

# Public Document Pack

**Date of meeting** Tuesday, 3rd February, 2015  
**Time** 7.00 pm  
**Venue** Council Chamber, Civic Offices, Merrial Street,  
Newcastle-under-Lyme, Staffordshire, ST5 2AG  
**Contact** Julia Cleary

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)**  
To receive the minutes of the previous meeting.
- 4 **Application for Major Development - Newcastle Baptist Church, London Road, Newcastle under Lyme; Urban Regeneration (Staffs) Ltd.; 14/00477/FUL** (Pages 3 - 16)
- 5 **Application for Major Development - Former Diamond Electronics, West Avenue, Kidsgrove; Revelan Group PLC; 14/0736/FUL** (Pages 17 - 24)
- 6 **Application for Major Development - Land off New Road, Windy Arbour Farm, Madeley; Knights LLP; 14/00930/OUT** (Pages 25 - 40)
- 7 **Application for Major Development - Oxford Arms, Moreton Parade, May Bank; A-Z Designs; 14/00973/FUL** (Pages 41 - 48)
- 8 **Application for Minor Development - Former Garages, Gloucester Road, Kidsgrove; NULBC (Property); 14/00890/DEEM3** (Pages 49 - 56)
- 9 **Application for Minor Development; Land adjacent to Slaters, Stone Road, Hill Chorlton; Mr and Mrs Slater/Les Stephan Planning Ltd; 14/00875/OUT** (Pages 57 - 68)
- 10 **Application for Other Development - Land adjacent to Former Railway Embankment, Bignall End Road, Bignall End; Telefonica Ltd; 14/00888/FUL** (Pages 69 - 74)
- 11 **APPEAL AND COSTS DECISION - GATEWAY AVENUE**  
This report will be sent to follow.

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

This report will be sent to follow.

**13 URGENT BUSINESS**

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

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

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

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

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

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

**NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE  
URBAN REGENERATION (STAFFS) LTD**

**14/00477/FUL**

The Application is for full planning permission for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development containing 14 two bed units and 8 one bed units with the formation of a new access (onto Vessey Terrace) and associated car parking.

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

London Road is part of the A34.

**A decision on the application was deferred at the meetings of the Committee held on 9<sup>th</sup> December 2014 and 6<sup>th</sup> January 2015 to allow for the receipt and consideration of the advice of the District Valuer.**

**The 13 week period for this application expired on 24<sup>th</sup> September 2014, but the applicant has agreed an extension to the statutory period until 10<sup>th</sup> February 2015.**

## **RECOMMENDATION**

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

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

- 1. Time limit/Plans**
- 2. Materials**
- 3. Boundary treatments**
- 4. Landscaping**
- 5. Landscape management plan**
- 6. Provision of parking and turning areas**
- 7. Closure of existing access on Vessey Terrace**
- 8. Details of gates to replace the rise and fall posts shown at the access**
- 9. Construction method statement**
- 10. Provision of cycle parking and shelter**
- 11. Surface water drainage interceptor**
- 12. Written scheme of archaeological investigation**
- 13. Construction hours**
- 14. Piling details**
- 15. Details of ventilation system to ensure appropriate indoor air quality**
- 16. Details of the materials of the acoustic barrier**
- 17. Internal noise levels**
- 18. Details of any fixed mechanical ventilation or air conditioning plant**
- 19. Details of external artificial lighting**
- 20. Television reception study**
- 21. Contaminated land conditions**
- 22. Sustainable Homes Code Level 3**

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

### **Reason for Recommendation**

The site is located within the urban area of Newcastle close to the town centre and is a sustainable location for new housing. The benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

Taking into account the viability case made by the applicant, the independent advice received from the District Valuer and the merits of the scheme, particularly its contribution to housing availability, it would not be appropriate to require any contributions towards public open space or affordable housing.

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

Officers have worked with the applicant to address all issues and the application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy C4: Open Space in new housing areas  
Policy C22: Protection of Community Facilities

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

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

#### Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

Affordable Housing SPD (2009)

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

North Staffordshire Green Space Strategy – adopted December 2009

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

#### Relevant Planning History

None considered relevant

## Views of Consultees

The **Highway Authority (HA)** has no objections to the proposal subject to conditions regarding access, parking and turning, closure of the existing access, construction method statement, cycle parking and drainage.

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

The **Police Architectural Liaison Officer** makes the following comments (on the proposals as originally submitted):

- The proposals possess some sound crime prevention attributes including the defensible space provided by a low wall with planting behind along the London Road frontage and the brick wall along the boundary of the site with the rear access track of the Grosvenor Gardens houses. The rear car park will be enclosed and will have some overlooking from the apartment block.
- The rise and fall posts at the entrance to the car park should be replaced with automated, inward opening, visually permeable gates. The cycles store door should be relocated to a different elevation to accommodate this and the cycles store should be secured and provision made internally for cycles to be secured in situ.
- Good access control provision will need to be put in place to prevent unauthorised access to the building via the front and rear entrances for the security and benefit of the residents. Access control should be extended to cover individual floors.
- Compliance with the minimum physical security requirements contained within the Secured by Design New Homes 2014 guidance document is recommended.

The **Environment Agency** has no objections to the proposal. It is stated that the site has been occupied by a place of worship and such a use has limited potential to have caused contamination. Given the nature of the underlying strata (low permeability) there is no requirement for any further investigation of the site. The applicant should refer to the 'Groundwater Protection: Principles and Practice' document. All precautions must be taken to avoid discharges and spills to ground both during and after construction.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding hours of construction, vibration assessment, details of a ventilation system to ensure appropriate indoor air quality, internal noise levels, details of the materials of the acoustic barrier, details of any fixed mechanical ventilation or air conditioning plant, details of artificial lighting, a television interference condition and contaminated land conditions.

Staffordshire County Council as the **Education Authority** states that no education contribution will be requested as it is not the current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments. However, the primary schools in this area are all projected to be full and so if the dwelling mix was amended they would wish to be informed.

The **Waste Management Section** has no objections and is happy with the size of the bin store area.

The **Housing Strategy Officer** states that 25% affordable housing is required which would be 6 units (4 social rented and 2 shared ownership).

The **Landscape Development Section (LDS)** states that approval of a detailed planting scheme should be conditioned and should follow the strategic landscape proposals as shown. It is questioned whether the planting beneath the proposed terrace to the rear of the building could be established successfully. The dry conditions, without an irrigation system, and poor light conditions would make this very difficult. A Public Open Space contribution of £2,943 per dwelling is requested to include a contribution for capital development/improvement of off-site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Further comments have been received stating that the play element could be removed from the 1-bed flats giving 8 at £1,482 (1-bed flats), 14 at £1,791 (2-bed flats) and 22 at £1,152 (maintenance contribution).

**Staffordshire County Council Archaeologist** states that an architectural and historical review of the churches and chapels of North Staffordshire (2009) identified that the Baptist Chapel makes a positive contribution to Newcastle's townscape and is worthy of local listing. In line within NPPF paragraph 128, it is advised that a heritage statement be produced. If planning permission is granted for the demolition of the Newcastle Baptist Chapel and given its recognised historical and townscape contribution to the town it is recommended that a building recording survey be carried out. This work would equate to a Level 2 survey as identified in the English Heritage volume entitled '*Understanding historic buildings: a guide to good recording practice*' (2006). This work would most appropriately be secured via a condition.

The Council's **Conservation Officer** states that the church is not on the local Register of Important Buildings and was not added this year during the review. It may be considered as a non-designated heritage asset, and this is backed up by the Church Survey which was carried out a number of years ago. The survey sets out a relatively detailed report for the history of the church and the building. Certainly the report identifies the building as worthy of local listing and if not used as a church it could be a flexible space. The church no longer own the building and have moved on which has left it vulnerable. It is difficult to find new uses for such buildings often, and perhaps this is not the best location for conversion to residential as has been the case for other such cases. If consent were to be granted for demolition, it is concurred with the County Archaeologist that a building recording exercise should be undertaken.

No comments were received from the former **Greater Town Centre Locality Action Partnership** when consulted.

#### Representations

Five letters of representation have been received. Objection is made on the following grounds:

- Loss of privacy and overlooking
- Overshadowing and loss of light as the building would be significantly taller than the existing building
- Impact on view
- Noise and pollution during building work
- Impact on property value
- Parking impact on streets where there is already a parking problem
- Highway safety concerns regarding proposed access opposite existing pub entrance
- There is no provision for operational space for commercial and service vehicles to park or manoeuvre to exit in a forward gear
- There is no provision for parking for people with disabilities
- There are no parking spaces reserved for motorcycles

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

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

The applicant has submitted a Design and Access Statement, an Air Quality Assessment, an Acoustic Survey and a Geo-Environmental Desk Study. Details of the application are available to view via the following link [www.newcastle-staffs.gov.uk/planning/1400477FUL](http://www.newcastle-staffs.gov.uk/planning/1400477FUL)

#### Key Issues

1.1 Full planning permission is sought for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development comprising 14 two-bed units and 8 one-bed units, with the formation of a new access and associated car parking.

1.2 The application site is within the urban area of Newcastle, as indicated on the Local Development Framework Proposals Map. The main issues in the consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the loss of a community facility acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area both in relation to the loss of the existing building, and the proposed development itself?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Is the proposal acceptable in terms of its landscaping and open space provision?
- Is affordable housing provision required and if so how should it be delivered?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?
- Would some lesser or nil contributions towards the cost of addressing issues of open space and affordable housing be justified given issues of viability?

## 2.0 Is the principle of residential development on the site acceptable?

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

2.2 Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (within which the site lies).

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

2.4 This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough and beyond. It is considered that the site provides a sustainable location for additional residential development.

2.5 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

2.6 The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

2.7 On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

## 3.0 Is the loss of a community facility acceptable?

3.1 Policy C22 of the NLP relates to the Protection of Community Facilities and advises that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

3.2 The site is currently occupied by the former Newcastle Baptist Church building which has been vacant for some time. Newcastle Baptist Church has relocated to a building in the Westlands and therefore this particular community facility remains provided nearby. In terms of churches and associated community facilities generally, there are a number in the locality and therefore, it is not considered that an objection could be sustained on the grounds of the loss of a community facility.

4.0 Is the proposal acceptable in terms of its impact on the form and character of the area both in relation to the loss of the existing building, and the proposed development itself?

4.1 The existing building is identified on the Staffordshire Historic Environment Record (HER). An architectural and historic review of the churches and chapels of North Staffordshire (2009) identified that the Baptist Chapel was built in 1914 by the architects George Baines & Son who are noted designers of non-conformist chapels. The review contended that the Baptist Chapel makes a positive contribution to Newcastle's townscape and is worthy of local listing.

