision on the application.

3) The Borough Council requests that in the event of a Health Impact Assessment being submitted, it be consulted upon such an assessment

4) If the Borough Council is consulted upon such an Assessment that a further report is brought to the Planning Committee to establish what the response of the Borough Council should be.

35. **APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST LTD UNIT G1 APEDALE; THORP PRECAST/FORSHAW GREAVES & PARTNERS; 14/00140/FUL**

Resolved:

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

1. Standard Time limit
2. Approved plans/drawings/documents
3. Landscaping Scheme including full schedules and specifications
4. Approval of a landscape management plan including weed control and litter picking measures
5. Approval of any external lighting scheme

36. **APPLICATION FOR MINOR DEVELOPMENT -THE CROFTS PINWOOD ROAD, ASHLEY HEATH; MR AND MRS DAWSON; 14/00150/OUT**

Resolved:

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

- Standard time limit.
- Reserved matters submissions.
- Approved Plans.
- Proposed ground and floor levels
- Access, surfacing, parking, turning and visibility provision to be detailed on any reserved matter application that includes layout.
- Gate location and opening arrangements
- Tree and hedgerow protection measures.
- Landscaping to be carried out in accordance with the submitted scheme subject to amendments that include replacement trees and hedgerow along the front boundary 2m from the edge of the carriageway that shall be approved beforehand.
- Submission of hardstanding materials
- Submission and approval of any external lighting

37. **APPLICATION FOR MINOR DEVELOPMENT -ST MARYS AND ALL SAINTS CHURCH WHITMORE. REVEREND NIGEL CLEMAS; 14/00158/FUL**

Resolved:

That the application be permitted subject to the following conditions;

- Standard Time limit
- Approved plans/drawings/documents
- Materials and colour as per submission
- Lighting as per submission
- Recommendations of the Arboricultural Assessment and Method Statement.
- All service connections to be completed in accordance with NJUG recommendations.
- Prior submission and approval of a schedule of pruning works
- Prior submission and approval of an arboricultural site monitoring schedule in accordance with BS5837:2012.
- Submission and approval of an archaeological watching brief

38. APPLICATION FOR OTHER DEVELOPMENT -21 RATHBONE AVENUE; C HORNE; 14/00183/FUL

An alternative recommendation for approval was moved and seconded. Two members voted in favour of the alternative recommendation and seven voted against it. The alternative recommendation fell and debate returned to the original recommendation contained within the report.

A member moved the original recommendation contained within the report, this was seconded and a vote taken with nine members voting in favour and one against.

Resolved:

That the application be refused for the following reason:

That the conservatory is harmful to residential amenity levels due to its inappropriate scale and overbearing appearance.

39. ENFORCEMENT REPORT FOLLOWING REFUSAL OF APPLICATION 14/00080/FUL; TADGEDALE QUARRY

Resolved:

It having been concluded that the development has an unacceptable impact on residential amenity having regard to the provisions of the Development Plan and to all other material consideration, including the imposition of conditions, it is expedient to take enforcement action, and that the Head of Legal Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure the removal of the building from the site.

That the period for compliance be within 1 month of the Notice coming into effect.

40. FOURTH QUARTER REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO.

Resolved:

- a) That the report be noted
- b) That the Head of Planning and Development 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.

41. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -MADELEY WAR MEMORIAL; 13/14011/HBG

Resolved:

That a grant of £2,160 be approved for the repair of the War Memorial at Madeley, subject to the appropriate standard conditions

42. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -2 COURT WALK, BETLEY; 13/14014/HBG

Resolved:

That a grant of £2,250 be approved for the repair of part of the former kitchen garden wall at 2 Court Walk, subject to the appropriate standard conditions and a specific condition that the height of the wall should remain the same as existing.

43. APPEAL DECISION - 20 THE AVENUE, KIDSGROVE; 13/00190/FUL

Resolved:

That the decision be noted.

44. APPEAL DECISION -WOLSTATON RETAIL PARK; 13/00366/ADV

Resolved:

That the decision be noted.

45. PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS

Resolved:

That the Head of Planning and Development in consultation with the Chairman and Vice Chairman draws up and submits responses to each of the questions posed by the Government on the basis of the views indicated in the report.

46. **AFFORDABLE HOUSING CONTRIBUTIONS CONSULTATION**

Resolved:

That the Head of Planning and Development in consultation with the Chairman and Vice Chairman draws up and submits responses to each of the questions posed by the Government on the basis of the views indicated in this report.

47. **DIGLAKE QUARRY, BIGNALL END - CONFIRMATION OF A TPO**

Resolved:

That Tree Preservation Order No 152 (2013) be confirmed as amended and that the owners of the trees are informed accordingly.

48. **CHESHIRE EAST COUNCIL LOCAL PLAN STRATEGY – SUBMISSION VERSION**

Resolved:

- 1) That the Committee endorse the content of the report and that it forms the basis of the Borough Council's formal joint response to the consultation on the Submission Local Plan Strategy within the required timescale.
- 2) That delegated authority be given to officers to agree a joint response to the consultation with Stoke-on-Trent City Council.

49. **OPEN ENFORCEMENT CASES**

Resolved:

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

50. **ENFORCEMENT QUARTERY REPORT ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.**

Resolved:

That the information be received.

COUNCILLOR MICHAEL CLARKE
Chair

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FORMER INTERNATIONAL DECORATIVE SURFACES, HOLDITCH ROAD, CHESTERTON
AIR MANAGEMENT AND DESIGN LTD **14/00134/COU**

The application is for the change of use of the premises from storage and distribution to general industrial use (use class B8 to use class B2). The site measures some 0.72 hectares.

The site as shown on the Local Development Framework Proposals Map lies within the urban area of Newcastle-under-Lyme.

The 13-week period for the determination of this application expires on 2nd June 2014.

RECOMMENDATION

PERMIT subject to the following conditions:

- 1. Standard time limit condition**
- 2. Prior approval of revised access details for one way system, including signage and road markings**

Reason for Recommendation

Subject to appropriate conditions, this change of use to a B2 use would have an acceptable impact in terms of highway safety and environmental protection considerations, and is therefore considered to comply with Policies T16 and T18 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 with the applicant in a positive and proactive manner in dealing with this application

The Local Planning Authority has worked in a positive and proactive manner in dealing with this application, advising of issues of concern and the need to provide additional supporting information. The development is considered a sustainable form of development which complies with the aims and objectives of the NPPF.

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

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

- 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
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

- Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (March 2014)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD)

Relevant Planning History

None

Views of Consultees

The **Highway Authority** has no objections to the application, subject to a condition seeking prior approval of the following:

- Plan showing signage and road markings for a one way system around the site with access into the site off Holditch Road and Egress from the northerly access point onto London Road
- Details of signage for the northerly access point to inform drivers that the access is for egress only
- Plan showing the location of waste and recycling facilities

The **Environmental Health Division** has no objections subject to a planning condition requiring a noise assessment to be carried out prior to the change of use taking place to demonstrate specific noise levels will not be exceeded.

The **Greater Chesterton Locality Action Partnership** objects to the application on the grounds of noise and traffic.

Representations

No representations have been received.

Applicant's/agent's submission

The applicant has submitted a supporting statement along with the requisite plans and application form.

The supporting statement outlines the following:

- Permission is sought for change of use from vacant warehouse/ distribution depot to general industrial use
- The specific operations will be the design and fabrication of air management steel ductwork and associated equipment.
- The applicant company currently operates from a nearby property on Spencroft Road, Chesterton. The unit on Spencroft Road is now too small to meet current operational requirements.
- The application property would provide 2620 square metres of floorspace within a site of 0.72 hectares.
- The premises provide two linked buildings, large open areas with ancillary offices and external surface areas for parking and loading.
- 32 car parking spaces are to be marked out, although there is sufficient space to provide more spaces.
- Disabled parking spaces will be provided close to the main office entrance.
- Motor cycle and bicycle parking is to be provided in the lean-to building located at the south eastern edge of the building.
- The external areas are sufficiently extensive to allow all deliveries and despatch of finished products to take place from within the curtilage of the site.
- The site is enclosed with palisade fencing
- There are two vehicular accesses to the site
- Deliveries and despatch would be to the northern access
- Staff and visitors will use the other access as this is closest to the parking and reception areas
- The company designs, fabricates and installs air management equipment using mild and stainless steel.

- The business employs some 30 full and part time staff and operates Monday to Friday (07.00 to 18.00 hours) and Saturday (07.00 to 13.00 hours).
- A fork lift truck is used at the site for transferring materials and products
- Vans and a pick up are used to transfer and deliver finished products to site for installation
- The site is within an established employment area, well located on the road network.
- In planning policy terms, the application proposal is supported by local and national policy, advice and guidance. The NPPF emphasises the importance of sustainable economic development and the role of the planning system in delivering such development.

All of these documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/FormerIDSHolditch

KEY ISSUES

Full planning permission is sought for a change of use of the existing premises on Holditch Road, Chesterton from B8 (warehouse) to B2 (general industrial). The application site is the former International Decorative Surfaces LTD premises, which is located at the junction of Holditch Road with London Road in Chesterton.

The key issues in determining this application are:

- Is the development acceptable in terms of highway safety and access?
- Is the development acceptable in terms of noise?

Is the development acceptable in terms of highway safety and access?

The maximum car parking standards for a B8 and a B2 use are the same. As the building measures approximately 2679 square metres in floor area, the car parking standards are 1 space per 80 square metres.

Cycle storage is to be accommodated in an existing lean to building situated at the rear of the site and close to the office entrance. The store would accommodate 10 cycles/ motor cycles.

The northern access to the site was originally proposed to be used for entering the site, however the Highway Authority objected to this strongly on highway safety grounds. The applicant now proposes a one way system, with access from Holditch Road and egress onto London Road via the northerly access point, which the Highway Authority has no objection to, subject to prior approval of plans indicating signage and road markings to clarify the one way system to users. The Highway Authority also seeks prior approval of a plan indicating where waste and recyclable materials are to be stored, however it is considered that the indication of where waste will be stored on the submitted plans is acceptable for the development.

Noise

The Environmental Health Division has requested that a noise survey be carried out for the change of use to B2 from B8, in order to ensure that noise levels created by the B2 use would not harm residential development in the nearby area. The residential development referred to is that granted permission at the former Bennett Arms Public House (reference 09/00155/FUL). However, whilst the development has commenced at the Bennett Arms site, it would appear that as pre-commencement planning conditions have not been satisfied and given that the permission has now lapsed there is no valid planning permission for residential development on that site.

If a new housing scheme was submitted for planning approval in the future on the nearby former Bennett Arms Public House site, that developer would need to ensure that satisfactory noise levels for those dwellings are achieved. Given that there is no residential development that would be affected now, or could be affected at a future date unless planning permission is granted, it is considered that a planning condition requiring approval of a noise assessment could not be justified. The proposal is therefore considered acceptable in terms of noise issues.

Conclusion

Overall as it is considered that the application is acceptable in respect of highway safety and noise grounds, the proposed change the use of the premises from B8 to B2 is considered acceptable and sustainable in this location, and compliant with the aims and objectives of the National Planning Policy Framework.

Background Papers

Planning files referred to
Planning Documents referred to

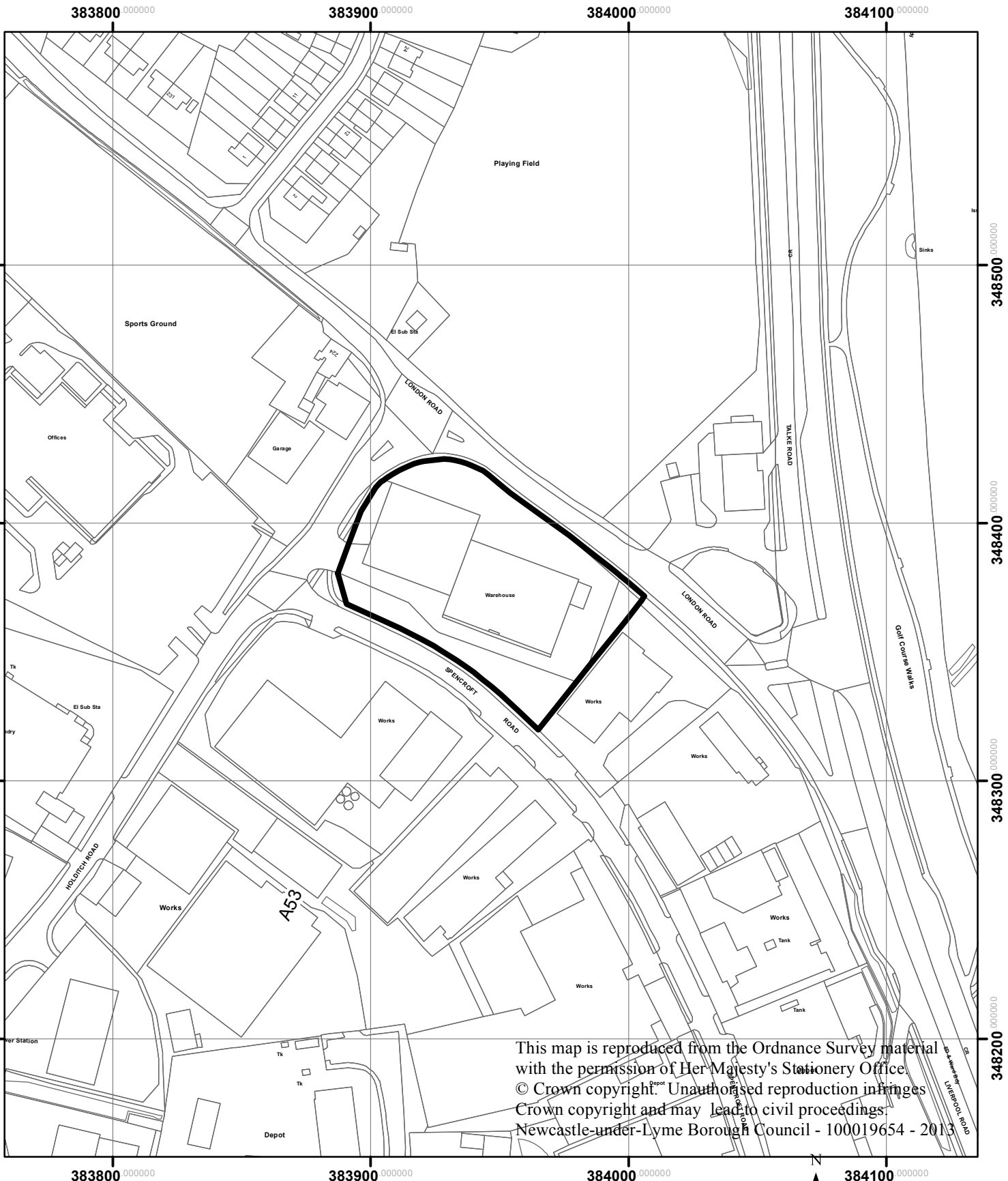
Date report prepared

23rd April 2014

Holditch Road Chesterton



14/00134/COU



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**LAND REAR OF 24 – 36 HEATHCOTE ROAD MILES GREEN
MILWOOD LTD**

14/00247/FUL

The application is for full permission for the erection of 6 no. bungalows with vehicular access off Heathcote Road.