4.2 The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Although this is a building of architectural merit, the review states that it has been altered externally and contains no furnishings of great interest. The building is not Listed and is not on the Council's Register of Locally Important Buildings and Structures. On balance therefore, it is not considered that an objection to the loss of the building could be sustained. However, given its recognised historical and townscape contribution it is considered that a condition should be imposed requiring a building survey to be carried out for the record.

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

4.4 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 7 of the SPD provides residential design guidance and R3 of that section states that new housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it. R12 states that residential development should be designed to contribute towards improving the character and quality of the area. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists and has definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

4.5 The site occupies a prominent location at the junction of London Road and Vessey Terrace just outside Newcastle Town Centre. It lies within a predominantly residential area with a large Public House, 'The Cherry Tree', to the south-east on the opposite corner of Vessey Terrace. The existing structure on the application site is a single-storey building. The building would be predominantly four storeys with two of the 22 units at fifth floor level. The main elevation of the building would front London Road with a secondary elevation to Vessey Terrace. Both elevations would be sited close to back of pavement. Vehicular access would be from Vessey Terrace via a bridged entrance and pedestrian access would be on the corner of London Road and Vessey Terrace. Car parking is



proposed to the rear with 22 spaces and an enclosed bin store and secure cycle store. The proposed materials comprise red facing brickwork, off-white render, timber cladding and grey aluminium windows and trimming details. The building would have a flat roof.

4.6 In terms of its scale, the building is significantly larger than the current building on the site. However, the adjacent development to the north-west on the London Road frontage comprises substantial brick-built Victorian terraced properties with three floors of accommodation and a steeply pitched roof. The ground level of the Public House to the south-east is raised up significantly above the level of the road and Vessey Terrace slopes up from the site to the east away from London Road. The 'proposed elevations' drawing indicates that the London Road elevation would be very similar in height to the adjacent properties to the north-west. The site occupies a prominent position on a main approach into the Town Centre and your Officer considers that a building of this scale would be appropriate in its context. Urban Vision's Design Review Panel considered a similar scheme for the site at pre-application stage, which although it has now been altered in elevational treatment, was very similar in terms of its height and massing. The Panel considered that in this location fronting a main dual carriageway road, the scale and massing of the building would be acceptable.

4.7 In terms of architectural detailing, the scheme that was considered by Urban Vision differed from that now submitted. The variation in the different materials used was applied horizontally across the building and Urban Vision considered that this did not respond to the vertical rhythm of the dwellings in the surrounding area. It was considered that greater regard should be had to the distinctive character of the surrounding area by reducing the number of surface materials used and articulating the individual residential units in a more vertical rhythm. These comments have been taken on board in the current scheme. The amount of render has been reduced and the building now has more of a vertical emphasis. The variation in materials and the addition of a fifth storey set back from the main elevations provides some articulation and it is considered that the clean, contemporary design is appropriate in this location.

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

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

##### *1. The impact of the development on existing neighbouring living conditions*

5.2 A number of objections have been received from residents of Grosvenor Gardens to the north-east of the site. Residents express concerns regarding loss of privacy and light and regarding impact on view and the value of their property. Issues of impact on private views and property values are not material planning considerations. Regarding privacy and light, the Council's Space Around Dwellings SPG sets out the Council's objectives for space about new dwellings including the need for privacy, daylight standards and environmental considerations. That part of the building that fronts onto London Road would be approximately 33m from the rear of the properties on Grosvenor Gardens, whilst that part of the building which fronts onto Vessey Terrace is closer, but is not directly behind the Grosvenor Gardens houses. The SPG recommends at least 21m between dwellings where the facing walls contain windows of principal rooms and goes on to state that where one or both facing dwellings are over two storeys high the distance between principal windows should be 21m plus an additional set back of 3m for each additional storey. In this case, there are no principal windows in the north-east elevation of the fifth storey and the 33m achieved exceeds the 27m distance recommended for a 4-storey building. In addition, the land slopes up to the north-east and therefore, the ground level of the dwellings on Grosvenor Gardens is several metres above the level of the application site. The existing dwellings on Grosvenor Gardens have substantial rear boundary treatments and therefore, there is existing screening of those gardens from the proposed car parking. The neighbouring dwelling on Vessey Terrace has no principal windows in its side elevation and has no amenity space to its south-west.

5.3 Given the above, it is not considered that there would be any significant adverse impact upon the amenity of the occupiers of the existing dwellings.

##### *2. The adequacy of the expected living conditions of future occupants of the units proposed*

5.4 In terms of the amenity of the future occupiers of the proposed units, Urban Vision considered that in the pre-application scheme an unacceptable level of amenity space was provided. It was considered that the over-intensive nature of the development meant that no shared outdoor amenity space was provided for the occupiers of the apartments.

5.5 In the application scheme a raised landscaped deck has been provided at first floor. It would measure 6m x 14.5m and would include decking, lawn and planting. Comments made by the Landscape Section as to viability of planting could be addressed by control of the landscaping scheme that a condition could provide. Access would be available for all residents. Although the amenity area is relatively limited in size, it would enable the residents to enjoy some outside space, without unduly compromising the amenity of the occupiers of the houses in Grosvenor Gardens.

5.6 The Environmental Health Division (EHD) initially expressed concern that the submitted Noise Assessment did not consider the noise environment on the roof top balcony/terrace but following the submission of additional information that recommends a 1.8 m high glass acoustic barrier around the perimeter of the rooftop terrace, the EHD has confirmed that it has been demonstrated that such a feature would be sufficient to address their concerns. Subject to the imposition of an appropriate condition as indicated in the recommendation section, it is not considered that an objection could be sustained on residential amenity grounds.

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

6.1 The access to the site would be via Vessey Terrace. Based on the maximum parking standards in the Local Plan, the development should not be permitted to provide more than 39 spaces. 22 spaces are proposed. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.2 One parking space is proposed for each apartment and this is a particularly sustainable location in easy walking distance of the shops and bus services in Newcastle Town Centre. There is no particular need to promote more sustainable modes of travel by the residents (for example by the provision of an annual bus pass on first occupation as has been done elsewhere), or to require a residential Travel Plan, given the inherent features of the location and the size of the scheme. For these reasons it is considered that in this instance the level of car parking proposed is sufficient, and it is not considered that the proposal would create or materially aggravate a local on-street parking or traffic problem, let alone cause a severe highways impact.

6.3 Subject to conditions, the Highway Authority has not raised any objections to the scheme in relation to either the access or the acceptability of the proposed car parking provision. Although a condition requiring revised access details is recommended, the Highway Authority has since confirmed that this request was simply intended to achieve clarification regarding visibility. The pavement here is reasonably wide and your Officer is satisfied that acceptable visibility can be achieved. It is not considered necessary to attach a condition requiring revised access or details of visibility splays.

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

6.5 On the basis of the above, it is not considered that an objection could be sustained on the

grounds of impact on highway safety.

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

7.1 A very narrow landscaped buffer is proposed to the front of the London Road elevation of the development and some planting is proposed to the rear of the building adjacent to the car parking area. A raised landscaped amenity deck is also proposed at first floor level as already referred to above. The Landscape Development Section (LDS) has no objections to the landscaping subject to a condition requiring the submission of a detailed planting scheme to follow the 'strategic landscape proposals' referred to by the applicant. Although the extent of the proposed landscaping is very limited, it compensates somewhat for the lack of an active street level frontage on the London Road frontage the development when viewed from London Road and the landscaped amenity deck to the rear would provide some further visual amenity to the rear. On balance, it is considered that the landscaping as proposed is acceptable. Given the challenge provided by a location close to a primary route, and the prominence of the site, it is considered that a condition securing a landscape management plan would be appropriate if planning permission is to be granted.

7.2 In terms of open space provision, LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, where it should be located and what issues should be taken into account in its design. It also indicates that its maintenance must be secured. Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

7.3 This development would not include an area of public open space within the site. The LDS therefore considers that a financial contribution is required to include a contribution for capital development/improvement of off-site green space in addition to a contribution to maintenance costs for 10 years. Given that 1-bed apartments are very unlikely to be occupied by families with children, the LDS has advised that the play element of the sum for the capital development/improvement of off-site open space could be removed from those units. Your Officer considers that it also appropriate to reduce the maintenance contribution for the 1-bed flats in the same manner. This would give a total contribution requirement of £60,684 which could be secured through a planning obligation achieved by agreement. Such an obligation would be lawful – it would comply with Section 122 of the CIL Regulations.

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

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

8.2 On the basis of the number of dwellings proposed, the affordable housing requirement for this site would be 6 units. Such a requirement would be lawful – it would comply with Section 122 of the CIL Regulations. The applicant has advised that in this case however, the development could not support financially any element of affordable units. The issue of viability will be considered fully later in the report.

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

9.1 In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

10.1 As indicated above, to comply with policy, certain contributions would be required to make the development acceptable. These are either financial contributions or ones in kind, but they are all capable of being costed, and they would be considered by a developer to be "additional" costs. These

are, in no particular order, the provision of on site affordable housing (currently an uncalculated value) and a contribution of £60,684 towards the provision and maintenance of Public Open Space.

10.2 A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable. The assessment concludes that the development could support neither any affordable housing provision nor any substantial financial contribution.

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

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

10.5 The applicant in this case has submitted financial information to substantiate their claim that the Council’s requirements as an LPA would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice. There have been discussions between the District Valuer and the applicants’ agents with a range of supporting material being provided. The Report of the District Valuer has now been received.

10.6 The conclusion of the District Valuer is that on the basis of the developer’s appraisal and her own appraisal, it is not viable for the developer to provide any affordable housing and maintain a reasonable profit or to make the desired Section 106 financial contribution. Following receipt of an initial draft report, your Officer requested that the District Valuer carry out a sensitivity analysis for the scheme and review further evidence from other comparable sites. A number of scenarios were tested assuming differing levels of contributions and affordable housing provision and your Officer is now satisfied, having sought explanations and various clarifications, that the conclusion of the District Valuer is a sound and robust one. Appropriate flexibility in terms of the open space payment trigger has been offered.

10.7 As already indicated the contributions being sought are ones which make the development policy compliant and ‘sustainable’. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

10.8 The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

10.9 What is being sought here however is not a scaling back of contributions or the showing of flexibility in the normal sense (by say rephrasing of a contribution requirement) but rather it is an acceptance of a development with neither affordable housing nor required Section 106 contribution towards open space.

10.10 On the positive side there is the undoubted contribution that the development would make to housing availability which is acknowledged to be in short supply.

10.11 Every indication is that if the Council were to pursue affordable housing and a public open space contribution, the development would simply not happen (indeed there is a significant question mark, on the basis of the DVs' advice, as to the viability of the scheme even without such requirements) and accordingly no contribution would be received and much needed housing development would not take place. The LPA is being encouraged to boost the supply of housing and whilst the case for this particular development is not based upon the lack of a 5 year supply of deliverable housing sites (the principle being in accordance with policy in both the CSS and the NLP), encouraging this undeniably sustainable development (which could form part of that supply) is a proper material consideration. Your Officer's view is that given that the viability case is established with evidence verified by the District Valuer, there are sufficient circumstances here to justify accepting the development without these contributions.