The site is outside but immediately adjacent to the village envelope of Miles Green, but not within the Green Belt or an area with a specific landscape designation.

The application has been called to Committee for decision by two Councillors due to it being in the public interest to bring to committee a site that has a history of refusal.

The statutory 8 week period for the determination of this application expires on 21st May 2014.

RECOMMENDATION

a) Subject to the applicant first entering into a section 106 obligation securing one dwelling, in perpetuity, for affordable housing by 14th June 2014, permit the application subject to conditions relating to the following matters:

- 1. Standard Time limit**
- 2. Approved plans/drawings/documents**
- 3. Approval of all external facing and roofing materials**
- 4. Details of all boundary treatments**
- 5. Details of all surfacing materials**
- 6. Landscaping scheme**
- 7. Tree protection measures**
- 8. Development is undertaken in accordance with the recommendation of the Tree Quality Survey and Development Implications**
- 9. Provision of details relating the reconstruction of the site access**
- 10. Approval of proposed access surfacing materials**
- 11. Provision of the parking and turning areas**
- 12. Restricted use of the proposed garages**
- 13. Approval of any gates being proposed**
- 14. Approval of private highway signage**
- 15. Provision of a Construction Method Statement**
- 16. Provision of surface water interceptor**
- 17. Provision of waste and recyclable materials storage and collection areas in accordance with approved plans**
- 18. Hours of construction restriction**
- 19. Report of unexpected contaminated land**
- 20. Prior approval of any importation of soil or waste**
- 21. Approval of details of surface and foul water disposal**
- 22. No build within a 3 metre buffer either side of public sewer**
- 23. No deep rooted trees./ shrubs to be planted within the vicinity of the public sewer**
- 24. No surfaced water to discharge into the combined sewer**
- 25. Approval of finished floor levels**

b) Should the matters referred to in (a) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to ensure an appropriate level of affordable housing or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The application, through amendments to the proposed dwellings by introducing further variety in the house types, and by identifying areas for the storage and collection of waste and recyclable

material has addressed the reasons for refusal of application reference 14/00081/FUL. The applicant is required to enter into a S106 obligation to secure an affordable housing unit within the development in accordance with policy. The development, provided appropriate conditions are included, would have an acceptable impact upon residential amenity, highway safety, waste management and drainage. The application is therefore considered to be a sustainable form of development which complies with Policies ASP6, CSP1, CSP3 and CSP6 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026, Policy T16 of the Newcastle-under-Lyme Local Plan 2011, and the 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.

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026

| | |
|--------------|---|
| Policy SP1: | Spatial Principles of Targeted Regeneration |
| Policy SP3: | Spatial Principles of Movement and Access |
| Policy ASP6: | Rural Area Spatial policy |
| Policy CSP1: | Design Quality |
| Policy CSP3: | Sustainability and Climate Change |
| Policy CSP5: | Open Space/Sport/Recreation |
| Policy CSP6: | Affordable Housing |

Newcastle under Lyme Local Plan 2011

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

Other Material Considerations include:

Relevant National Planning Policy

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

Supplementary Planning Guidance/Documents

| | |
|---|--------------------------|
| Supplementary Planning Guidance: Space about Dwellings | (July 2004) |
| Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance | (adopted December 2010). |

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

Relevant Planning History

| | | |
|--------------|-----------|---|
| 99/00540/FUL | Refused | Residential Development (Appeal lodged and later withdrawn) |
| 99/00759/FUL | Refused | Residential Development (Dismissed at appeal) |
| 01/00073/FUL | Refused | Residential Development (Dismissed at appeal) |
| 13/00956/FUL | Withdrawn | Erection of 6 no. bungalows |
| 14/00081/FUL | Refused | Erection of 6 no. bungalows |

Views of Consultees

The **Waste Management Section** of the Council, the **Environment Agency** and **Severn Trent Water** have been consulted and any comments received will be reported.

United Utilities has no objections subject to subject to conditions relating to the following:-

- No build within a 3 metre buffer either side of public sewer

- No deep rooted trees./ shrubs to be planted within the vicinity of the public sewer
- The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby water course.

The **Highway Authority** has no objection subject to the conditions relating to the following:

- No development to commence until details of the reconstruction of the site access at the junction with Heathcote Road has been approved. The access is to be provided in accordance with the approved plans and retained for the life of the development.
- The development is not to be brought into use until surfacing details for the private road have been approved. The private road is to be surfaced in accordance with the approved details prior to any occupation.
- The development shall not be occupied until the access road, parking and turning areas are provided in accordance with the approved plans.
- The garages are to be retained for the parking of motor vehicles and cycles and shall at no time be converted to living accommodation.
- Any gates to the proposed access shall be sited in accordance with details that shall have been approved.
- Prior to first occupation of the dwellings a sign indicating a private road shall be erected at the junction with Heathcote Road and retained for the life of the development.
- Prior approval of a Construction Method Statement including details of a site compound; parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; and wheel wash facilities.
- Dwellings shall not be occupied until a surface water drainage interceptor, connected to a surface water outfall has been provided.

The **Environmental Health Division** has no objections subject to the conditions which were recommended on application 14/00081/FUL. The conditions recommended are as follows:

- Construction Hours
- Prevention of mud and debris on the highway
- Reporting of unexpected Contamination
- Importation of soil/material.

The **Landscape Development Section** has no objection subject to conditions relating to the following:-

- All recommendations provided in the submitted information relating to trees are to be adhered to
- Tree Protection Plan
- Landscaping scheme.

Audley Parish Council object to the application for the following reasons as previously submitted in relation to earlier applications for the site:

- Drainage will be a problem
- There is more traffic now than in past years and often the speed limit is ignored, this is also a school route
- The entrance is not wide enough and will cause access problems
- Undesirable back infill
- There are still enough brown field sites within the Parish and the Borough that can be built on before green belt and green field sites are used
- The collection and storage of waste is still considered to be an issue
- It is overlooked by properties 24 – 36 Heathcote Road, Miles Green.

Staffordshire County Council as the **Education Authority** have previously advised given the proposal is a fewer than 7 dwellings no education contribution would be requested. In light of this comment they were not re-consulted on the current application.

Representations

None to date.

Applicants submission

The following documents have accompanied the application:-

- A Design and Access Statement
- Draft Heads of Terms (in respect of a S106 obligation)
- Tree Quality Survey and Development Implications Review
- Comments of the Council's Recycling Strategy and Commissioning Manager confirming that the proposal is acceptable.

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/HeathcoteRoad

Key Issues

The application is a resubmission following the refusal of planning application 14/00081/FUL on the following grounds:

1. The proposed development is of a design that is not in keeping with the character of its village setting.
2. The design of the affordable housing unit being visually distinguishable from the other development on site, contrary to policy.
3. The applicant has not demonstrated that the design and layout of the development can achieve appropriate provision for the storage and collection of waste and recyclable materials.

The present application is again for full planning permission for 6 no. detached bungalows. Each bungalow would be of an individual type, 4 are dormer bungalows, two single storey dwellings. It is proposed to provide one affordable dwelling on site, which shall intended to be plot 1, which contains a 2/3 bedroomed single storey bungalow.

A single access is being proposed to the site being a single track vehicle one from Heathcote Road.

The application site is a Greenfield site. It falls between the village and the open countryside being adjacent to Miles Green Village Envelope but not within the Green Belt or the Area of Landscape Restoration the boundaries of which adjoin the site.

In refusing the previous application earlier this year (14/00081/FUL), for the reasons that are reported above, it was concluded that the principle of residential development of this site was acceptable and that the proposal did not raise any highway safety concerns. There have been no material changes in planning policy or other material considerations relating to these issues since that decision and as such a different conclusion could not reasonably be reached at this time particularly when it is noted that the same level of parking provision is achieved as the previous scheme and the Highway Authority have no objections to the proposal. In light of this it is considered that the key issues to address in the determination of the current application are as follows:

1. The appropriateness of the design in this village location and the design of the affordable housing unit
2. Residential amenity
3. Whether the design and layout of the development achieves appropriate provision for the storage and collection of waste and recyclable materials.

The appropriateness of the design in this village location and the design of the affordable housing unit

The site is located at the rear of existing detached single storey residential properties which front on to Heathcote Road, the road gently rises from south to north. The proposed vehicular access would be provided off Heathcote Road between nos. 34 and 36.

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

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document purpose is to provide a practical tool to help to:

- Promote good, sustainable, urban design
- Explain how spatial principles and design policies in the Core Spatial Strategy will be applied
- Provide guidance in relation to planning applications: to applicants when formulating proposals; to planning officers when assessing them; and to politicians when making decisions, on what constitutes good, sustainable urban design
- Provide guidance to public sector commissioning bodies on strategies and proposals.

Section 7 of the document addresses residential development. R21 advises "*New housing must be designed with care and with a coherent design approach that influences the whole building from its form, to the elevations and including the detailing (whatever the architectural style may be)*".

The site is located on back land separated from the highway by a row of individually designed mid-20th Century single storey properties. Whilst the development would not be viewed in the context of these properties, the choice of single storey and dormer bungalows within the proposed scheme, all of different designs, to an extent reflect the character of the adjoining dwellings. The proposed dwellings, with one exception, have a bigger footprint than the adjoining dwellings, but, like these properties, are of a traditional design using traditional materials. Overall it is considered that the proposal provides an appropriate design solution for this site in keeping with the existing adjacent dwellings and the wider village character.

Within the previous scheme five of the six dwellings that were proposed were of the same design – a 4 bedroom dormer bungalow, each with a detached double garage in their proposed garden areas. The other dwelling was a small single storey dwelling of a different design. The individual property was proposed to be the affordable housing unit within the development and given that this could be easily distinguished from the other dwellings the proposal was refused on the grounds that it was contrary to affordable housing policies.

As described above, within the current scheme each dwelling is different. Whilst the affordable housing unit within the development is smaller than the others it would, nevertheless, be difficult to establish within this development that there was an affordable housing unit. As such it is considered that this reason for refusal has been appropriately addressed.

Residential Amenity

The previous scheme was considered acceptable in this regard. It remains necessary, however, to consider the current proposal given the differences between the two schemes.

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, and complement the built form (point 6).

Supplementary Planning Guidance (SPG) 'Space Around Dwellings' provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advice at R16 stating *Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.*

The proposed development complies with the requirements of space around dwellings SPG in respect of the separation distances that are achieved between the proposed and existing dwelling. In addition it is considered that the development provides an appropriate level of residential amenity to both existing adjacent occupiers and to future occupiers of the proposed development.

The design and layout of the development achieves appropriate provision for the storage and collection of waste and recyclable materials.

The current proposals identify an area for bin storage within each plot. Additionally an area where bins and other receptacles can be stored on collection day is identified within the site adjoining the access 15m to the rear of the highway boundary. The collection area is approximately 90m from the bin storage area of the plot furthest away.

The Council has an agreed 'Waste Management and Recycling Planning Practice Guidance Note' the key objective of which is to ensure that new developments are fully equipped with well designed, suitable waste and recycling storage facilities that will ensure sound site management, and that waste and recyclable materials can be collected easily and efficiently from the site. The proposed development accords with the guidance set out in this document as it addresses the need to provide bin storage areas within each plot and ensures that there is a dedicated collection area. In addition the access pathway from the storage area to the collection point accords with the guidance in all respects other than the collection point is more than 10m from the point where the collection vehicle will stop. Notwithstanding this it is noted that pre-application advice has been obtained by the applicant from the Council's Waste Management Section which suggests that this is acceptable.

The views of the Council's Waste Management Section have been sought and will be reported. However it appears that the reason for refusal has been addressed.

Planning obligations to make the development policy-compliant

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

Affordable Housing is normally secured via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement, and that the affordable housing built is occupied in perpetuity only by people that fall within the identified categories of need for affordable housing, that there are appropriate trigger and phasing clauses.

The applicants has discussed this matter with Officers and are offering one of the units as affordable housing unit, this being the 2/3 bedroom dwelling on plot one. It is considered that this is

Conclusion

The development will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the development on the supply of housing land as such there is a presumption in favour of this development.

Background Papers

Planning File

Development Plan

Date report prepared

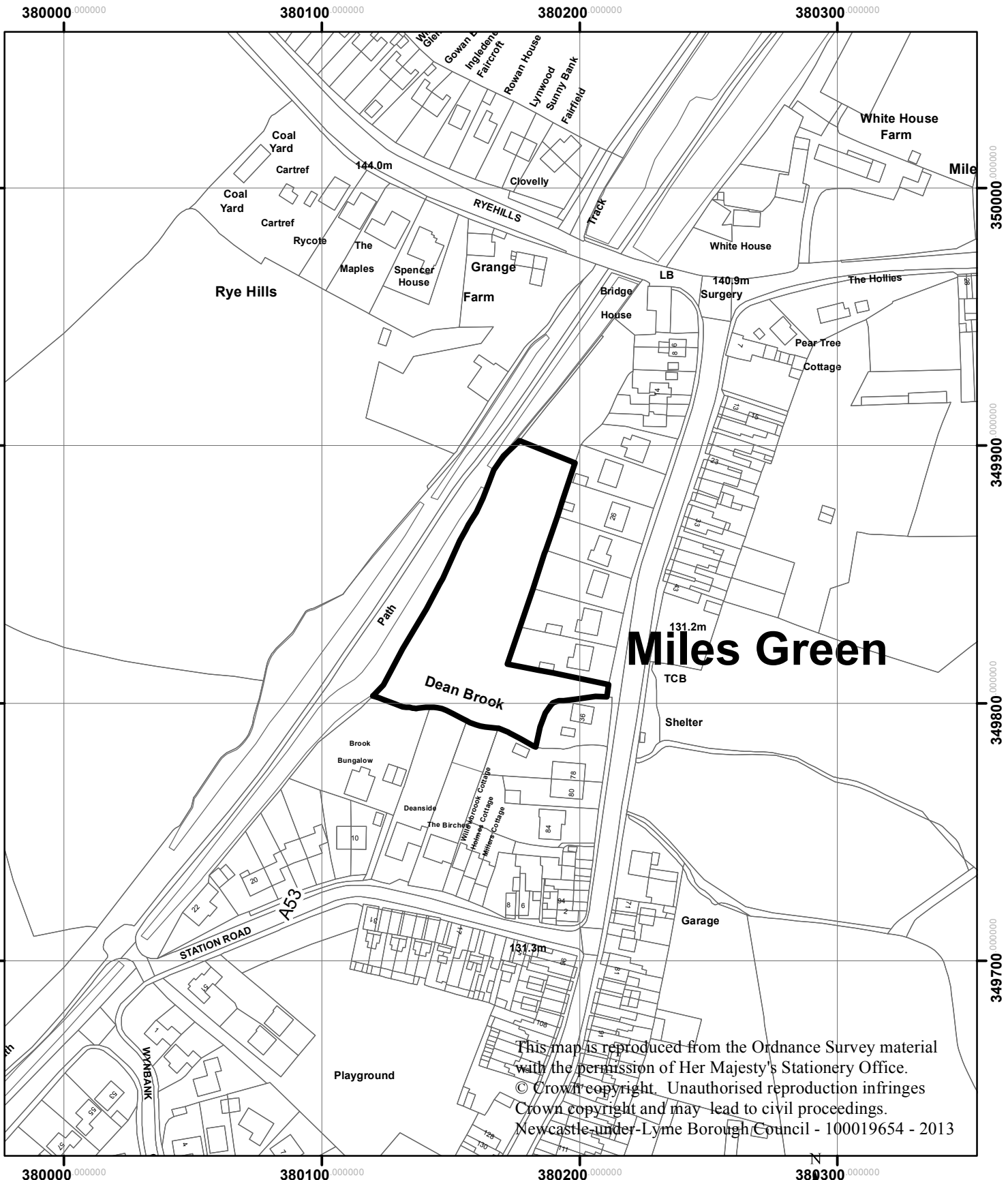
25th April 2014

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Land Rear Of 24 To 36
Heathcote Road, Miles Green



14/00247/FUL



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22 CHURCH LANE, MOW COP
MRS C WHITEHURST

14/00147/FUL

The application is for the change of use of the land for the keeping of horses. Permission is also sought for the reconstruction and extension to the existing stable block and retention of the track that leads to the previously approved ménage.

The site lies within the Green Belt Proposals Map and an area of Landscape Restoration. Mow House Farmhouse as defined on the Local Development Framework. A Grade II Listed Building is located approximately 20 metres south of the proposed replacement stable block.

The 8-week period for the determination of this application expires on the 6th May 2014.

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Standard time limit condition**
- 2. Development to be carried out in accordance with the approved listed plans**
- 3. Prior approval of materials to be utilised (surfacing of track, facing and roofing materials) and implementation of approved details**
- 4. Prior approval of any external lighting implementation of approved details**
- 5. Non commercial use only**
- 6. No jumps and similar features**

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 would not affect the setting of the Grade II Listed Mow House Farmhouse. The development is considered to accord with Policies N12, N17, T16, B5 and N21 of the Local Plan, Policy CSP 1, CSP 2 and CSP 3 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

The Local Planning Authority worked in a positive and proactive manner in dealing with this application, advising of issues of concern and the need to provide additional supporting information. The development is considered a sustainable form of development and complies with the aims and objectives of the National Planning Policy Framework.

Policies and Proposals in the approved Development Plan relevant to the 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 CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

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 B5: Control of Development affecting the setting of a listed building
Policy T16: Development – General Parking Requirements

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD)

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

Relevant Planning History

| | | |
|--------------|-----------|--|
| 00/00841/OUT | Permitted | Proposed dwelling |
| 03/00413/FUL | Permitted | Three stables |
| 06/00715/FUL | Refused | Relocation of stables and construction of horse exercise area (manege) |
| 10/00213/FUL | Permitted | Front conservatory |
| 11/00205/FUL | Permitted | Proposed 40m x 20m outdoor equestrian arena / manege for domestic use |

Views of Consultees

Kidsgrove Town Council has not responded to the consultation by the end date for consultation comments, therefore it is assumed that they have no comments to make.

The **Environmental Health Division** of the Borough Council has no objections.

The **Landscape Development Section** has no objections.

The **Highway Authority** has no objections on highway grounds subject to the inclusion of a condition restricting the permission to private use by the applicant and their family and preventing the development from being operated as a commercial enterprise or for special events.

The **Conservation Officer** has no objections to the change of use, as it is unlikely to have an impact upon the setting of the listed building.

Representations

No representations have been received.

Applicant's/agent's submission

The applicant has submitted a design and access statement along with the requisite plans and application form.

All of these documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/22ChurchlaneMowCop

KEY ISSUES

Full planning permission is sought for the change of use of land for the keeping of horses, an extension to the existing stable block and the retention of the track recently laid, leading up to the ménage. The keeping of horses is already taking place and as such this element of the application is also retrospective.

The track has already been constructed within the last few months and is almost completed. It leads up from the property known as 22 Church Lane to the ménage. A section of the track also leads to the rear area of Mow House Farm, as indicated. The applicant has advised that the need for the creation of a track arose from deteriorating ground conditions during the wet winter of 2013/14, with the route between the stables and ménage being particularly bad. The track is 1.8m wide, and constructed from recycled materials that would otherwise go to landfill.

The existing stable block is proposed to be reconstructed and extended. The current stable block measures 12.6m by 3.6m (in length and width), 2.4m to eaves height and 3m to ridge. The new stable block would measure 17.5m in length and 3.6m in width. It would measure 2.4m to eaves height and 3.5m to the ridge. The external walls of the stable will be clad in tanalised shiplap boarding. The roof will be clad in green felt shingles.

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?
- Is the design of the proposed development acceptable?
- 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?

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.

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

Paragraph 89 of the NPPF indicates that the construction of new buildings in the Green Belt is inappropriate development, unless they are for purposes listed as exceptions. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The provision of a replacement stable building for the keeping of horses at the scale as 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 not materially affect the openness of the Green Belt over and above the existing building, 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.

Paragraph 90 of the NPPF identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are listed. The construction of the track is an engineering operation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development.

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

consideration of 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 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.

Is the design of the proposed development and the impact on the adjacent Listed Mow House Farmhouse acceptable?

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

The proposed stables would be of a traditional design and would utilise materials commonly used in stable construction. They would be located in the same position as currently located, albeit with a larger footprint, and with a 500mm higher ridge height. The proposed location is not isolated, sited just outside the residential curtilage of the dwelling known as 22 Church Lane and Mow House Farmhouse.

The materials used in the construction of the track are considered appropriate.

It is considered necessary to condition the prior approval of the materials to be used for the proposed stables, and condition the colour of the exterior materials to be a dark recessive colour to help them appear less conspicuous in the landscape.

Turning to the impact on the neighbouring listed building, Mow House Farmhouse is a Grade II Listed Building, located approximately 20 metres from the proposed stable block. Policy B5 of the Local Plan states that the Council will resist development that would adversely affect the setting of a listed building. Whilst the building is relatively close to the Farmhouse it would not have any greater impact on the setting of the listed building than the existing. The proposals are therefore considered of an appropriate design and would have no impact upon the setting of the neighbouring Grade II Listed Building.

Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety.

The Highway Authority has requested that a condition be included that the development shall be restricted to private use, and shall not be used for commercial purposes. This is considered appropriate, as by attaching such a condition, as the level of vehicular movements for a commercial use would be materially different to the private use as proposed and would require closer consideration.

Overall, subject to the highways related condition as indicated, the proposed development would be acceptable in terms of highway safety.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development would 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 replacement stable would be located broadly in the same location as is currently located, and it is considered that this would not raise any new residential amenity issues.

The Environmental Health Division has no objections to the proposed development subject to conditions relating to approval of any external lighting scheme proposed.

Therefore, 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 replacement stable building and the construction of the track are “appropriate” development in Green Belt terms, but 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 go on to weigh in the balance any elements of harm associated with that aspect 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.

Conclusion

In conclusion, subject to the inclusion of appropriate conditions, the developments as set out in the plans and application form are considered acceptable and would comply with the aims and objectives of the NPPF.

Background Papers

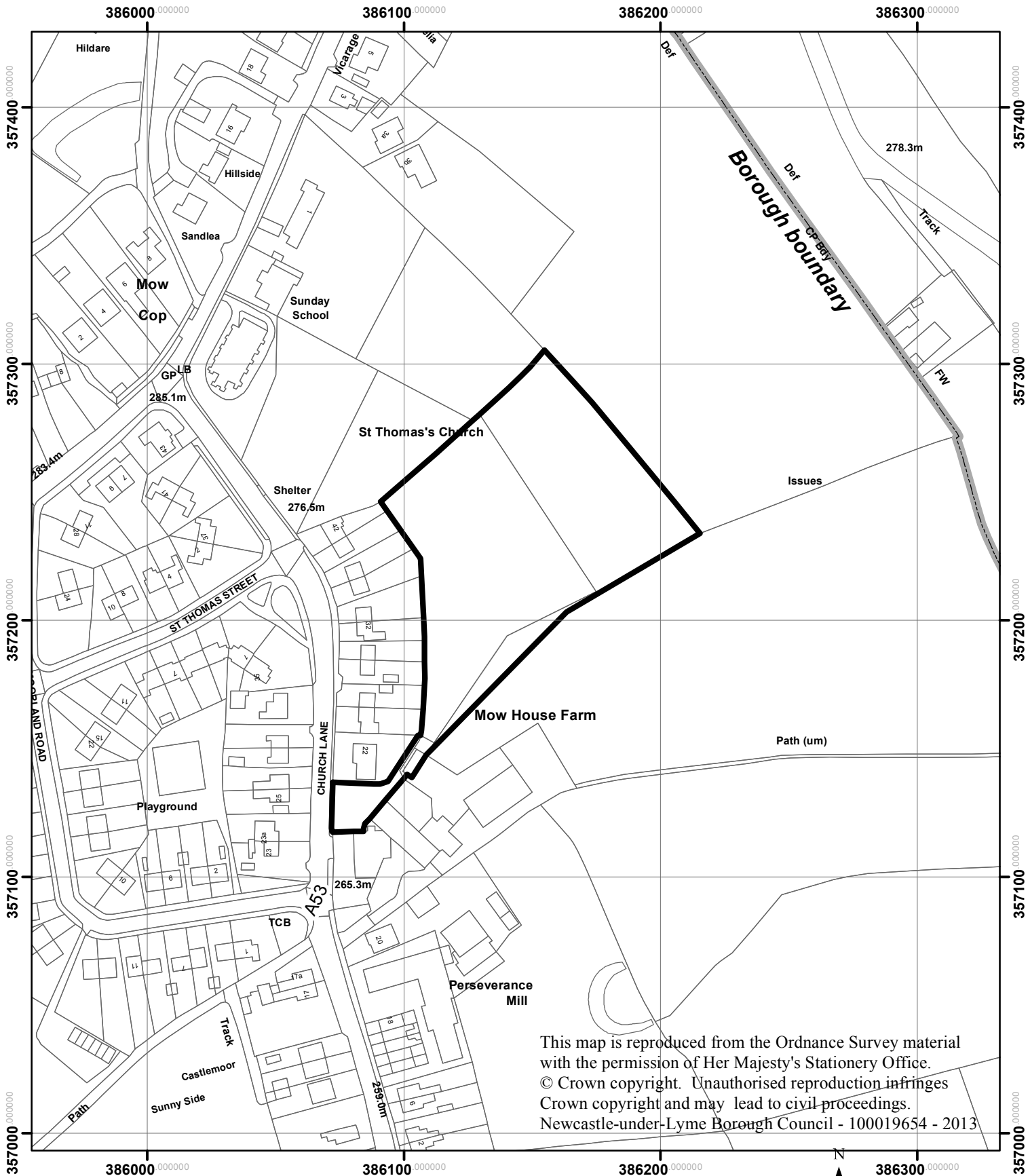
Planning files referred to
Planning Documents referred to

Date report prepared

24th April 2014

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14/00147/FUL



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FORMER VICTORIA COURT, BRAMPTON ROAD, MAY BANK
ADF CONSTRUCTION AND DEVELOPMENTS

13/00985/FUL

The application is for full planning permission for the erection of 8, three bedroom, 2 ½ storey dwellings on a site measuring 1,642sq.m. The proposed dwellings front onto Brampton Road, with a central block of 4 dwellings flanked either side by a pair of semi-detached dwellings. Vehicular access is proposed at the rear, off Oxhay View. A total of 12 parking spaces are proposed off a private drive.