10.12 That said, market conditions and thus viability, can change. On this basis it would be quite reasonable and necessary for the LPA to require the independent financial assessment of the scheme to be reviewed if the planning consent has not substantially commenced within one year of the assessment. This would need to be secured via a Section 106 agreement.

Background papers

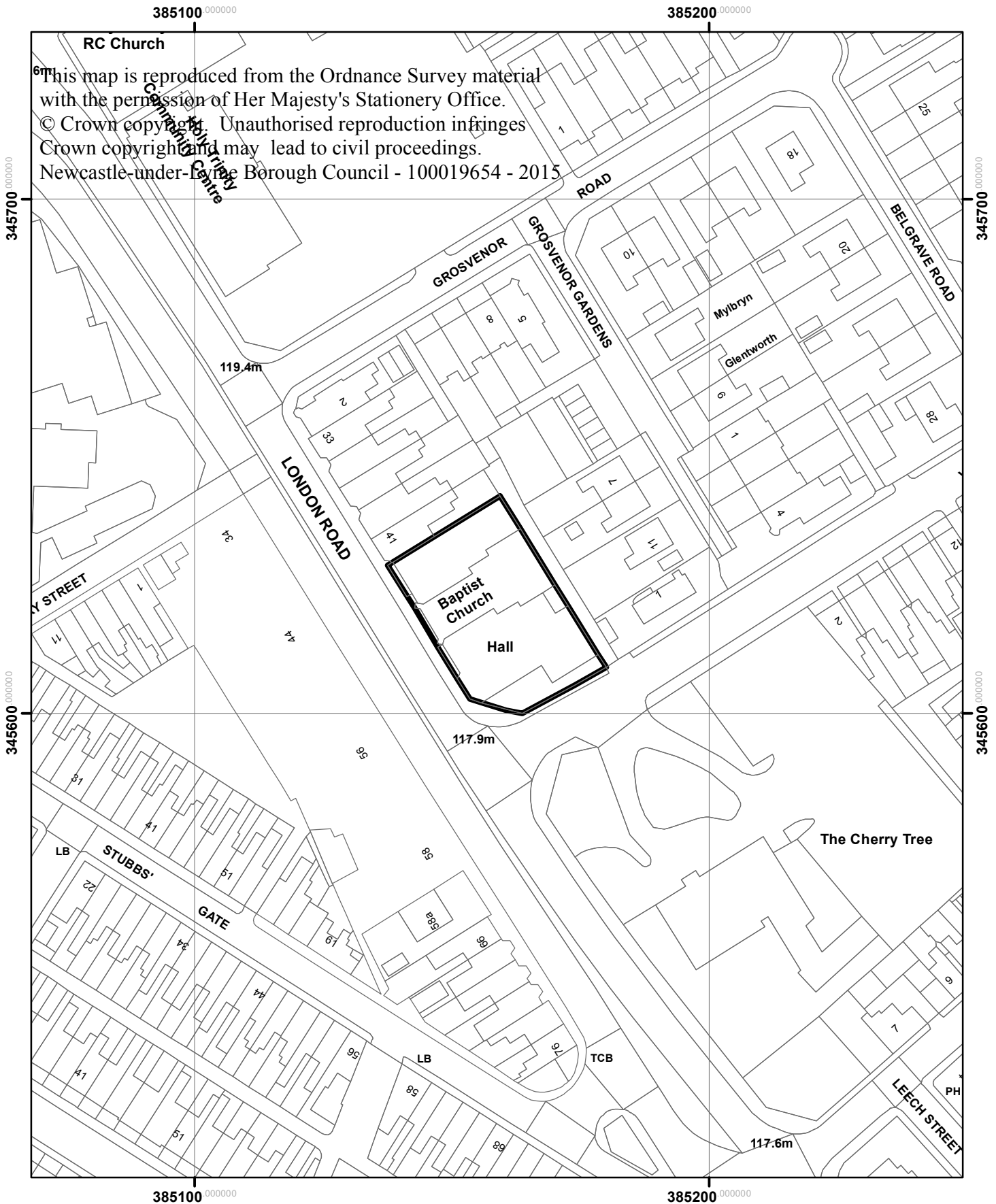
Planning files referred to  
Planning Documents referred to

Date report prepared

20<sup>th</sup> January 2015

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



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GE ENERGY, WEST AVENUE, BUTT LANE, KIDSGROVE  
REVELAN GROUP PLC

14/00736/FUL

The Application is for full planning permission for a new industrial unit, link to existing unit, and associated service area and car parking.

The site, of approximately 1.2 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area as indicated on the Local Development Framework Proposals Map.

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

## **RECOMMENDATION**

**1) Subject to no adverse comments being received from the Environmental Health Division which cannot be dealt with by appropriate condition(s), and the applicant entering into a S106 obligation, by 27<sup>th</sup> February to secure £2,200 towards travel plan monitoring costs.**

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

- 1. Standard Time limit for commencement**
- 2. Approved plans/drawings/documents as revised**
- 3. Landscaping Scheme**
- 4. External facing materials to be agreed**
- 5. Development to be constructed in accordance with the remedial measures in the submitted Geotechnical Assessment**
- 6. Contaminated land conditions**
- 7. Drainage**
- 8. Provision of accesses, parking, servicing and turning areas prior to the development being brought into use.**
- 9. Submission and approval of amended plans revising the access details.**
- 10. Provision of weatherproof cycle parking.**
- 11. Approval and implementation of a Travel Plan**
- 12. Submission and approval of details of the surfacing materials for internal access roads, parking and servicing areas; surface water drainage; signage and delineation of parking bays and the service area.**
- 13. Gates to the service area to be a minimum of 18m rear of the boundary.**
- 14. Gates to the car park to be a minimum of 5m rear of the boundary.**
- 15. Submission and approval of a Construction Method Statement addressing highway and environmental matters.**
- 16. Any other appropriate conditions as recommended by the Environmental Health Division.**

**2) Should the travel plan monitoring fee not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on sustainable transport measures; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for Recommendation**

The principle of employment development on this site is acceptable and is supported by local and national policy. Following receipt of amended plans the design and appearance of the proposal is acceptable. Subject to conditions, the development does not raise any highway safety concerns and includes adequate parking provision.

Further comments are awaited from the Environmental Health Division to establish whether appropriate mitigation measures can be secured through condition to address any residential amenity concerns that arise as a result of the proposed development.

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

The proposal is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework provided that the objections of the Environmental Health Division are withdrawn.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy 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 CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP10: Planning Obligations

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

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

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

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

10/00136/FUL Permitted - Generator and associated housing  
11/00016/FUL Permitted - Generator and associated housing  
11/00591/FUL Permitted - Relocation of existing test rig equipment with extension to recycling area  
12/0379/FUL Permitted – Proposed alterations to loading bay  
13/00195/FUL Permitted – Relocation of existing generator  
14/00728/PLD Pending consideration - Application for a lawful development certificate for proposed remodelling of reception to office building, overcladding and upgrading/replacement of windows to the street elevations and roof to existing buildings. Erection of a screen wall to hide existing plant and machinery  
14/00738/FUL Pending consideration – alterations to existing car park and associated landscaping

#### Views of Consultees

The **Highway Authority** has no objections subject to conditions as follows:

- Provision of accesses, parking, servicing and turning areas prior to the development being brought into use in accordance with the approved plans.
- Submission and approval of amended plans revising the access modification details.
- Provision of weatherproof cycle parking.
- Submission and implementation of a Travel Plan
- Submission and approval of details of the surfacing materials for internal access roads, parking and servicing areas; surface water drainage; signage and delineation of parking bays and the service area.
- Gates to the service area to be a minimum of 18m rear of the boundary.
- Gates to the car park to be a minimum of 5m rear of the boundary.

- Submission and approval of a Construction Method Statement.

A monitoring fee of £2,200 is required for the Travel Plan

The **Environmental Health Division** initial comments are that there has been no assessment of potential noise and vibration impacts and as such it is recommended that the application is refused. In the event that consent is granted conditions relating to contaminated land; construction management; and submission of a noise and vibration assessment together with mitigation measures for approval are sought. The Division has been re-consulted as the applicant had submitted a Noise Assessment with the application and this has now been made available to view; their further comments will be reported if received.

The **Environment Agency** has no objection to the proposed development subject to conditions relating the contamination of the site to ensure that the water environment is protected.

The **Coal Authority** is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the submitted Geotechnical Assessment are appropriate to address the coal mining legacy issues present on the site. It therefore has no objection to proposed application and recommend that a condition is imposed requiring that the recommended works are undertaken prior to commencement of the development.

**United Utilities** has no objections subject to conditions relating to foul and surface water drainage.

**MADE** Design Review Panel acknowledge the constraints imposed by the occupier of the unit with regard to the specifications of the building and their security requirements. Notwithstanding these constraints the Panel urged the applicant to do whatever possible to enhance the site. This should include the repositioning of half a dozen or more parking spaces to create room for some tree planting along the road frontage.

Without compromising the occupants' security requirements, they felt that there is scope to make the building more interesting and attractive. This could be easily achieved through some variations in the colour and/or pattern of the cladding panels. They also suggest that consideration be given to the company's signage so that this can be incorporated in the scheme design from the outset, rather than being reliant on a later site notice.

Although this is in essence a utilitarian project, they consider that it should be incumbent on the developer to take this opportunity to enhance the appearance of West Avenue. They also believe that a more attractive scheme would serve to enhance the image of the company for whom the development is being built.

The views of **Kidsgrove Town Council** have been sought, however as they have not responded by the due date it is assumed that they have no comments to make on the proposal.

#### Representations

None received.

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

The application is accompanied by:-

- Design, Access & Planning Statement,
- GE Energy letter of support
- Site Investigation report
- Transport Statement – which concludes that there are no highway grounds for refusal.
- Ecological Assessments undertaken in July 2004 and May 2010 with a covering letter indicating that the most recent survey indicate that the site mainly contains hardstanding and building and whilst the site has changed it provides negligible opportunities to provide a habitat for notable or protected species other than breeding birds at the appropriate time of the year.