The site is located within the urban area and the Urban neighbourhood of Newcastle as defined by the Local Development Framework Proposals Map. A tree within the development site is the subject of a Tree Preservation Order.

The 8 week period for the determination of this application expired on the 10th April 2014.

RECOMMENDATION

Refusal on the following grounds:-

- 1. The form and design of the development is inappropriate in the context of its surroundings and fails to take advantage of the opportunities available to improve the image of the area.**
- 2. There is insufficient information to demonstrate the development would not lead to unnecessary tree loss which would have a negative impact on the appearance of the area.**
- 3. The development provides insufficient private rear garden space.**
- 4. In addition, in the absence of an obligation the development fails to make an appropriate contribution towards primary school provision having regard to the likely additional pupils arising from the development.**

Reason for Recommendation

The development is of an inappropriate design and form and does not take advantage of the opportunities available to improve the appearance of the area. Insufficient information has been submitted that demonstrates that further tree loss (additional to the loss of the protected tree which can be removed due to its poor condition) will occur which will further adversely affect the appearance of the area. The proposal provides extremely limited rear garden size, of an inadequate size for the family accommodation that is proposed. In addition, in the absence of an obligation the development fails to make an appropriate contribution towards primary school provision having regard to the likely additional pupils arising from the development. Such factors demonstrably outweigh the benefits of the development – in particular the provision of housing on a previously developed site, in the context of the Council's inability to demonstrate an up to date 5 year housing supply, in a sustainable location very close to the Town Centre.

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

Concerns in relation to the scheme have been raised with the applicant's agent during the application process however it is considered that any amendments necessary to address such concerns would have to be the subject of a separate planning application. The development is not, therefore, considered a sustainable form of development and complies with the aims and objectives of the National Planning Policy Framework.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration

Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy 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 IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

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)

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

Relevant Planning History

| | | |
|--------------|--------|---|
| 07/00472/OUT | Permit | Demolition of existing 3 storey block of 24 flats and erection of replacement residential block to accommodate 28 apartments and associated car parking |
| 07/00037/OUT | Refuse | Demolition of existing 3 storey block of 24 flats and erection of replacement 3/4 storey block to accommodate 30 apartments |

Views of Consultees

The **County Education Authority** comments that the development could add 1 high school and 2 primary school pupils to the catchment area. Wolstanton High School is projected to have sufficient space to accommodate the likely demand however a contribution is requested toward Primary School provision. An education contribution for 2 primary spaces at £11,031 each gives a total of £22,062.

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

1. Contaminated land remediation.
2. Construction hours.

3. Prior approval and implementation of a construction management plan.
4. Protection of the public highway from debris.
5. Dust mitigation measures during construction.
6. Internal noise levels.

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

1. Provision of access, parking and turning areas in accordance with the submitted details.
2. Provision of double yellow line parking restrictions.

They also advise that in order to mitigate the effect of the proposed development on the highway network, the developer should be required to contribute a sum of £5,000 towards the measures contained in the Newcastle-under-Lyme Transport and Development Strategy (NTADS). They advise that the level of parking is acceptable due to the sites sustainable location and proximity of bus stops. In addition they advise that the provision of double yellow lines requires a desirable Traffic Regulation Order which will be made by the County Council at the developer's expense.

The **Landscape Development Section** does not object to the removal of a protected tree due to its condition provided that an appropriate replacement tree to compensate for the loss is secured. However as information that has been requested has not been provided it is not in a position to confirm that the development can be building in the position shown without causing harm to retained trees. It also suggests that the position of the units could be adjusted to accommodate tree planting along the frontage and the prior approval of landscaping details should be the condition of any approval.

Representations

2 letters of representation have been received making the following comments;

- The design of the dwellings could be more in keeping with neighbouring properties within the area. The dwellings opposite and adjacent to the site are more diverse and individual which emphasises the solid monotony of the proposal.
- The proposal in principal is welcomed and more realistic and a better alternative than the previous application for flats.
- The site is an eyesore and its development would be a positive step.
- The off road parking proposed is insufficient for the family sized dwellings proposed.
- On street car parking in Oxhay View would severely restrict access for emergency vehicles and other service vehicles.
- Parking restrictions should be required on Brampton Road to prevent further interruptions to the flow of traffic.
- Consideration should be given to providing parking to the front of the houses.
- Levels are not shown on the submitted plans and how the changes of levels within the site are to be addressed within the street scene.
- The submitted plans do not show the true footprint of number 28 Brampton Road which has been extended.

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a:

- Design and Access Statement.
- Tree Survey.
- Phase 1 Land Quality Assessment.

The submitted information is available at the Guildhall and at www.newcastle-staffs.gov.uk/planning/VictoriaCourt

Key Issues

The application is for the erection of 8, three bedroom dwellings. The layout submitted shows

4 of the dwellings forming a terrace and the remaining units are arranged as 2 pairs of semi-detached houses either side of the terrace. Each one of the houses measures 10.7 metres by 5 metres in footprint by 8 metres in maximum roof ridge height. The front and rear elevations proposed feature pitched roof dormer windows. The site has remained vacant for a number of years following demolition of the flats which once stood on the site.

The key issues to consider are:

1. Is the principle of residential development acceptable in this location?
2. Is the design of the proposal and the impact to the character of the area acceptable?
3. Would the resultant living conditions for neighbouring occupiers and future occupiers of the development be adequate?
4. Would the impact upon highway safety levels be acceptable?
5. The appropriateness of financial contributions requested, and the level of such contributions if appropriate?, and
6. Whether or not any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Is the principle of residential development in this location acceptable?

Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provide access to services and service centres by foot, public transport and cycling. The CSS goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects and impacts positively on the growth of the locality.

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 as a whole; or unless specific policies in the NPPF indicate development should be restricted.

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

The proposal makes use of previously developed land, involving a vacant site which was subject to previous outline planning permission for apartment's, in a sustainable location within a very short walking distance of the full complement of services offered within the Town Centre. Given that there are no policies of restraint within the NPPF that the proposal is in conflict with, there is a presumption in favour of this development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. This will be assessed below.

Is the design of the proposal and the impact to the character of the area acceptable?

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning.

Policy CPS1 of the Core Strategy sets out how design quality is assessed which includes the need for new development to contribute positively to an areas identity and image. The

Councils Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

In terms of existing surroundings immediately to the north of the site is The Victoria pub which is set back significantly from the highway and further to the north there is a line of terrace properties the majority of which are in commercial use fronting the High Street with flats opposite. The houses immediately opposite the site on Brampton Road and heading south towards the Brampton Conservation Area (which is approximately 350 metres away) have a markedly different character to the properties heading north. Closest to the site, existing dwellings are predominantly detached some with sections of mock Tudor wood cladding, situated within generous plots featuring large front gardens independent front driveways. The neighbouring semi-detached property to the south of the site also includes Tudor effect wood cladding. Trees are also a significant component of the prevailing character of the area travelling southwards from the Victoria pub. Trees and other front garden greenery provide a valuable contribution to the street scene. The site slopes downwards towards semi-detached properties within Oxhay View which are also very different in character to those on Brampton Road closest to the site which have a more spacious and attractive appearance. The pub although not listed is a building of considerable aesthetic value which also adds considerably to the attractiveness of the area.

The style and type of housing proposed is not in keeping with its immediate surroundings – paying particular regard to the properties on Brampton Road itself which the development would be viewed in the context of to the greatest extent compared to other public vantage points. The neighbouring semi-detached property to the south of the site (number 28) has been extended to include a pitched roof dormer window on its front elevation but there is no other architectural similarity when compared to the proposal. The rear of the site from the Oxhay View perspective would appear heavily engineered due the parking and circulation areas proposed also taking into account the need for boundary treatments for privacy.

It has been suggested by the Landscape Office that the development be modified to include larger front garden areas which can accommodate tree planting. Such provision would take advantage of opportunity available to improve the character of the area. There is no scope available to make such provision by working amendment taking into account the number of units proposed against other needs such as parking and rear garden area provision.

The style of architecture proposed fails to compliment the positive features of the area and terraced properties are not appropriate in this location. The form and character of the development applied for is considered to be out of keeping with other surrounding properties on Brampton Road and the limited scope for frontage tree planting and landscaping fails to take advantage of the opportunities available to contribute positively to the areas image.

Would there be any harm to visually significant trees and/or an unacceptable relationship with trees created, and if so would their potential loss be acceptable?

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 no objections to the removal of the protected tree within the site against the northern boundary due to its poor condition subject to an appropriate replacement. The other existing trees against the boundary are not protected but as a group do have amenity value within the street scene. The Landscape Development Section advise that there is insufficient information to conclude that the development would not harm these trees due to the unknown level changes and subsequent engineering approach required to build the car parking area and associated landscaping of the site. The applicant has not resolved these concerns through the submission of additional information. The potential damage caused to or removal of the existing trees is a significant concern and the view taken is that further tree loss would be harmful to the appearance of the area.

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 Around Dwellings provides guidance on privacy, daylight standards and environmental considerations. There are 3 main aspects of residential amenity to consider;

1. *The adequacy of private amenity space provision*

The SPG advises that houses of 3 bedrooms or more should provide a garden with a minimum mean length of 10.7 metres and an area of at least 65 square metres. The dwellings proposed have varying amounts of rear garden space – the most generous plots have a mean length of 10.8 metres and an area of under 52 square metres the least generous plots have a mean length of 6.6 metres and an area of less than 32 square metres. All of the dwellings proposed therefore have private garden areas significantly lower than the minimum standards designed for family occupation and given the size constraints of the site and the need for parking and shared turning areas there is no scope to increase the provision of garden space. The level of private amenity space provision proposed is considered to be unacceptable. In reaching this conclusion it is noted that the site is located in an area where dwellings, predominantly, have garden areas that exceed the standards.

2. *Is the impact to neighbouring residential amenity acceptable?*

The rear elevations of numbers 4 and 5 Oxhay View are overlooked by the development. The properties of Oxhay View are also situated at a much lower level than the existing levels of the application site. The SPG states that where principal windows do not overlook each other when development is angled a separation of 17 metres depending on height and topography of a site can be acceptable. The separation distance evident is around 26 metres measures at the closest point and the impact to surrounding occupiers living conditions is considered to be acceptable.

The proposed dwellings are sited broadly in line with the adjoining property on Brampton Road and do not contain any principal windows in the side elevation that would result in a material and unacceptable loss of privacy to that extended property.

3. *Would acceptable internal noise levels be achieved?*

Design measures required to achieve acceptable internal noise levels for future occupants of the houses can be secured taking into account road traffic noise arising from Brampton Road could be secured by planning condition.

Is the impact of the development on highway safety acceptable?

Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. The maximum parking levels for a three bedroom property is 2 spaces, amounting to a maximum of 16 parking spaces. The proposal provides 12 parking spaces.

The site is in a highly sustainable location with good access to public transport and as such it is considered that the development would not, create or aggravate local on street parking or traffic problems and would accord with policy. The requirement of the Highway Authority, that a Traffic Regulation Order and the provision of double yellow lines along the Brampton Road frontage is considered appropriate to prevent on street parking which would otherwise result in an unacceptable interruption to the free flow of traffic on Brampton Road that can become very congested particularly during peak travelling times.

Subject to the conditions recommended by the Highway Authority the impact to highway safety is considered to be acceptable.

What financial contributions are appropriate for the proposal and is there a case to justify any contribution deemed necessary from being waived?

In considering whether financial contributions should be secured, 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.

Highways and education provision and contributions are sought by the County Council.

1. Highways

The Highway Authority advises that a contribution of £5000 should be made towards the measures contained within the Newcastle under Lyme Transport and Development Strategy (NTADS). The strategy ended on the 3 April and it would not be appropriate to pursue such a contribution.

2. Education provision

Developments of 7 or more dwellings can be required to provide a financial contribution towards education provision supported by the Development Plan. The County Council as the Authority responsible for education have advised that it is appropriate to secure a contribution of £22,062 toward local primary school provision in accordance with Staffordshire County Council's adopted Education Planning Obligations Policy. The development entails family housing and it is reasonable to conclude that the development will have an impact on local school provision within the associated catchment area.

Pursuing sustainable development requires careful attention to viability and costs in decision taking. To ensure viability, the costs of any requirements likely to be applied to development should, when taking into account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and or willing developer to enable the development.

The applicant has expressed the view that the financial contribution required toward primary school provision would render the scheme unviable. Financial information has been submitted by the applicant's agent for the Authority to assess this claim. The information shows that the scheme under consideration would result in a loss of £73,410 without any of the Councils required contributions. This assertion is made based on the reported "purchase price" of the site. The site is not within the applicant's ownership.

Central to the consideration of viability is the assessment of the site value which is influenced by the amount and type of development which can be accommodated on it. It should therefore be acknowledged that outline planning permission has been granted previously for 28 apartments in 2007 with all matters of detail reserved for subsequent approval replacing the 24 flats which then stood on the site. A reserved matters application was never pursued and the site has been vacant for a number of years. The site is believed to be in the same ownership as it was in 2007. The scheme now under consideration has never before this point been assessed formally as a realistic development opportunity and any financial contributions that are deemed to be appropriate for a development to comply with policy will have a significant impact on the subsequent site value. Furthermore there is no information submitted showing the site has been sold in the interim. In any event national planning guidance makes clear that transacted bids above the market norm should not be used in the exercise.

Acknowledging the flexible and pragmatic approach that should be taken in the determination of viability matters your officers do not advise that there is a convincing case evident to warrant waiving the contribution sought toward local primary school provision deemed to be necessary.

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

In conclusion, the adverse impacts of the development which are primarily linked to the failure to take advantage of the opportunities available to improve the appearance of the area, the potential for significant tree loss, the resultant amenity standards, the insufficient amount of private amenity space provided, and the absence of an obligation securing a financial contribution towards public open space provision outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

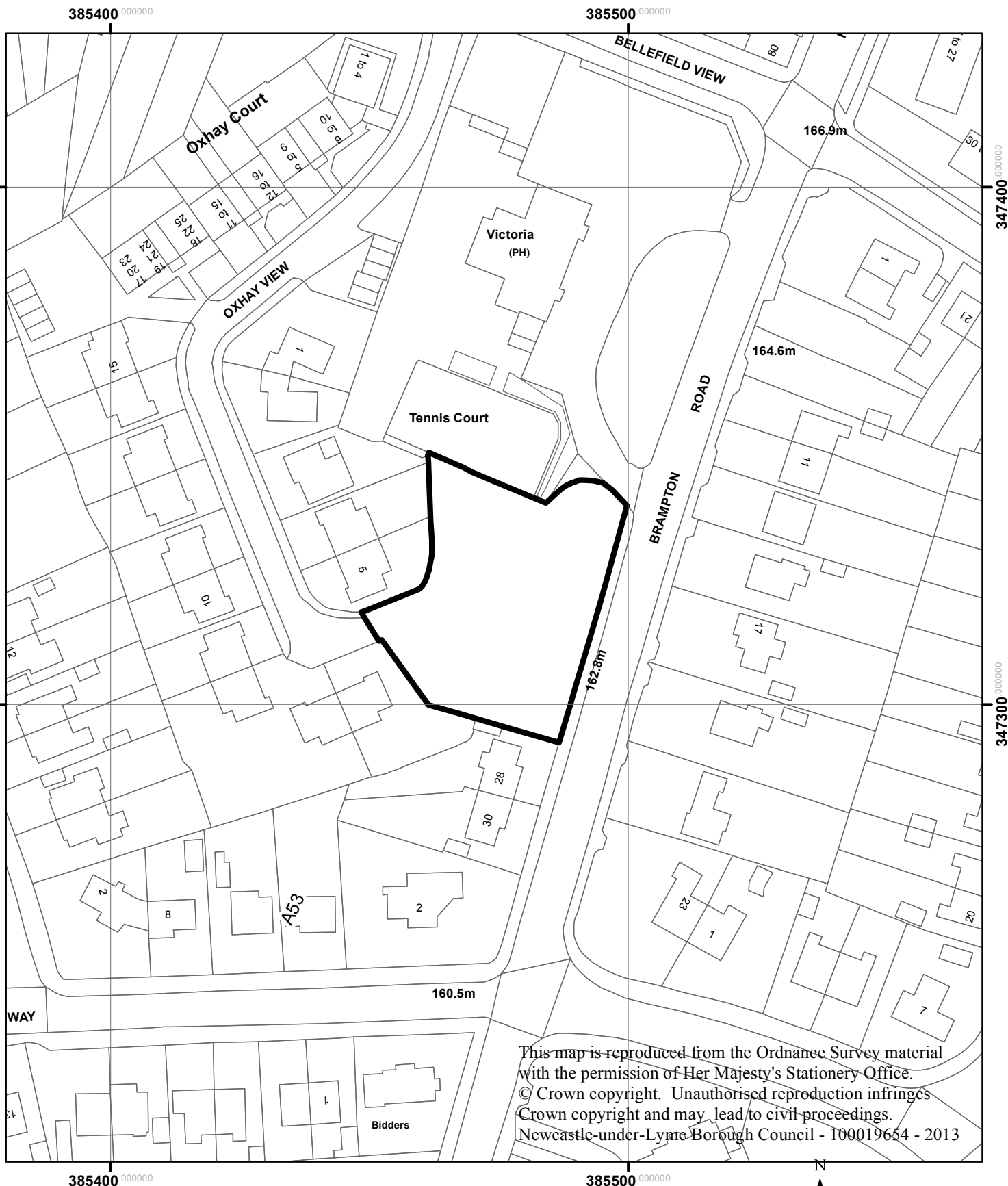
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

22 April 2014.

13/00985/FUL



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KEELE HALL, KEELE
KEELE UNIVERSITY

14/00233/LBC

The application is for listed building consent for the repair or replacement of various roofing and high level stonework and other associated works.

Keele Hall is a Grade II* listed building which is situated within a Conservation Area as defined on the Local Development Framework Proposals Map. The application site is within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 8 week period for the determination of this application expires on the 26th May 2014.

RECOMMENDATION

Grant consent subject to the following conditions:

- 1. Standard time limit.**
- 2. Approved plans.**
- 3. Materials.**

Reason for Recommendation

The proposed development has an acceptable impact upon the special character, visual appearance and historic fabric of the listed building.

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

Discussions have taken place between the Councils Conservation Officer and the applicant prior to the submission of the application. The proposal is a sustainable form of development which requires no further revisions or alterations.

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 CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B5: Control of development affecting the setting of a Listed building
Policy B6: Extension or Alteration of Listed Buildings
Policy B9: Prevention of harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning

Document (2010)

Relevant Planning History

None

Views of Consultees

The **Urban Design and Conservation Officer** comments that the application is essentially for repairs to the roof and windows with some minor internal alterations which will not have an effect on the special interest of the building. Discussions have taken place setting out principles, phasing and details prior to the submission of the application to which there are no objections.

The **Conservation Area Working Party** has no objections to the proposal.

Keele Parish Council has been consulted but no comments have been received by the due date so it must be assumed the Parish Council have no objections.

English Heritage comments that the application should be determined in accordance with national and local policy guidance, and on the basis of the Councils expert conservation advice.

Representations

None received.

Applicants/ Agents submission

The requisite plans and application forms have been submitted along with a Heritage Design and Access Statement.

The submitted information is available at the Guildhall and at www.newcastle-staffs.gov.uk/planning/KeeleHall

Key Issues

This application is for listed building consent for repair or where appropriate replacement of various roofing areas including chimneys, lead work, and high level stone work which includes decorative columns, balustrades and surrounds on the building. Existing sash windows are to be refurbished however where this is not possible replacement like for like will be made. New galvanised roof access steps and walkway with a painted black finish are included in the proposal. The roofing repairs also include a significant element of structural works where defective rafters need to be removed and replaced. The works concern the south east elevation which overlooks the lake and the north elevation facing courtyard elevation.

The only issue to address, in the determination of the application is whether the proposal preserves the special character and appearance of the building.

It should also be noted that maintenance and like for like repairs generally do not require listed building consent. The Councils Urban Design and Conservation Officer in dialogue with Keele University has encouraged an application for listed building consent to be made on the basis that the works in their totality have the potential to impact on the appearance of the building – with particular regard to the treatment of stone work of an ornamental nature.

In assessing applications for listed building consent the Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

Overall the proposal will preserve the original fabric of the building, incorporating much needed repair works to the roof and stonework. The information submitted by the University shows the proposed phased schedule of works would be undertaken with due regard to the historical value of the building following detailed negotiations with Council officers. The proposal would preserve the special character and appearance of the listed building and there are no factors which weigh against it.

Background Papers

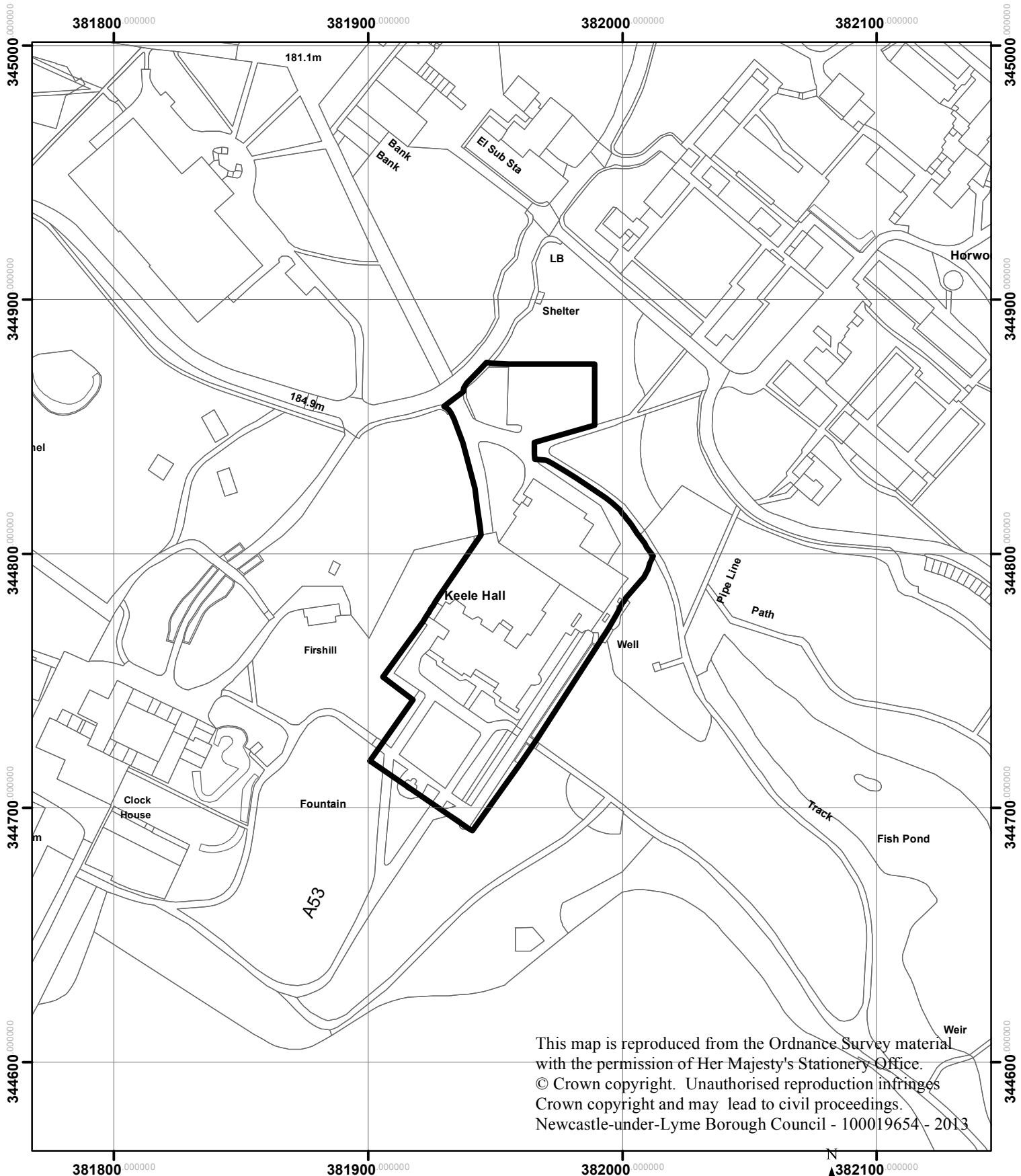
Planning File
Planning Documents referred to

Date Report Prepared

22nd April 2014.

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14/00233/LBC



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AUDLEY ROAD, CHESTERTON
VODAFONE LTD

14/00239/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of a replacement of the existing 12.5m high Vodafone column with a new 15 metre monopole accommodating 6 antennae located on the highway verge at Audley Road, Chesterton, to be used by Vodafone and O2. One of the three existing equipment cabinets is to be removed and replaced.

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

Unless a decision on this application is communicated to the developer by the 21st May 2014 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is required, and

(b) Should the decision on (a) be that prior approval is required the recommendation is to PERMIT.