- Air Quality Report – which concludes that air quality impacts from the proposed development will not be of significance.
- Flood Risk Assessment – which concludes that the development will not be affected by current or future flooding and will not increase the flood risk elsewhere.
- Geo-technical Assessment
- Noise Assessment – which recommends mitigation measures

All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400736FUL](http://www.newcastle-staffs.gov.uk/planning/1400736FUL)

### **Key Issues**

The proposal involves the construction of a new building on the site replacing an existing building that is currently being demolished. The new building measures 76.5m by 45m in footprint and has a ridge height of 14m and will be linked to the existing, retained building adjoining. A service area is proposed to the rear of the building served by an access off West Avenue. Visitor and disabled parking for 85 vehicles (5 disabled parking spaces) is proposed to the front of the building with additional cycle parking facilities. The site is located within an existing employment area..

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

- The principle of the proposed development in this location
- Design
- Residential amenity
- Highway safety/parking

### **Principle of the proposed development**

Policies of the CSS seeks to support and encourage economic development with Policy SP2 seeking to support economic development that results in improvement in the levels of productivity, modernisation and competitiveness of existing economic activities.

The NPPF at paragraph 19 highlights that the Government is committed to ensuring that the planning system does everything it can to support economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposed development would accord with such local and national policies as it provides modern, purpose built floorspace that replaces a building that does not serve the same purpose and is not adaptable to provide the accommodation proposed. The proposal will enable the existing occupier of the site to expand resulting in an increase in the number employed on the site (from 350 full time jobs to 400 according to the application form).

In principle therefore the proposed development is acceptable.

### **Design**

As described above the proposal involves a sizable building set within the context of an existing employment site. The building is to be metal clad and, due to the occupier's specifications, has a limited number of door/loading bay openings and windows only on a short section of the front elevation to serve a proposed office area. As initially submitted the elevations were to be clad in the same colour, with a darker band beneath the eaves and within the gable area, and a blue coloured edge to the shallow pitched roof.

Whilst acknowledging the occupants' security requirements MADE Design Review Panel considered that there was scope to make the building more interesting and attractive through some variations in colour and/or pattern of the cladding panels, and through signage. Additionally MADE indicated that space for landscaping along the front boundary of the site should be provided.

In response to the comments of MADE amended plans have been received introducing panels of a different colour cladding on the front elevation and on the north elevation which would be visible when travelling along West Avenue towards Linley Road. Such an amendment has resulted in some improvement in the appearance of the building. The development, in its amended form, would not be of such design quality that it could be said to significantly enhance the appearance of West Avenue it is, however, considered to be visually acceptable.

The occupier of the proposed building advise that they do not require signage on this building as they consider there is sufficient signage currently in place in a position that draws any prospective visitor to the reception area. In their opinion any further signage is unnecessary and is undesirable to them. As such signage would not be utilised to provide some interest to the building (and if proposed would have been subject to a separate application for advertisement consent).

Six parking spaces as proposed in the initial submission adjacent to the front boundary of the site have been removed in response to the comments of MADE which will provide space for landscaping. It has been indicated that a landscaping plan is to be submitted however the area created is of sufficient size to provide meaningful planting that will visually improve the frontage of the site and as such the landscaping scheme could be agreed as a condition of planning permission if it is not received in time.

#### Residential amenity

The application is supported by a Noise Assessment which concludes that subject to recommended mitigation measures that address noise from the service yard area, noise from external plant and equipment and addressing the potential noise from within the building the proposed development would not have an unacceptable impact on residential amenity.

As indicated above the Environmental Health Division did not consider this document when it objected to the proposal on the potential noise and vibration impacts. Their further comments have been sought and will be reported.

The proposed building is located at a sufficient distance from any residential property as existing or as approved to be constructed to ensure that it will not result in an overbearing visual impact or loss of light.

#### Highway safety/parking

The Highway Authority is satisfied that the proposed accesses to the service yard and parking area are safe, subject to conditions.

Parking provision for 287 vehicles is to be provided in total across the overall site, with 85 spaces proposed within this application and a further 202 referred to in application 14/00738/FUL involving alterations to the existing car park to the rear of the existing, retained building to make more efficient use of that area for parking purposes. This overall level of parking is considered to be acceptable and will meet the operational needs of the occupier.

The Highway Authority have requested that a condition is imposed to secure a Travel Plan and such a condition is considered to be reasonable and appropriate given the scale of the site and the number of people that will be employed. Securing the requested Travel Plan monitoring fee by a planning obligation is considered to be acceptable and in accordance with CIL Regulations.

#### Background papers

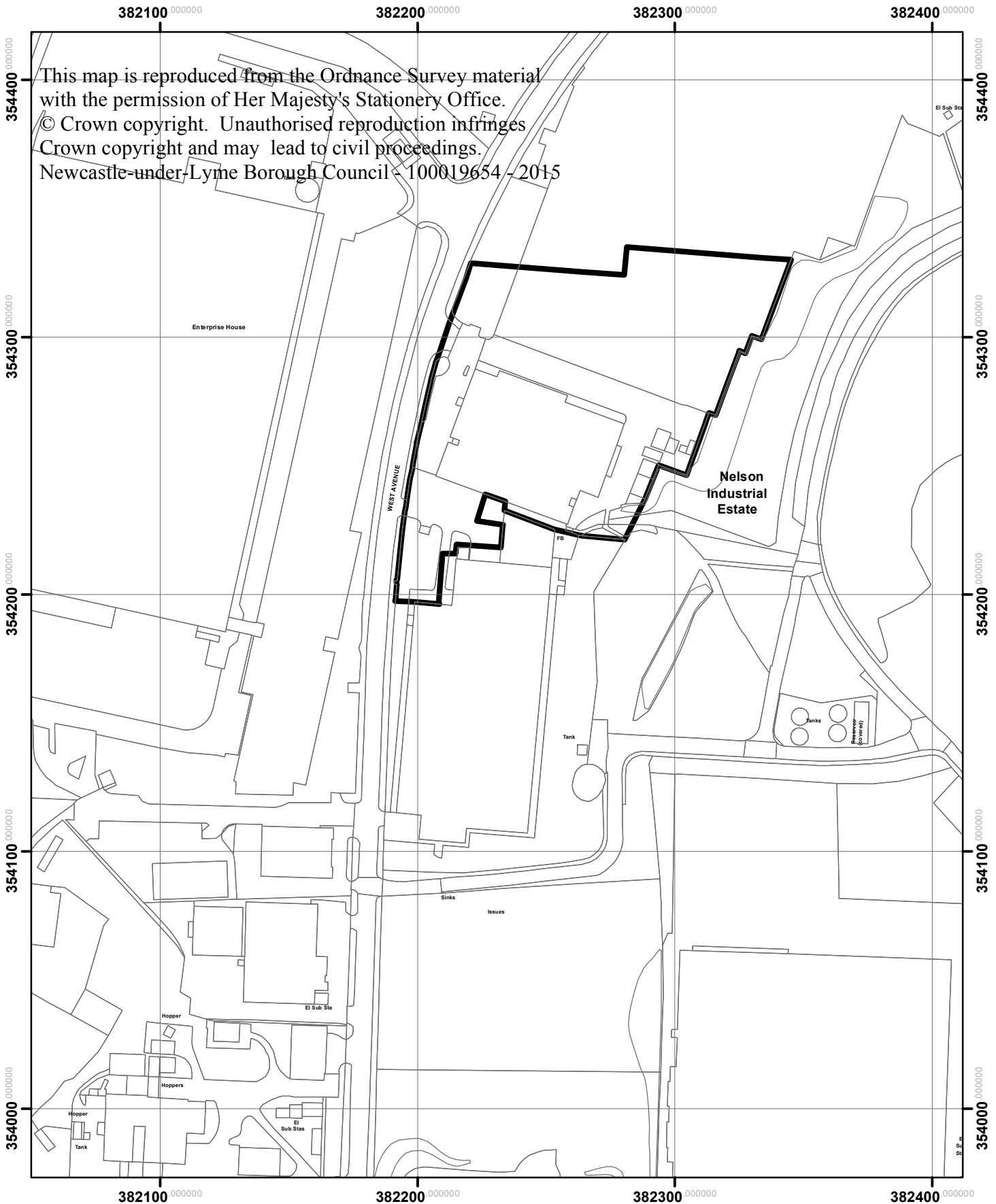
Planning files referred to  
Planning Documents referred to

#### Date report prepared

21<sup>st</sup> January 2015

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# Former Diamond Electronics, West Avenue Kidsgrove 14/00736/FUL



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**LAND AT NEW ROAD, MADELEY  
RENEW LAND DEVELOPMENTS LTD AND AGC FARMING**

**14/00930/OUT**

The application is for outline planning permission for the erection of up to 32 dwellings on land off New Road, Madeley. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other internal access details) reserved for subsequent approval.

The application site lies on the western side of New Road which is a C classified road, outside the village envelope of Madeley and within the open countryside and on land designated as an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site however does not lie within the North Staffordshire Green Belt. The site area is approximately 1.1 hectares.

Trees bordering the site are the subject of Tree Preservation Order no.3.

**The 13 week period for the determination of this application expires on the 23<sup>rd</sup> February 2015.**

## **RECOMMENDATIONS**

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

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

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

- **Condition to reflect outline nature of application**
- **Time limit for submission of any approval of reserved matters and for commencement**
- **Approved plans and documents**
- **Reserved matters to follow the principles set out within the submitted Design and Access Statement**
- **Reserved matters application to include a Tree Survey (to BS5837:2012), Arboricultural Impact Assessment (to BS5837:2012), Root Protection Areas (RPAs) of retained trees shown on the proposed layout (to BS5837:2012), details of all special engineering within the RPAs and other relevant 'no dig' construction details, details of proposed boundary treatment, and full landscaping proposals including detail of hedgerow replacement behind the new sightline**
- **Recyclable materials and refuse storage details**
- **Reserved matters application to include existing and proposed ground levels, as well as slab levels**
- **Construction hours Internal noise levels in dwellings**
- **Construction management plan**
- **Dust mitigation during construction**
- **Protection from mud and debris on the highway**
- **Full details of the proposed site access construction including safety audit**
- **Visibility splays**
- **Off-site highway works**
- **Upgrading of two existing bus stop platforms**
- **Details of parking, turning, servicing & surface water drainage**
- **Construction Method Statement**
- **Recommendations of the ecological report should be adhered to**
- **Any reserved matter application should include biodiversity improvements**
- **Submission and approval of proposed surface water run-off flows, soakaway calculations, or attenuation design**
- **A scheme demonstrating that in vulnerable areas surface water flooding will not occur**
- **Submission and approval of a proposed maintenance regime for any sustainable drainage system**

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

### **Reason for Recommendations**

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is within the rural area beyond the village envelope of Madeley. The adverse impacts of the development - principally arising from the extension of the village into the countryside – do not significantly and demonstrably outweigh the benefits of the development, which is sustainable being on the edge of the village of Madeley with its facilities (a recognised Rural Service Centre), and accordingly permission should be granted, provided the financial contributions and affordable housing indicated in the recommendation are secured.