Reason for Recommendation

It is considered that the development in this instance requires the benefit of prior approval and in assessing its siting and design it is considered that the replacement structure would not harm the visual amenity of the area due to its acceptable height, design and location within the street scene. The proposal would also avoid the need for an additional structure of a similar size and design within the area to meet the network requirements and support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

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

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

CSP1: Design Quality

Newcastle under Lyme Local Plan 2011

T19: Telecommunications Development – General Concerns

T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Policy Guidance (2014)

Relevant Planning History

04/00400/TDET Installation of a 12.5m high telecommunications column, 3 antennae, 1 equipment cabin and associated development **Permit**

04/01078/TDET Installation of one equipment cabinet and associated development **Permit**

Representations

One representation has been received, summarised below:

- The existing mast at the location should be shared
- Should not allow a new mast erected
- It would be an eyesore
- There are already 2 masts within 200 metres.
- The new mast will be out of character, being far taller than anything at the site already.
- Locations should be identified which are not outside peoples bedroom windows.
- The existing O2 installation has been neglected and not maintained.

Applicant/agent's submission

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

- The overall height of 15 metres has been kept to a technical minimum to maintain existing coverage and capacity. The proposed height would also cater for the future 4G coverage roll out within the area. It would also result in existing masts no longer being required and decommissioned in the future once this is technically feasible.
- The dimensions of the structure is the thinnest available to support the necessary equipment. The pole would be painted grey which will help it to assimilate within the existing street scene. The choice of a slim streetworks monopole with shrouded antennas is considered to be appropriate as it would minimise the visual impact of the development within the street scene.
- The proposed equipment cabinet is less than 2.3 cubic metres and will be located alongside the new monopole. It should be recognised that, on its own merits, do not normally require a formal determination and are often permitted development. They have a similar appearance to existing cabinets found in a street scene.
- The applicant has detailed that alternative sites have not been considered in this instance and are not generally required for upgrades/alterations to existing sites. Technological advances having enabled a mast share structure to be progressed that previously was not possible. Mast shares have in the past involved tall heights due to the separation needed between each operators set of antenna or large exposed antenna 'head frames'.

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

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

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

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of a 15 metres dual user monopole to replace an existing 12.5 metres, and the installation of a replacement equipment cabinet.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

“Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.”

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

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

Is prior approval required?

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

The application is for the replacement of an existing telecommunications monopole located on the highways verge on the edge of a suburban area of Newcastle, with residential properties in close proximity and an open field to the rear. The replacement monopole would have a greater height than the existing structure but would result in two operators sharing the same base station. A replacement equipment cabinet is proposed in addition to the two existing equipment cabinets that are to be retained.

Due to the suburban/open countryside location and the proposed increase in height it is considered that that, in this case, prior approval is required for the siting and design of the proposal.

Should prior approval be granted?

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

The main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The existing structure is located on the grass verge on the western side of Audley Road adjacent a bus stop lay by. A hedgerow lines the carriageway on both sides, and beyond the hedgerow to the west are fields which are designated as Green Belt. The existing structure is considered to be of a modest height located close to other street furniture (a lamp post, bus stop sign and telegraph pole).

The replacement mast would be 2.5 metres higher than the existing mast (overall height of 15m metres to the top) with a thinner monopole being used. The replacement structure would enable two operators to ‘mast share’ and avoid the need to find a location for an additional structure of a similar height and design. The proposal would also support the expansion of the two networks within this populated area, which is a key principle of the NPPF. The applicant has also detailed that the structure would provide future 4G network coverage and result in other structures likely to be decommissioned due to this replacement structure providing the necessary future network benefits.

The increase height of the replacement structure would result in it being marginally more prominent in the locality. The design is considered the optimum solution that would have the least amount of impact on the visual amenity of the area due it being a mast share, it having a simple, slim design.

One of the existing equipment cabinets is proposed to be removed. One new, replacement cabinet is proposed which is larger than the one being removed, but which would not raise any amenity issues, or have a detrimental impact on the surrounding area. The new ancillary equipment cabinet would be of a modest scale and painted in a grey colour to match the mast, and which would blend with the surroundings.

The proposal, whilst it is higher than the existing, involves no additional equipment cabinet and is not considered to result in a significant and harmful impact to the visual amenity of the area and any harm would be outweighed by the benefits that arise from the proposed mast sharing and improved network that the proposal would achieve. The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

Background Papers

Planning File referred to
Planning Documents referred to

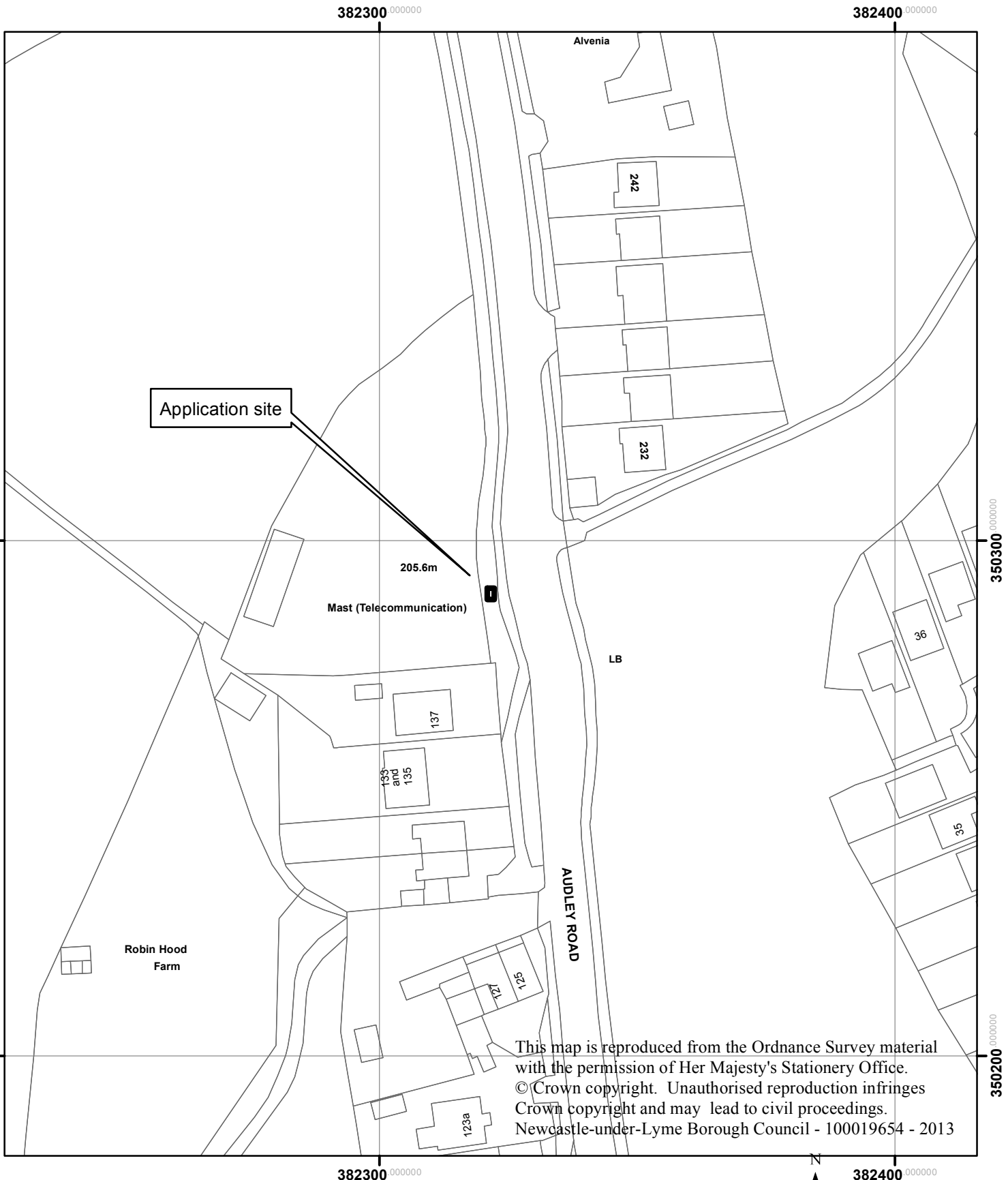
Date report prepared

24th April 2014

Telecommunications Mast Audley Road Chesterton



14/00239/TDET



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CORNER OF DIGLAKE CLOSE/ PIT LANE, TALKE PITS
VODAFONE LTD

14/00241/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of a replacement of the existing 17.5m high Vodafone column with a new 17.5m monopole accommodating 3 antennae on the pavement at the corner of Diglake Close/Pit Lane, Talke Pits to be used by Vodafone and O2. Two additional equipment cabinets are also proposed (in addition to the two existing cabinets).

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

Unless a decision on this application is communicated to the developer by the 22nd May 2014 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is not required, however

(b) Should the decision on (a) be that prior approval is required the recommendation is to PERMIT.

Reason for Recommendation

It is considered that the development in this instance does not require the benefit of prior as it is considered that its appearance and siting would not have a significant impact upon the industrial area in which it would be located. However should it be determined that the proposal does require the benefit of prior approval, it is considered that prior approval should be granted for the same reasons. The proposal would also avoid the need for an additional structure of a similar size and design within the area to meet the network requirements and would support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

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

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

CSP1: Design Quality

Newcastle under Lyme Local Plan 2011

T19: Telecommunications Development – General Concerns

T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Policy Guidance (2014)

Relevant Planning History

07/01034/FUL Alterations to existing base station and additional ground based equipment **Permit**

05/00295/FUL Installation of a 17.5m high streetworks telecommunications monopole, 3 tri-band antennae and ground based equipment cabinets **Permit**

Views of Consultees

Kidsgrove Town Council comment that residents are objecting that there are already numerous other masts in Talke Pits and do not wish to see any more, and that mast sharing has not been encouraged in this instance.

Representations

No letters of representation have been received.

Applicant/agent's submission

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

- The overall height of 17.5 metres has been kept to a technical minimum to maintain existing coverage and capacity. The proposed height would also cater for the future 4G coverage roll out within the area. It would also result in existing masts no longer being required and decommissioned in the future once this is technically feasible.
- The dimensions of the structure is the thinnest available to support the necessary equipment. The pole would be painted grey which will help it to assimilate within the existing street scene. The choice of a slim streetworks monopole with shrouded antennas is considered to be appropriate as it would minimise the visual impact of the development within the street scene.
- The proposed equipment cabinet is less than 2.3 cubic metres each and will be located alongside the new monopole. It should be recognised that, on its own merits, do not normally require a formal determination and are often permitted development. They have a similar appearance to existing cabinets found in a street scene.
- The applicant has detailed that alternative sites have not been considered in this instance and are not generally required for upgrades/alterations to existing sites. Technological advances having enabled a mast share structure to be progressed that previously was not possible. Mast shares have in the past involved tall heights due to the separation needed between each operators set of antenna or large exposed antenna 'head frames'.

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

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

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

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of a 17.5 metres dual user monopole to replace an existing 17.5 metres structure and the installation of two additional ground based radio equipment cabinets.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

"Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services."

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

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

Is prior approval 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 proposal would not have a materially greater impact upon the surrounding industrial area, due to it being a replacement mast no higher than the existing mast and of very similar appearance, with modest scaled ancillary equipment housing. Therefore in this case it is considered that the development would not have a significant impact on its surroundings and as such does not require the benefit of prior approval.

However, acknowledging that the decision of the Planning Committee may be that prior approval is required, this report will also address whether prior approval should be given.

Should prior approval be granted?

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

The main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The existing structure is located on the existing wide pavement at the junction of Pit Lane and Diglake Close next to a green palisade fence. The wider area is industrial in nature containing other street furniture.

As stated above the replacement mast would be no higher than the existing mast and of a very similar appearance, and the two proposed additional equipment cabinets are of a modest scale (smaller than the two existing cabinets to be retained) painted in a grey colour to match the mast which would blend with the surroundings. The replacement structure would enable two operators to 'mast share' and avoid the need to find a location for an additional structure of a similar height and design. The proposal would also support the expansion of the two networks within this populated area, which is a key principle of the NPPF. The applicant has also detailed that the structure would provide future 4G network coverage and result in other structures likely to be decommissioned due to this replacement structure providing the necessary future network benefits.

The proposal is not considered to result in a significant and harmful impact to the visual amenity of the area and any harm would be outweighed by the benefits that arise from the proposed mast sharing and improved network that the proposal would achieve. The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted

Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

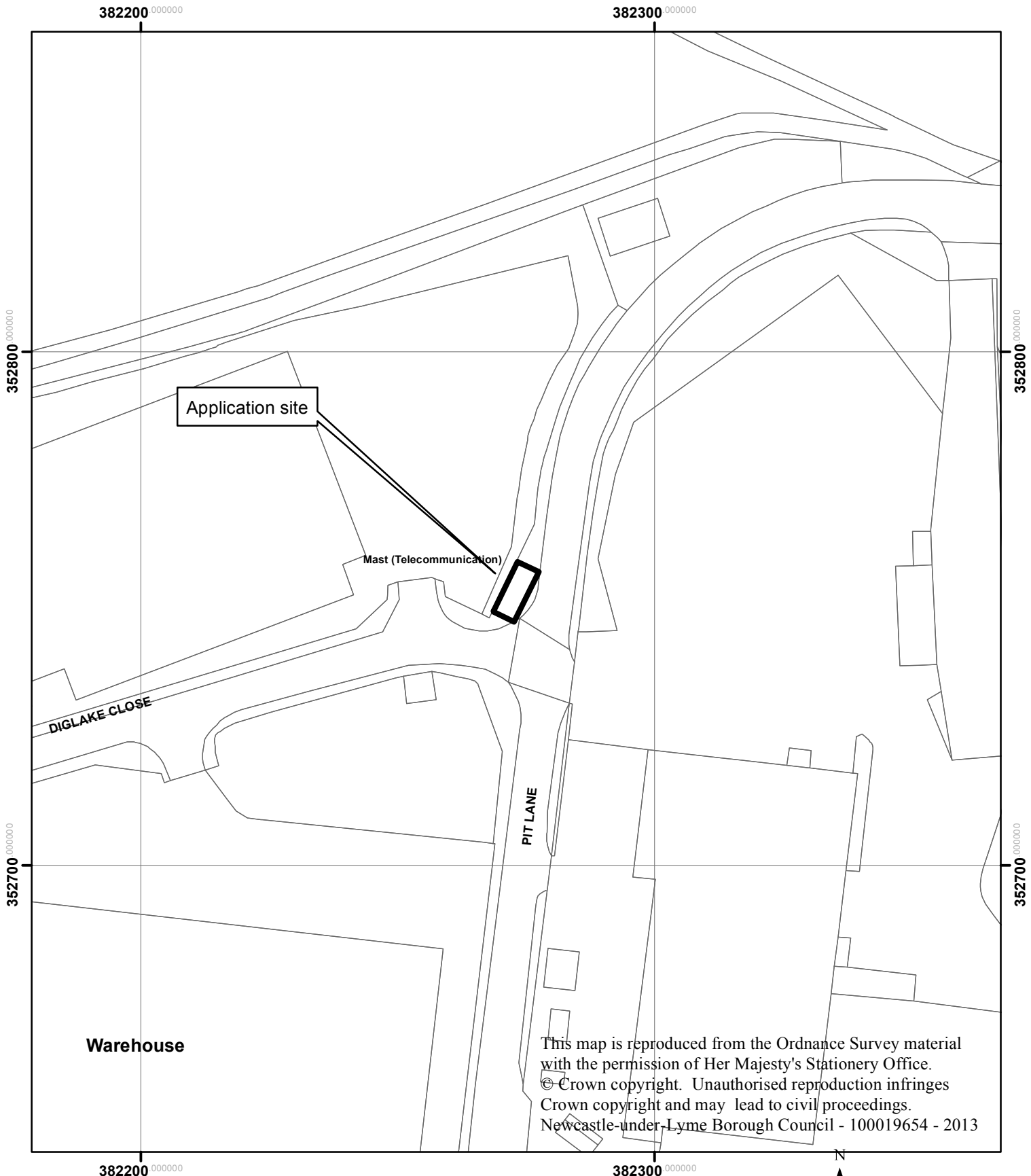
24th April 2014

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Land Corner of Pit Lane and Diglake Close



14/00241/TDET



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Newcastle-under-Lyme Borough Council - 100019654 - 2013

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THE SQUARE, PILKINGTON AVENUE, WESTLANDS
VODAFONE LTD

14/00243/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of a replacement of the existing 11.8 metres high Vodafone column with a new 15 metres monopole accommodating 3 antennae on the highway verge on The Square off Pilkington Avenue, to be used by Vodafone and O2 located. Two additional equipment cabinets are also proposed in addition to the existing cabinet.

The proposal 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 22nd May 2014 the development will be able to proceed as proposed.

RECOMMENDATION

- (a) Prior approval is required, and**
- (b) Should the decision on (a) be agreed then the recommendation is to PERMIT.**

Reason for Recommendation

It is considered that the development in this instance requires the benefit of prior approval and in assessing its siting and design it is considered that the replacement structure and associated equipment cabinets would not harm the visual amenity of the area due to its acceptable height, design and location within the street scene that would have the benefit of tree screening. The proposal would also avoid the need for an additional structure of a similar size and design within the area to meet the network requirements and would support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

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

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

CSP1: Design Quality

Newcastle Under Lyme Local Plan 2011(NLP)

T19: Telecommunications Development – General Concerns

T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

10/00482/TDET Installation of a 11.8m high telecommunications street pole accommodating 6no. 3G antennas, radio equipment cabinet and 1no. electrical meter pillar to be used by O2 and Vodafone
Permit

99/00412/TDET Determination on whether telecommunications apparatus requires prior approval
Permit

Representations

No letters of representation have been received.

Applicant/agent's submission

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

- The overall height of 15 metres has been kept to a technical minimum to maintain existing coverage and capacity. The proposed height would also cater for the future 4G coverage roll out within the area. It would also result in existing masts no longer being required and decommissioned in the future once this is technically feasible.
- The dimensions of the structure is the thinnest available to support the necessary equipment. The pole would be painted grey which will help it to assimilate within the existing street scene. The choice of a slim line streetworks monopole with shrouded antennas is considered to be appropriate as it would minimise the visual impact of the development within the street scene.
- The proposed equipment cabinets are less than 2.3 cubic metres each and will be located alongside the new monopole. It should be recognised that these, on their own merits, do not normally require a formal determination and are often permitted development. They have a similar appearance to existing cabinets found in a street scene.
- The applicant has detailed that alternative sites have not been considered in this instance and are not generally required for upgrades/alterations to existing sites. Technological advances having enabled a mast share structure to be progressed that previously was not possible. Mast shares have in the past involved tall heights due to the separation needed between each operators set of antenna or large exposed antenna 'head frames'.

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

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

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

KEY ISSUES

The application is for a determination as to whether prior approval is required for the siting and appearance of a 15 metres dual user monopole to replace an existing 11.8 metres and the installation of two additional ground based radio equipment cabinets.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

“Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.”

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

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

Is prior approval is required?

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

The application is for the replacement of an existing telecommunications monopole located on the highway verge in a suburban residential area of Newcastle. The replacement monopole would have a greater height than the existing structure but would result in two operators sharing the same base station. Two additional ground based equipment cabinets are also proposed within the grass verge.

The immediate area also has an existing street works monopole operated by EE (previously Orange PCS).

Due to the suburban residential land use predominant in the area, the increase in height, the addition of further equipment cabinets and other telecommunications structures being within close proximity it is considered that that prior approval is required for the siting and design of the proposal.

Should prior approval be granted?

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

The main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The existing structure is located on the highway verge on 'The Square' which has a character similar to that of a quiet village green with the key feature being a central area of public open space with a number of trees on it. It is located adjacent to an established tree that provides a high level of screening, particularly from the south west. Further screening is provided from views from the east by the canopies of trees on the public open space.

The existing structure is considered to be of a modest height that assimilates well within the street scene due to its slim line design and position.

The proposal would result in an additional height of 3.2 metres (overall height of 15m metres to the top) with a thicker monopole being used. The replacement structure would enable two operators to 'mast share' and avoid the need to find a location for an additional structure of a similar height and design. The proposal would also support the expansion of the two networks within this populated area, which is a key principle of the NPPF. The applicant has also detailed that the structure would provide future 4G network coverage and result in other structures likely to be decommissioned due to this replacement structure providing the necessary future network benefits.

The increased height would result in it being visible above the adjacent tree but a large section of the proposal would still be screened from the south west and the views from the east would remain largely unaltered. The design is considered the optimum solution that would have the least amount of impact on the visual amenity of the area due it being a mast share, it having an unfussy slim design and the screening benefits provided by trees.

The proposed additional ground based equipment cabinets would also be sited on the grassed verge and whilst they result in additional street furniture they would not result in a cluttered environment on this open grass verge. The green colour scheme proposed is similar in nature to those seen developed by the highway authority and telephone engineers which are generally seen as a traditional part of the streetscene.

The proposal, whilst it is higher than the existing and involves additional equipment cabinets, is not considered to result in a significant and harmful impact to the visual amenity of the area and any harm would be outweighed by the benefits that arise from the proposed mast sharing and improved network that the proposal would achieve. The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

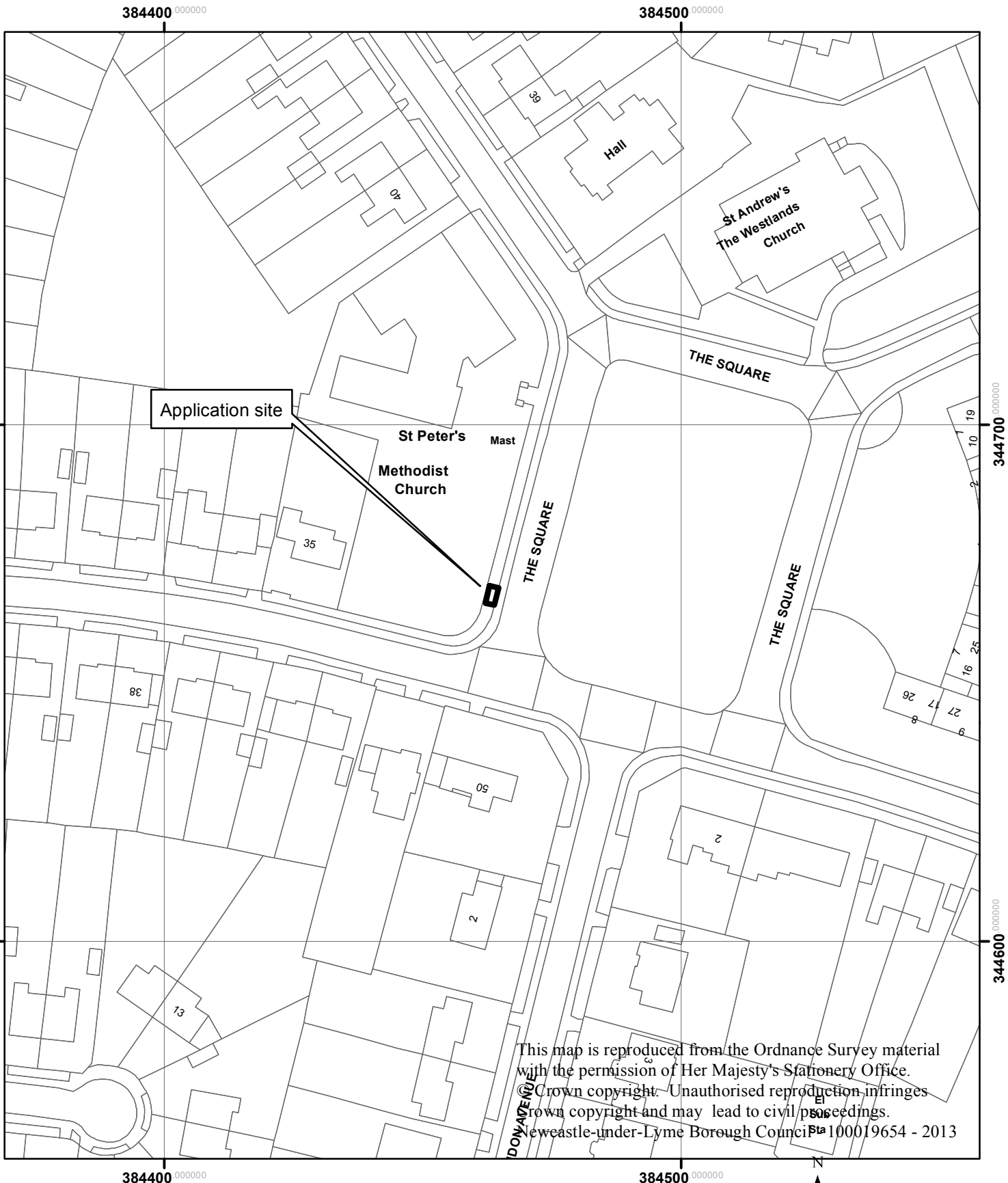
Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

28th April 2014

14/00243/TDET



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MINTON STREET/HIGH STREET WOLSTANTON
VODAFONE LTD

14/00252/TDET

The application is for a determination as to whether prior approval is required for the siting and appearance of a replacement of the existing 15m high Vodafone and O2 column with a new 17.5m installation accommodating 6 antennae located on the pavement close to the junction of Minton Street and High Street, again to be used by Vodafone and O2. Two of the existing 4 equipment cabinets are to be removed and replaced by a further two equipment cabinets located next to each other.

The site is within the Wolstanton District Centre as defined on the Local Development Framework Proposals Map.

Unless a decision on this application is communicated to the developer by the 27th May 2014 the development will be able to proceed as proposed.

RECOMMENDATION

(a) Prior approval is required, and

(b) Should the decision on (a) be that prior approval is required the recommendation is to PERMIT.

Reason for Recommendation

It is considered that the development in this instance requires the benefit of prior approval and in assessing its siting and design it is considered that the replacement structure and associated equipment cabinets would not harm the visual amenity of the area due to its acceptable height, design and location within the street scene. The proposal would also support the expansion of the communications network in this area. The proposal would therefore meet the guidance and requirements of the NPPF and it would also comply with policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

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

CSP1: Design Quality

CSP2: Historic Environment

Newcastle under Lyme Local Plan 2011

T19: Telecommunications Development – General Concerns

T20: Telecommunications Development – Required Information

Other Material Considerations include:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

01/00681/TDET1 Installation of telecommunications apparatus **Refused** but **allowed** at appeal

05/00225/TDET 15 m telecommunications 'streetworks' pole (to replace existing pole). **Refused** but **allowed** at appeal

10/00086/TDET Replacement of the existing 15 metre O2 streetworks column with a new 15 metres shareable installation accommodating 3 no antennae to be used by O2 and Vodafone. A small electrical meter cabinet and a Vodafone ground base equipment cabinet. **Refused**

10/00428/TDET The replacement of existing 15 metres O2 steelworks column with a new 15 metre shareable monopole accommodating 3no. antennae to be used by O2 and Vodafone. **Refused**

Representations

No letters of representation have been received.