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

No amendments were considered necessary during the course of the application. Officers have had appropriate meetings/conversations with the applicant's representatives where necessary to progress the determination of the application.

### **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)**

The CSS's strategic aims include the following:-

Strategic Aim 1 (SA1) – to halt net outward migration from Stoke-on-Trent and retain and attract population to the conurbation

Strategic Aim 3 (SA3) - To reduce the need to travel, improve accessibility and increase the opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure; and the progressive provision of park and ride and facilities to promote walking and cycling

Strategic Aim 4 (SA4) - To balance the supply and demand for quality housing; removing surplus and unfit/obsolescent accommodation; providing a better choice of homes in sustainable locations and to ensure that a sufficient number of new homes are affordable

Strategic Aim 11 (SA11) - To focus development within the communities of Loggerheads, Madeley and Audley Parish to support their function as rural service centres which meet the requirements of local people

Strategic Aim 15 (SA15) – To protect and improve the countryside and the diversity of wildlife and habitats throughout the plan area

Policy SP1	Spatial Principles of Targeted Regeneration
Policy 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
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

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

Policy H1 Residential Development: Sustainable Location and Protection of the Countryside

Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations
Policy N20	Area of Landscape Enhancement
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

**Other material considerations include:**

National Planning Policy

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

Madeley Village Design Statement SPG (1998)  
 Developer Contributions SPD (September 2007)  
 Affordable Housing SPD (2009)  
 Space around Dwellings (SAD) SPG (July 2004)  
 Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)  
 Planning for Landscape Change – SPG to the former Staffordshire and Stoke-on-Trent Structure Plan

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**

None relevant

**Views of Consultees**

The **Highways Authority** raises no objections subject to conditions which seek the submission and approval of full details of the following;

- the site access including a Stage 2 Road Safety Audit (RSA), details of construction, surface water drainage, street lighting, signage, road markings;
- details, including a Stage 2 RSA, of the construction of a uncontrolled pedestrian crossing and a 2m wide footway from the site access linking Woodside;
- internal access layout and surface water drainage details; and
- Construction Method Statement;

and conditions securing

- the visibility splay
- improvements to the two existing bus stops

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

The **Housing Strategy Officer** states that they agree with the applicants' submission that there should be 25% affordable housing (8 units - 5 social rented and 3 shared ownership). The affordable housing should not be clustered together on the development and should be sufficiently spread across the development. The design and the standard of construction of the affordable housing

should as a minimum be the same as the open market dwellings to be constructed on the development.

The **Environment Agency** provide a number of recommendations and guidance regarding drainage and surface water run-off. They recommend consultation with the Local Lead Flood Authority (LLFA) and/or Local Land Drainage section. They also recommend SUDS to be explored by the developer and the maintenance could be secured via a legal agreement. If disposal into the public sewer system is proposed the utilities company should confirm that there is adequate spare capacity. In principle, a well-designed surface water drainage system should ensure that there is little or no residual risk of property flooding occurring during events well in excess of the return-period for which the sewer system itself is designed. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques. EA would require that the applicant attempt to discharge as much surface water runoff via a gravity system as possible.

**United Utilities (UU)** detail that in accordance with the NPPF and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way. Permeable paving on all driveways and other hard standing areas including footpaths and parking areas would be appropriate. UU do not supply water to this development area.

UU have no objections subject to conditions that no surface water being discharged into the sewer network and the site must be drained into a separate system with only foul drainage connected into the foul sewer.

The **Landscape Development Section** indicates that the site is affected by Tree Preservation Order 3. The transport statement details that no significant TPO'd trees should be affected but a new footpath may be constructed within the root protection area of a tree on the frontage. Full details of a 'no dig' proposal would need to be explored at reserved matters stage. Subject to an agreement of further tree information and an appropriate final layout it is considered that many of the category A and B trees could be accommodated as part of the proposed development. A 30 metre stretch of hedgerow is likely to be lost to accommodate the access and visibility splay. Replacement hedgerow planting should be protected for a period of 5 years. A tree survey, arboricultural impact assessment, RPA's of retained trees shown on the proposed layout, details of special engineering within the RPA's, details of proposed boundary treatments and full landscaping proposals including replacement hedgerows should be submitted as part of the reserved matters application.

An appropriate developer contribution for off-site Public Open Space is required of £94,176 (32 dwellings at £2,943 per dwelling). The Public Open space contribution is required for the nearby College Gardens Play Area.

**Waste Management Section** are generally happy but there are concerns about the length of road way which a waste collection vehicle will have to reverse down or up.

The **Education Authority** states that the development falls within the catchments of Sir John Offley CE (VC) Primary School, The Meadows Primary School and Madeley High School. Excluding the suggested 5 Registered Social Landlord (RSL) dwellings from the secondary calculation only, a development of 32 houses including 5 RSL dwellings could add 7 Primary School aged pupils, 4 High School aged pupils and 1 Sixth Form aged pupil. The Local Authority is currently in discussions with local schools to agree how and where additional capacity will be provided to accommodate children currently living in the area. The Meadows Primary is projected to be full for the foreseeable future however, Sir John Offley CE(VC) Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request is made towards Primary School provision. Madeley High School is projected to have insufficient places available to accommodate the likely demand from pupils generated by the development so an education contribution is sought for 4 secondary school places (4 x £16,622 = £66,488).

**Natural England (NE)** advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. They detail that they have not assessed the impact on protected species because Standing Advice is available for LPA's to assess the impact on protected species that should be applied. Biodiversity Enhancements should be explored in accordance with the NPPF.

The **Police Architectural Liaison Officer** raises no objection to this outline application in terms of the potential impact upon crime and disorder. Crime prevention has been clearly considered during the drafting of the proposals. A number of positive design elements are referred to and the applicant is encouraged to seek Secured by Design accreditation for this development. Staffordshire Police would welcome the opportunity to discuss this and the more concrete layout proposals with those representing the applicant prior to the submission of any subsequent reserved matters application.

**Madeley Parish Council (MPC)** object to the application due to the impact on highway safety, insufficient infrastructure within the village and the further loss of Green Space.

#### Highway Safety

New Road and Heighley Castle Way are major "rat runs" and the additional traffic generated would add to the volume on a narrow road system. There will be an additional junction which has poor visibility due to the brow of a hill. The traffic survey does not show speed results for peak times. Even off peak there were 64 vehicles traveling in excess of 34mph. This needs to be addressed by the developer as the proposal could make the situation worse. The encouragement for people to use alternative modes of transport to access local services i.e. walking, buses, cycling, etc., is welcomed. However, people are more likely to use their vehicles even for short journeys.

#### Insufficient Infrastructure

Services are already stretched within the village. Access to the local surgery, dentist and chemist (with associated car parking issues) are already difficult. There is a lack of facilities for the young and Staffordshire County Council Youth Service in Madeley ceases on 31st December 2014 and it is currently proposed to close the Children's Centre (at the Madeley Centre).

#### Further loss of Green Space

MPC cannot support the further loss of green space immediately adjacent to the village envelope when there are other sites within the village more suitable for smaller dwelling developments that the village could sustain.

**Staffordshire County Council Flood Risk Team (LLFA)** raises no objections to the principle of the Drainage Strategy that is proposed by the developer, subject to conditions which seek the submission and approval of percolation test results and calculations for surface water run-off, a scheme demonstrating that exceedance flows up to the 1 in 100 years plus climate change have been considered, and confirmation of the proposed maintenance regime for any sustainable drainage system proposed.

#### Representations

9 letters of objection have been received including one from Madeley Conservation Group. -

**Madeley Conservation Group** specifically raises the following concerns;

- The development does not accord with the development plan due to it being outside of the village envelope,
- This 'white land' and the other two sites so identified in the Local Plan should be retained for *proven needed* expansion until the new Local Plan is operative,
- Planning guidance (the NLP) opposes building inside the village envelope except for proven need and outside the VE only in exceptional circumstances. Prevention of building which would harm the open countryside and views out to the Green Belt and Open Countryside,
- The development will seriously harm the privacy and amenities of existing properties on Woodside (because of the difference in levels) and existing planning guidance (SAD) is not adequate for this situation,
- The proposals to enhance the boundary (to Woodside) with trees and shrubs would take years to mature,
- The development is not sustainable and schools are currently at capacity and funding would not address the issue,
- The development will result in additional commuters and transport contributions would not improve the situation,

- The submission overlooks the appearance of the development from within the village. The development on the hillside would drastically alter the appearance of the landscape,
- There is a 2m drop between the existing site ground level and New Road which would need to be made up by earthworks which could result in unacceptable ground levels and dwelling heights which would cause an adverse impact to properties on Woodside, and
- If a proposal does not accord with the Development Plan is not sustainable, is not needed and would harm residents enjoyment, it should not be even considered for permission.

Other **representations** received raise the following objections;

- The elevated landscape and sloping site would result in the development having an adverse impact on the character of the countryside,
- The location of the proposed development and access point onto a busy road would significantly increase highway safety issues,
- There would be a significant loss of privacy to the properties along Woodside from overlooking, increased traffic, noise and light pollution,
- The development would be contrary to the Core Spatial Strategy which seeks to halt outward migration and retain and attract population to the conurbation to reduce travel,
- In line with government advice the residents of Madeley have made it clear that they do not wish to see any more developments especially those outside the village envelope,
- There is little employment in the village and commuting causes serious traffic problems during peak hours,
- Despite the submitted transport assessment there have been a number of dangerous incidents and accidents on this section of New Road,
- In terms of services within the village they can no longer support additional housing, i.e. schools and doctors surgery,
- Applications with most of the matters reserved for subsequent approval should not be allowed,
- Previous S106 agreements have failed to provide facilities in the village previously,
- The development would cover a large proportion of the land and would reduce the facility for natural drainage of surface water and could cause an increased risk of flooding,
- From the perspective of the residents of Woodside, the field slopes up steeply from the existing properties and any development would be very overpowering which would result in a loss of a view, light and would adversely impact on quality of life,
- Considerable landscaping would be required to raise the level of the site to facilitate the access road. Any such landscaping would increase the impact on the existing properties,
- The site is high grade agricultural land generating several crops per annum and should be retained for agricultural purposes,
- The development would generate an additional 50 vehicle movements causing additional congestion,
- The development should be designed to improve highways safety (at the junction of New Road with Heighley Castle Lane) this being an accident blackspot,
- The enlargement of the village would take away its identity and rural character,
- There would be an adverse impact and potential loss to wildlife,
- There is no strong justification for the development,

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

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- A Statement of Community Engagement
- Urban Design Appraisal
- Tree Survey Report
- Transport Statement
- Landscape and Visual Appraisal
- Flood Risk Assessment

- Drainage Strategy
- Phase 1 Geo-Environmental Site Assessment
- Ecological Scoping Survey Report
- Agricultural Land Classification Report

All of these documents are available for inspection on the planning application file at the Guildhall and on the Council website [www.newcastle-staffs.gov.uk/planning/1400930OUT](http://www.newcastle-staffs.gov.uk/planning/1400930OUT)

## **KEY ISSUES**

1.1 Outline planning permission is sought for residential development of up to 32 dwellings. Access from the highway network (but not the internal access within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning Statement and a Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 1.1 hectares in extent, is within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Madeley. The site does not lie within the Green Belt (as suggested by some objectors).