Applicant's submission

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

- The overall height of 17.5 metres has been kept to a technical minimum to maintain existing coverage and capacity. The proposed height would also cater for the future 4G coverage roll out within the area. It would also result in existing masts no longer being required and decommissioned in the future once this is technically feasible.
- The dimensions of the structure is the thinnest available to support the necessary equipment. The pole would be painted grey which will help it to assimilate within the existing street scene. The choice of a slim streetworks monopole with shrouded antennas is considered to be appropriate as it would minimise the visual impact of the development within the street scene.
- The proposed equipment cabinets are less than 2.3 cubic metres each and will be located alongside the new monopole. It should be recognised that, on its own merits, do not normally require a formal determination and are often permitted development. They have a similar appearance to existing cabinets found in a street scene.
- The applicant has detailed that alternative sites have not been considered in this instance and are not generally required for upgrades/alterations to existing sites. Technological advances having enabled a mast share structure to be progressed that previously was not possible. Mast shares have in the past involved tall heights due to the separation needed between each operators set of antenna or large exposed antenna 'head frames'.

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

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

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

Key Issues

The application is for a determination as to whether prior approval is required for the siting and appearance of a 15 metres dual user monopole to replace an existing 17.5 metres and the installation of two new ground based radio equipment cabinets replacing two that are to be removed.

The recently published National Planning Policy Framework (NPPF) at paragraph 42 details that

"Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services."

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

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

Is prior approval required?

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

The application is for the replacement of an existing telecommunications monopole located on the pavement close to the corner of Minton Street and High Street Wolstanton. The replacement monopole would have a greater height than the existing structure. Two additional ground based equipment cabinets are also proposed within the grass verge, replacing two existing.

Due to the prominence of the site and the increase in height of the proposed monopole it is considered that that prior approval is required for the siting and design of the proposal.

Should prior approval be granted?

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

The main issue for consideration in the determination as to whether prior approval should be granted is the design of the proposals and the impact on the visual amenity of the area.

The proposed monopole is to be sited in the same location as the existing, which is within the Wolstanton District Centre adjoining Morris Square. As indicated above it is in a prominent location, visible along High Street and Minton Street.

The proposal would result in an additional height of 2.5 metres (overall height of 17.5 metres metres to the top) with a marginally thicker monopole being used.

The proposal would also support the expansion of the two networks within this populated area, which is a key principle of the NPPF. The applicant has also detailed that the structure would provide future 4G network coverage and result in other structures likely to be decommissioned due to this replacement structure providing the necessary future network benefits.

The increased height would result in it being marginally more prominent in appearance but the design is considered the optimum solution that would have the least amount of impact on the visual amenity of the area due it being a mast share and it having a simple slim design.

The proposed replacement ground based equipment cabinets would be sited on the pavement next to the monopole. The two, new equipment cabinets are taller than the ones they replace but are to be located side by side, giving the appearance of a single cabinet unlike the two that are to be removed. Overall the proposal will result in a less cluttered appearance. The green colour scheme proposed is similar in nature to the equipment cabinets to be retained.

The proposal, whilst it is higher than the existing is not considered to result in a significant and harmful impact to the visual amenity of the area and any harm would be outweighed by the

benefits that arise from the improved network that the proposal would achieve. The proposal is therefore considered to comply with local and national telecommunications policies and that prior approval should be granted.

Background Papers

Planning File referred to
Planning Documents referred to

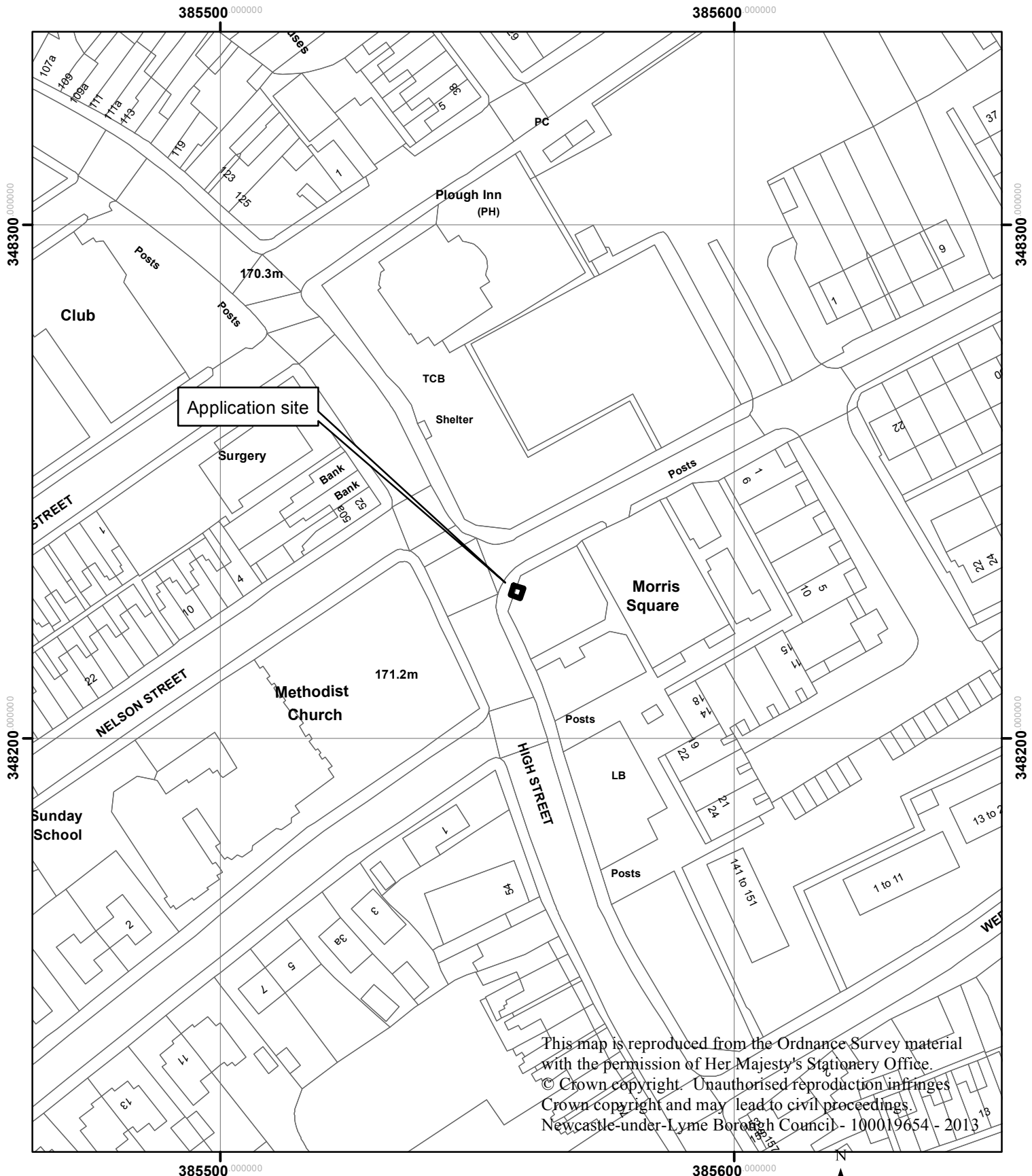
Date report prepared

25th April 2014

Corner of Minton Street and High St Wolstanton



14/00252/TDET



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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Newcastle Congregational Church, King Street (Ref: 13/15001/HBG)

RECOMMENDATION:

That a grant of £5,000 be approved for the repair and repointing of the spire and tower at Newcastle Congregational Church, subject to the appropriate standard conditions.

Purpose of report

To enable members to consider an application for financial assistance towards the cost of the repair of the tower and spire at the Congregational Church which is a Grade II Listed Building.

The Church is a Grade II Listed Building within the Newcastle Town Centre Conservation Area and was built in 1859 in a buff coloured brick with blue brick dressings. The colour of the brick, its tower, spire and dominating rose window give the building a distinctive presence within the streetscene. The Church was awarded a grant of £1,700 under the Conservation and Heritage Fund in 2009 towards the cost of repairs to the rose window.

Following the recent bad weather a survey indicated that some works were required to the building. The grant application is for the repair of the spire and tower and includes scaffolding. Some brick replacement may be necessary and these bricks need to be specially ordered. All repointing will be undertaken with a lime mortar.

Three competitive tenders have been obtained and the lowest quotation for the works, including VAT is £27,162. The sum allowed for this type of building/structure under the grant scheme is 20% which equates to £5,432. The maximum grant which can be offered under the Conservation and Heritage Fund is £5,000.

The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

Financial Implications

There is sufficient funding to meet this grant application with approximately £23,000 in the Fund, allowing for commitments and the Council's contribution from 2013/14.

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APPEAL BY MS MELISA HOLTOM AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A CONSERVATORY AT 2 NURSERY GARDENS, BUTTERTON, NEWCASTLE

| | |
|---------------------------------------|--|
| <u>Application Number</u> | 13/00948/FUL |
| <u>LPA's Decision</u> | Refused by delegated powers 10th February 2014 |
| <u>Appeal Decision</u> | Dismissed |
| <u>Date of Appeal Decision</u> | 25th April 2014 |

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00948/FUL) and the following is only a brief summary.

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect of the proposal on the openness of the Green Belt and upon the character and appearance of the area; and if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it. In dismissing the appeal, the Inspector made the following key comments:

- The appeal relates to a large detached bungalow property that has already been significantly extended. It is located within the boundaries of the Green Belt and the Butterton Conservation Area.
- The Council argue that the existing single storey side garage extension already amounts to a 55% increase to the size of the existing property. This has been uncontested by the appellant and having seen the size and scale of this addition on the site visit there is no reason to question this figure.
- Having assessed the size of the existing extension in comparison to the original building the Inspector considered that it has already reached its limit in terms of proportionality. An increase to this would inevitably result in disproportionate additions over and above the size of the original building.
- Therefore, the proposal would be inappropriate development that is, by definition, harmful to the Green Belt and in conflict with the Framework, and Local Plan Policy S3.
- In terms of the impact on openness the proposal would be enclosed and not visible from anywhere other than within the private courtyard itself. As such the loss of openness would be minimal and the proposal would not harm the character and appearance of the surrounding area.
- The appellant's main argument relates to the medical benefits associated with the proposed hot tub facility, and the Inspector had regard to a submitted medical journal and letters of support from the appellant's Doctor and Case Manager which substantiate the personal circumstances of the appellant.
- Whilst there is considerable sympathy for the appellant's household, personal circumstances will seldom outweigh more general planning considerations, particularly where development would be permanent. For the reason that they could be repeated so often in Green Belt situations across the country, such personal circumstances are not on their own capable of amounting to very special circumstances in the terms of national planning policy.
- Furthermore, it cannot be certain that the hot tub, as the appellant's family suggests, could not be located within the existing dwelling. The personal circumstances of the appellant therefore carry little weight.
- Consequently there are not any very special circumstances that are necessary to justify inappropriate development in the Green Belt.

Recommendation

That the decision be noted.

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APPEAL BY MR ANDREW LIGOCKI AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A CARBON NEGATIVE SELF BUILD IN THE BACKLAND REAR GARDEN OF THE LODGE, STATION ROAD, ONNELEY

| | |
|---------------------------------------|--|
| <u>Application Number</u> | 13/00740/FUL |
| <u>LPA's Decision</u> | Refused by delegated powers 29TH November 2013 |
| <u>Appeal Decision</u> | Dismissed |
| <u>Date of Appeal Decision</u> | 28th April 2014 |

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00740/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be whether the proposal would be consistent with the principles of sustainable development, having regard to current planning guidance and policies. In dismissing the appeal, the Inspector made the following comments:

- The appeal property is just under a kilometre away from Onneley, a very small settlement and the nearest village with services and facilities is Madeley, just under three kilometres away.
- The Council has established that it does not have a five year housing land supply and Paragraph 49 of the Framework states that 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. In such circumstances, paragraph 14 of the Framework requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework's policies.
- Paragraph 55 of the Framework establishes that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. No evidence has been presented to demonstrate that the proposal would achieve this.
- The Framework goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. Such a circumstance might include a development of exceptional quality or innovative design. It is noted that the proposed development would be constructed to Code 6 level for Sustainable Homes. However, paragraph 55 goes on to require development to be 'truly outstanding or innovative, helping to raise standards of design...reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area'.
- Whilst building to Code 6 is laudable, it is neither truly outstanding nor innovative and there is nothing to demonstrate that the proposal would help to raise the standard of design more generally in rural areas. Furthermore, the proposal would simply appear as a fairly ordinary, modern detached house. There is nothing to demonstrate that it would reflect the highest standards in architecture.
- In addition, it was observed at the site visit that the appeal site formed part of a large green, open and spacious garden, in keeping with the attributes of the surrounding area. There is no substantive evidence to demonstrate that the proposed development would significantly enhance its immediate setting. Rather it would appear simply as an isolated dwelling.
- Taking all of the above into account, the proposal would fail to meet the requirements of the Framework. Were the appeal to succeed and the development go ahead, it would result in the construction of a new isolated home in the countryside. Given its location, some distance from the nearest services and facilities, it is inevitable that the proposal would result in dependency on the private car.
- Whilst it is recognised that it is proposed to construct a sustainable dwelling, on balance the proposed development would fail to comprise a sustainable form of development and would be contrary to the Framework.

Recommendation

That the decision be noted.