1.3 The application site has an existing agricultural use and the application is supported by an agricultural land classification report which concludes that the land classification falls within sub-grade 3b due to climatic factors, soil characteristics and site factors. The best and most versatile land is defined as Grades 1, 2 and 3a. The site is only 1.1 hectares in size and is classed as grade 3b (moderate to low value) and because it is not classified as being the best and most versatile land it is not considered further within this report.

1.4 The application is supported by a draft 'heads of terms' document signalling the applicant's willingness to provide 25% affordable housing and to make financial contributions towards education and open space. The comments of the relevant consultees identify these requirements and these are considered to meet the tests identified in paragraph 204 of the NPPF, are compliant with Section 122 of the Community Infrastructure Levy Regulations (and thus lawful) and could and should at present be secured via a Section 106 agreement.

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

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development either have a significant adverse impact on the character and appearance of the village or the wider landscape, or provide any benefits in this respect?
- Would the proposed development have any material adverse impact upon highway safety, or provide any benefits in this respect?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Would there be any issue of flood risk or impact on sewage capacity?
- 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?
- Other matters

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

2.1 The site lies outside of the village envelope of Madeley, in the open countryside.



2.2 Saved Policy NLP H1 indicates that planning permission will only be given in certain circumstances – one of which is that the site is in one of the village envelopes. The site is not within one of the envelopes, and none of the other circumstances apply in this case.

2.3 Policies SP1 and ASP6 of the CSS seek primarily to target new housing within identified areas in the urban and rural area. The application site is within the rural area and so does not meet the requirements of policy SP1. Policy ASP6 states that there is a requirement for a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

2.4 The application site is greenfield and outside of the village envelope of Madeley and so it does not accord with the requirements of Policy ASP6 of the CSS.

2.5 The principle of residential development on the site must however be assessed against paragraph 49 of the NPPF which states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*" As a consequence despite the clear conflict that there is in this case with development plan policies, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to housing being on land within the village envelopes of the key Rural Service Centres, all have to be considered to be out of date, at least until there is once again a five year housing supply.

2.6 Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking (i.e. the determination of planning applications and appeals) this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

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

2.8 On appeal, proposals for land adjacent to Gateway Avenue, Baldwins Gate for 113 dwellings within the open countryside, immediately outside that village's village envelope have been allowed recently. A copy of that decision has been provided to all members of the Committee. It is to be noted that in allowing the appeal, the Inspector concluded, having heard evidence from a number of parties, that "*the Council is not in a position to demonstrate a 5 year supply of housing and, therefore, the relevant policies for the supply of housing (LP Policy H1 and CSS Policies SP1 and ASP6) should not be considered up-to-date. Therefore the weight given to them, and to the defined village envelope, should therefore be significantly reduced*" (paragraph 18).

2.9 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.10 In terms of this application the development would create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would introduce new residents into the village which would help to support local services and contribute to the vitality of the rural community. New residents would also contribute to the labour market within the district. Furthermore, a section 106 obligation would secure the provision of 25% affordable housing. Contributions towards open space would improve a play facility which would be able to be used by the wider population as well, but fundamentally the education and open space contributions should be seen as providing the appropriate required mitigation for the development rather than as benefits per se.

2.11 Although the site is outside of the village development boundary it is immediately adjacent to it. Madeley is identified within the CSS as being one of the three largest rural service centres which are detailed as providing the most comprehensive provision of essential local services. Madeley has a primary school (Sir John Offley School) and a secondary school (Madeley High School, a specialist technology academy), with another primary school (the Meadows) in Madeley Heath, a village community centre (the Madeley Centre), public house, doctor's surgery, and a number of shops. It also has good road links to the conurbation, whilst also having links to cross border centres such as Crewe for employment and high level rail services.

2.12 The site is approximately 500 metres from the village centre of Madeley and it is on a bus route into the village centre with the nearest bus stop being within 100 metres. Bus stops within the village centre offer good public transport links to Newcastle town centre, Hanley city centre, Crewe, Keele University and other rural locations. The national recommended distance for a suitable walking distance from a property to a bus stop is 400m. The catchment for a play facility is considered to extend to at least 400m and it is generally recognised in village locations that play facilities may have to be at greater distances (an approach taken in the albeit yet to be adopted Rural Green Space Strategy). The College Gardens play area is approximately 500 metres, by foot from the centre of the site, via an attractive and safe route. This relationship is an acceptable one.

2.13 The Planning Committee on the 22 April 2014 with respect to a residential development of up to 42 dwellings on land adjacent to Rowley House (application reference. 13/00990/OUT) viewed such proposals favourably - that site as here being greenfield and located just outside the village envelope of Madeley. The key conclusion was that Madeley represented a sustainable location. .

2.15 The issue of the environmental impact (one of the three dimensions of sustainable development) of the scheme will be considered fully below.

2.16 As paragraph 14 of the NPPF states, the test that has to be applied is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

3. Would the proposed development either have a significant adverse impact on the character and appearance of the village or the wider landscape, or provide any benefits in this respect?

3.1 The application site is located on the edge of the village and slopes from north to south. The site has an agricultural use and appearance and is bordered by some mature trees and hedgerows.

3.2 The site has an 'edge of village' character with existing housing being built up to the development boundary to the south and open hedgerow bounded agricultural land to the north and west of it. On the opposite (eastern) side of New Road, bounded by Heighley Castle Way to the north and the backs of the houses that front onto Thornhill Drive and Lynam Way, is a small copse (within the village envelope but the subject of a Tree Preservation Order) and then beyond that a ribbon of development along Heighley Castle Way. .

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

3.4 Concerns have been expressed regarding the impact of the development on the character and appearance of the landscape due to the "hillside location" and the views out from parts of Madeley to the open countryside and Green Belt.

3.5 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered to be consistent with the NPPF and therefore,

can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. To respond to the unique character and setting of each
- b. Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location
- c. Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

3.6 Supplementary Planning Guidance on Planning for Landscape Change to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as lying between Areas of built character and the Ancient Clay Farmlands landscape character type. Characteristics within this designation (that are particularly relevant to the locality of the application site) are of 'a gently rolling landform with stronger slopes in places and mature hedgerow oaks and strong hedgerow patterns'. The SPG was used in the NLP to set policies for landscape consideration. This site is within an Area of Landscape Enhancement and NLP Policy N20 states that the Council will support proposals that will enhance the character and quality of the landscape.

3.7 The village of Madeley is referred to a number of times within the Urban Design SPD (section 10) and the SPD details that the village has been extended over the years in response to industrial activity and changing demands. The proposal for 32 dwellings which would extend the village would be in response to the Council's inability to demonstrate a 5 year supply of housing. In your Officer's view the development of the site can be seen as a continuation of a pattern of modest incremental development.

3.8 Views of the site from the wider landscape are limited due to the undulated topography and the presence of mature hedgerows and trees. Existing residential properties restrict views from within the wider village. This has resulted in the applicants' representatives concluding that the magnitude of visual change would be medium. The ecological appraisal concludes that the site offers little impact in terms of biodiversity and there is potential for improvement and enhancement of trees and hedgerows.

3.9 An indicative layout has been submitted to show how the site is likely to be developed and whilst layout, scale and appearance are all matters reserved for subsequent approval the layout is probably likely to be similar to the final proposed development that would be progressed for this site, given the access constraints and slope. Up to 32 dwellings are proposed comprising, in the illustrative scheme 5 different house types, which would be limited to 2-storey in height.

3.10 The Urban Vision Design Review Panel offered a number of recommendations at the pre-application stage but generally considered that the development offers a great opportunity to create a highly attractive development (of quality) on the edge of Madeley village. The applicants have responded to these comments by amending the design prior to the application being submitted and further design matters can be achieved during a reserved matters application.

3.11 The only matter for approval is the point of access onto New Road. The proposal is for a new access point into the site towards the southeast corner of the frontage of the site onto New Road. Therefore the existing access that is located in a more central position would be closed off for vehicles. The point of access is approximately 50 metres from the Woodside junction and approximately 82m from the Heighley Castle Way junction. The front (east) boundary has a mature hedgerow that will need to be removed insofar as to accommodate the vehicular access and its required visibility splays, but the three mature trees (covered by the TPO) fall outside of the identified visibility splays and so these should be able to remain. Tree protection measures advised by the Landscape Development Section will be important to ensure these trees are not damaged during construction. The applicant has also indicated that the proposed development offers opportunities to improve the site frontage through replacement hedgerow and tree planting. This would need to be secured in any reserved matters application.

3.12 Paragraph 58 of the NPPF states that decisions should aim to ensure that developments optimise the potential of the site to accommodate development and respond to local character and reflect the identity of local surroundings.

3.13 Section 10.5 of the Urban Design SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality. It states that in doing so, designers should respond to the pattern of building forms that helps create the character of a settlement, for instance whether there is a consistency or variety.

3.14 The houses on the neighbouring residential development of Woodside, Greenmeadows and the small cul-de-sacs are of predominantly non-traditional two storey detached and linked detached 1960/70's properties with yellow / buff facing bricks. This development has a density of approximately 28 dwellings per hectare. The opposite side of New Road has more individually designed properties set within spacious plots with a prominence of open spaces and mature wooded areas. This has a lesser housing density.

3.15 The density of the proposed scheme would be approximately 32 dwellings per hectare with the indicative layout having a similar form to the layout of the Greenmeadows development. The proposed scheme would have properties that front New Road and these are indicated set back in a similar manner to the existing properties on the Greenmeadows development.

3.16 The applicant has submitted an Urban Design Appraisal, Design and Access Statement and Landscape and Visual Appraisal which seeks to demonstrate that the proposed development would not harm the character of the area. They consider that the proposed development and the topography of the land would provide an opportunity to maximise views within the landscape. They also consider that the proposal would enable the enhancement of the existing boundaries in order to form strong vegetative buffers to protect the amenity of existing properties and establish an attractive and more sensitive new settlement edge (than that which currently exists).

3.17 Officers agree that the proposed development, due to the location of the site, the form and character of the area and the indicative details submitted, could be designed to improve the visual entrance into Madeley from the north which would integrate well into the existing landscape. The housing density proposed would be consistent with the adjacent residential developments and landscape enhancements could be achieved around the boundary edge and within the development. Indeed these are all environmental matters that support the proposed development. That said the current village edge is not that prominent in the views of drivers approaching the village from the north, because it is in the dip. The northern edge of the new development would inevitably be more elevated.

3.18 In conclusion, subject to conditions regarding proposed landscaping, it is not considered that the development, whilst it would encroach into the surrounding countryside, would have such an adverse impact on the character or quality of the wider landscape to justify a refusal. Indeed it is reasonable to consider some benefit, albeit a limited one, could be achieved in achieving a new and softer edge to the village, and this needs to be taken into account.

#### 4.0 Would the proposed development have any adverse impact upon highway safety, and provide any benefits in this respect?

4.1 As detailed, the main point of access would utilise the existing access point towards the southeast corner of the site onto New Road. New Road is a 'C' classified road and the subject of a mandatory 30mph speed limit.

4.2 Objections have been received regarding the access arrangements and the increased volume of traffic onto the highway network that the third parties concerned consider would cause highway danger. They also consider that the development is not sustainable due to future occupiers of the development having to commute to day to day services and jobs.

4.3 The application is accompanied by a Transport Statement which states that the development is relatively small and according to guidance there is no requirement for any formal assessment of the transport impacts. However, the report substantiates the proposed means of access, and details the

anticipated impact on the highway network and the accessibility of the site in relation to local facilities by foot, cycle and public transport.

4.4 A speed survey during the off peak period has been carried out and is included within the report. Objectors have raised concerns about this approach detailing that the survey should have been carried out in a peak period. However, during an off peak period cars are actually likely to travel faster because there is less traffic on the road compared to the peak period and so this approach is considered appropriate to obtain a robust view on the speed of traffic passing the entrance. The report also concludes that the site is well located and offers a realistic range of travel modes other than the private car and enhancements would be provided including raised kerbs at the nearby bus stops.

4.5 The proposed development would undoubtedly increase the volume of traffic onto the highway but the applicant has demonstrated that this would not be a significant increase and is unlikely to cause a significant highway danger. In this regard the Highways Authority has raised no objection subject to conditions that will ensure that the access is constructed appropriately and improvements made to increase safety and access to the village.

4.6 A further concern about the topography of the land and a drop in land levels between the road level and the site level has been raised by objectors. The gradient of any internal road will need to be agreed with the HA prior to development commencing but the HA have not raised it as a concern. Clarification from the HA on this point will however be sought prior to the committee meeting.

4.7 As discussed the site is well connected to the village centre with its good level of services, transport links and schools which would reduce the requirement for residents to use their car and will help to ensure a sustainable development.

5.0 Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?

5.1 The layout for the site is a reserved matter but an indicative layout has been submitted to support the application.

5.2 One of the main concerns of objectors is the topography of the site and the potential relationship of the proposed dwellings with existing properties on Woodside, in particular those properties that have a rear outlook to the application site. The site does slope up in a northerly direction from the rear boundaries of properties on Woodside and a pair of sections have been submitted to show the likely relationship that would be created. These sections suggest that some degree of fill is expected towards this boundary. Whilst this aspect needs to be carefully considered, it would be difficult to say that no scheme for a 32 dwelling development on this land, that presented an acceptable relationship to the Woodside properties, could come forward. A condition requiring ground and slab level details to be submitted with the reserved matters application would be appropriate along with landscaping details..

6.0 Would there be any issue of flood risk or impact on sewage capacity

6.1 The site is located within Flood Zone 1 which is categorized as a low risk area. The applicant has submitted a Flood Risk Assessment (FRA) and the Environment Agency, United Utilities and the County Council Flood Risk Team have been consulted.

6.2 The FRA concludes that the site is considered to have a very low risk of fluvial flooding. However, the main concern is with regards to surface water drainage. The FRA confirms that the existing site is 100% permeable and the proposed development is likely to result in a 54% impermeable area and will therefore generate an increase in the surface water run-off and decrease infiltration volume compared to the site currently. Surface water run-off produced by the site is recommended to be disposed of via the existing surface water public sewer located along the southern boundary of the site and this proposal is the principle behind the submitted Drainage Strategy which envisages a range of measures such as 'hydrobrake' chambers and cellular surface water storage tanks.

6.3 The applicant has been in consultation with UU and the LLFA during the application and an agreed drainage method has been achieved subject to conditions which seek further information for approval which would minimise flood risk. On this basis the proposed development is considered to be in accordance with the NPPF.

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

7.1 Your Officer is of the view that the development would result in a limited impact on the area (principally the encroachment of development into the open countryside) and that the benefits of the proposed development would clearly outweigh any harm with the main benefits being the sustainable form of development and the not insignificant contribution it would make towards addressing the undersupply of housing in the Borough. In the context of recent changes to National Planning Practice Guidance which will make it more difficult to achieve affordable housing in rural areas – the introduction of a higher threshold than was previously the case – the contribution that the development makes in terms of affordable housing is a further significant benefit. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

8.0 Other matters

8.1 There are a number of matters that need to be addressed that your officers consider not to be key issues but do require some consideration in the determination of the application.

8.2 The ecological scoping survey has been submitted to support the application which concludes that the site is of low ecological value. Staffordshire Wildlife Trust also did a review of the site to assist the Council in its preparation of the Site Allocations SPD. This also concluded that the site is of little ecological value but the main features are the boundary hedgerows and trees and these should be protected where possible. It is considered that no significant harm would be caused to protected species or key habitat features but conditions to safeguard existing trees and hedgerows would be appropriate. NE has recommended that biodiversity enhancements should be included where possible.

8.3 The EHD has recommended a suite of conditions to minimise the impact of the proposal on neighbouring amenity levels and these are considered acceptable. However although part of the development is 125m from a working dairy farm (Windy Arbour Farm), the EHD's suggestion that a condition requiring the submission of an odour assessment, after planning permission has been granted, appears to be of no specific utility given a) no substantive evidence appears to exist that there is likely to be a significant problem and b) the limited steps could be taken were a problem of this nature identified. Similarly there is in your officer's view doubt as to the appropriateness of including the standard contaminated land conditions in this case, given the conclusions of the Geo-Environmental Assessment that has been undertaken to date. This is being taken up with the EHD and will be the subject of a supplementary report to the Committee.

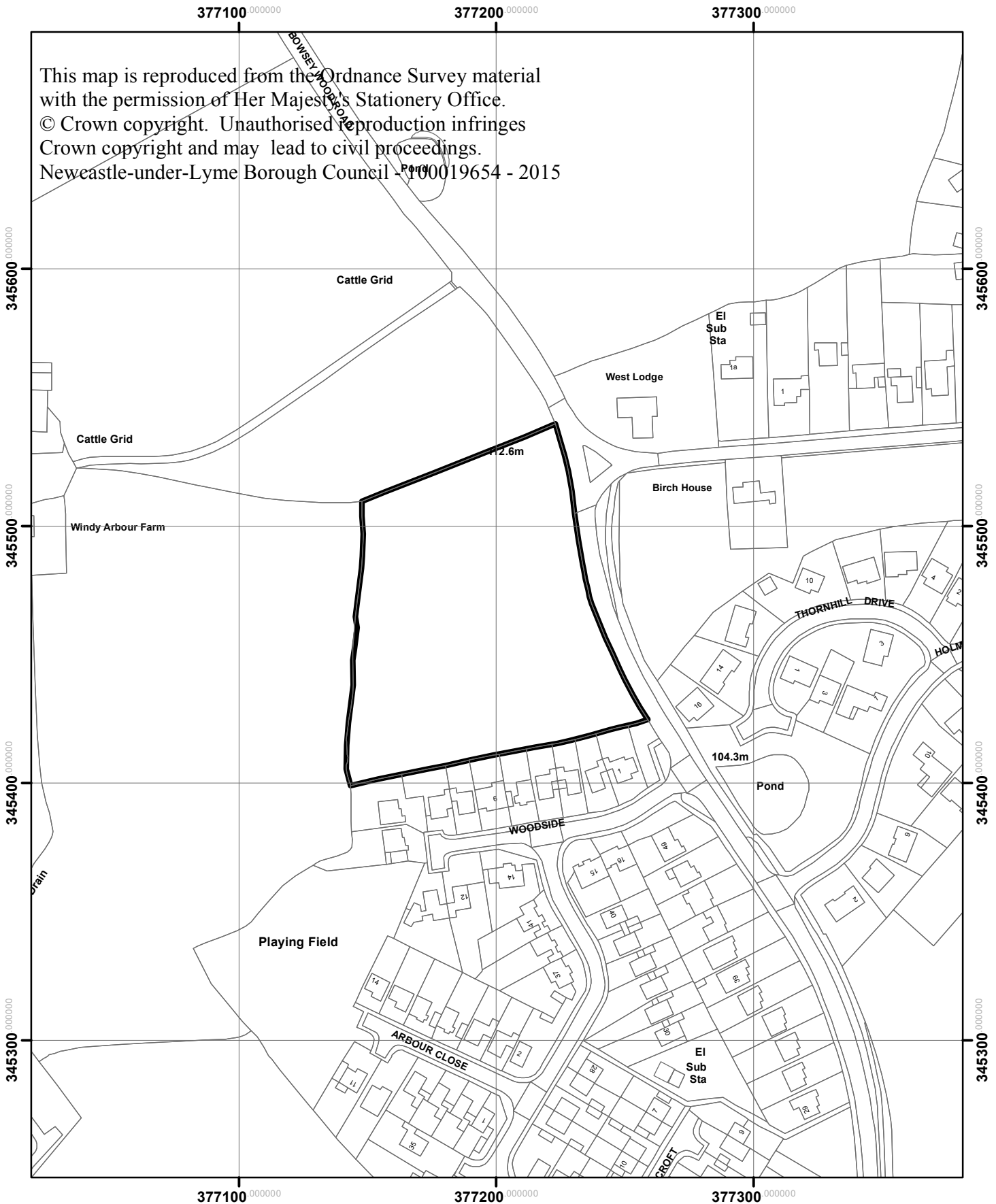
Background Papers

Planning file  
Planning documents referred to

Date report prepared

16<sup>th</sup> January 2015

# Land off New Road, Windy Arbour Farm, Madeley 14/00930/OUT



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**FORMER OXFORD ARMS, MAY BANK  
MR K. P. PARNELL**

**14/00973/FUL**

The Application is for full planning permission for residential development of 10 dwellings comprising 3 pairs of semi-detached dwellings and 4 detached dwellings.

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

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

**The 8 week period for the determination of this application expires on 24<sup>th</sup> March 2015.**

## **RECOMMENDATION**

**A. Subject to no adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s), and subject to the applicant entering into a planning obligation, by no later than 10<sup>th</sup> March 2015, to secure the following:**

- **A financial contribution of £29,430 for open space enhancement/improvements and maintenance**

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

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

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

## **Reason for Recommendation**

The site is located within the urban area of Newcastle and is in a sustainable location for new housing. The benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to no adverse comments being received from consultees or in representations which cannot be dealt with by appropriate condition(s) and subject to the imposition of suitable conditions and appropriate financial contributions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

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

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

- Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
- Policy T16: Development – General Parking Requirements
- Policy C4: Open Space in New Housing Areas
- Policy C22: Protection of Community Facilities

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

Relevant Planning History

- |              |   |          |
|--------------|---|----------|
| 10/00777/OUT | Residential development   | Approved |
| 11/00649/REM | Erection of 6 detached dwellings, 2 semi-detached dwellings, 2 detached garages and formation of new accesses | Approved |

Views of Consultees

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

The **Education Authority** states that the development falls within the catchments of May Bank Infants School, St Margaret's CE (VC) Junior School and Wolstanton High School. The development is scheduled to provide 10 dwellings which could add 1 infant school aged pupil, 1 junior school aged pupil and 2 high school aged pupils. May Bank Infants School and St Margaret's CE (VC) Junior School are projected to have limited vacancies and although the development will put additional pressure on school places, current pupil demographics indicate that the schools should be able to accommodate the likely demand from pupils generated by the development. Wolstanton High School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. No education contribution is accordingly sought.

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

The comments of the **Landscape Development Section**, the **Highway Authority**, the **East Newcastle Local Area Partnership**, the **Waste Management Section**, and the **Police Architectural Liaison Officer** are all awaited. Any comments received in time will be reported to Members in a supplementary report.

#### Representations

None received at the time of writing the report but the last date for such comments to be made is 31<sup>st</sup> January 2015. Any representations received by then will be reported to Members in a supplementary report.

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

The application is accompanied by a Design & Access Statement and a Phase 1 Geo-Environmental Report. All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400973FUL](http://www.newcastle-staffs.gov.uk/planning/1400973FUL)

#### Key Issues

Outline planning permission was granted in 2011 for up to 10 dwellings on this site (Ref. 10/00777/OUT) and then in 2012, reserved matters were approved for the erection of 8 dwellings (Ref. 11/00649/REM). The period for the submission of reserved matters pursuant to the outline consent has now lapsed and therefore this application is for full planning permission for 10 dwellings comprising 3 pairs of semi-detached dwellings and 4 detached dwellings.

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

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

- Is the principle of residential development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed development have any adverse impact upon highway safety?
- Will appropriate open space provision be made?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

The site was formerly occupied by a Public House which the applicant has advised became unviable. The vacant premises were demolished following problems of anti-social behaviour, vandalism and arson and associated safety concerns. The site is not within a Conservation Area and the property was not a Listed Building and therefore, no consent was required for its demolition. As the building has now been demolished, any consideration, in the context of NLP Policy C22, of the acceptability or otherwise of the loss of the Public House as a community facility, has to take into account that the issue is now the *use* of the site for community facilities. The policy in question indicates that "in considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration". Even if the building was still there, given the location of the site within an urban area, the continued availability of a range of community premises in the area, objections on grounds of loss of community facilities could not have been sustained.

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

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

Newcastle-under-Lyme by 2026 and a target of at least 1000 dwellings within Newcastle Urban South and East (which includes May Bank).

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

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

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

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

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

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

Given the mix of dwelling size in the area it is considered that the 10 dwellings now proposed which would achieve a density of 38 dwellings per hectare would appropriately reflect both the general policy of making efficient and effective use of land, and the character of the locality.

The proposed layout would comprise 3 pairs of semi-detached dwellings along the site frontage facing the highway which would respect the siting of the properties to either side and, in the most prominent views from Wolstanton Marsh, would provide an attractive frontage. The layout would include 4 detached dwellings to the rear of the frontage development but given the context of the site within a reasonably high density residential area comprising a high proportion of terraced and semi-detached properties, such a layout would be appropriate.

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

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

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

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

With regard the proposed dwellings, it is considered that an acceptable level of amenity would be achieved. Although the rear garden lengths of some of the properties would be below the 10.7m distance recommended in the SPG, the rear garden areas would exceed the 65 square metres minimum that is recommended and it is considered that the level of private amenity space would be sufficient for the family dwellings proposed.

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

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

A condition of the previous outline consent required any access to the site to serve more than one dwelling to be from Stratford Avenue only. The access now proposed is from Stratford Avenue in the same location to that previously approved.

Sufficient parking and turning areas would be provided within the site for the proposed dwellings.

The previous scheme was subject to a planning obligation requiring a financial contribution of £6,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS). Since April 2014, this Council is no longer seeking contributions to NTADS and therefore, it can no longer be required for this site.

The comments of the Highway Authority are awaited but it is not anticipated that they will raise any objections subject to the imposition of conditions, nor is it anticipated that they will seek any financial contributions either. On this basis, subject to conditions, it is not considered that the proposal would raise any issues in terms of highway safety. A further report to Members outlining the comments of the Highway Authority will follow.

#### Will appropriate open space provision be made?

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

This development would not include an area of public open space within the site. Although the comments of the Landscape Section are awaited, it is anticipated that a financial contribution will be sought to include a contribution for capital development/improvement of off-site green space in

addition to a contribution to maintenance costs for 10 years. In accordance with the adopted Green Space Strategy, and as per the previous consent for the site, it is likely that a contribution of £2,943 per dwelling will be requested.

This should be secured through a planning obligation achieved by agreement. Your Officer is satisfied that such a contribution is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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).

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

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

21<sup>st</sup> January 2015

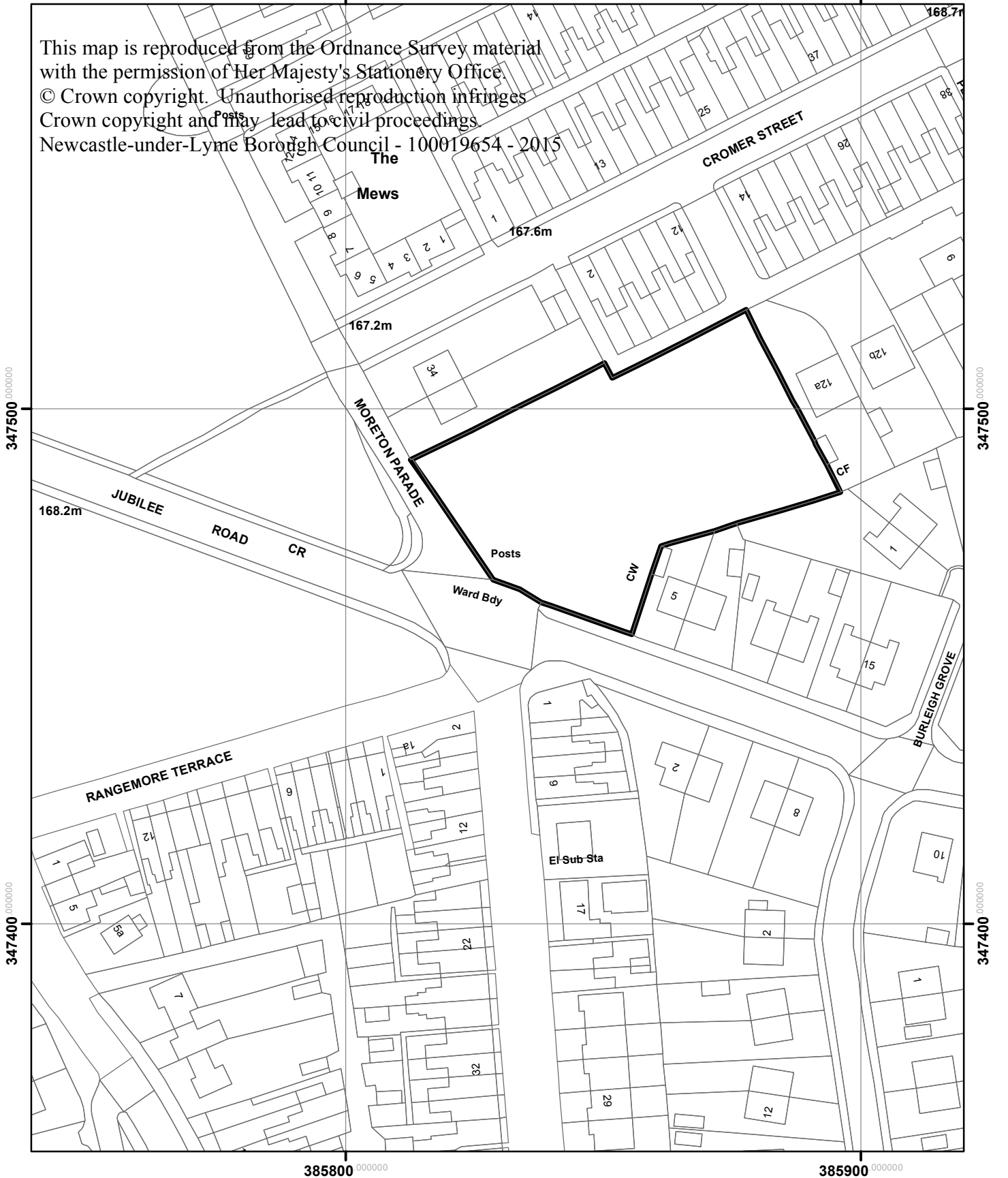
# Oxford Arms, Moreton Parade, May Bank 14/00973/FUL



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**FORMER GARAGES, GLOUCESTER ROAD, KIDSGROVE  
NEWCASTLE BOROUGH COUNCIL**

**14/00890/DEEM3**

The application is for outline planning permission for a residential development of up to 8 dwellings on a former garage site. All matters of detail (appearance, landscaping, layout, scale and access) are reserved for subsequent approval

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

The site has an irregular shape and is approximately 0.3 hectares in size.

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

**RECOMMENDATION**

**Permit subject to the following conditions;**

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

**Reason for Recommendation**

The site is located within a sustainable location and whilst only indicative details have been provided it has been demonstrated that a suitable housing development could be progressed on the site. The development is therefore in accordance with the guidance and requirements 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**

Pre-application discussions were undertaken and it is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. Therefore no amendments were required in this instance.

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

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

Strategic Aim 16:	To eliminate poor quality development;
Policy SP1:	Spatial Principles of Targeted Regeneration
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhood Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy H4: Housing Development and Retention of Parking Facilities  
Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees

### **Other Material Considerations**

#### Relevant National Policy Guidance:

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

#### Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

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

### **Relevant Planning History**

Nil

### **Views of Consultees**

The **Environmental Health Division** raises no objections subject to conditions for contaminated land, construction hours, internal noise levels, waste storage and collection arrangements.

The **Highways Authority** raises no objections subject to conditions for the submission and approval of details for;

- Means of access;
- Layout of site including disposition of buildings and provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage for areas to remain in private ownership;
- Surfacing materials for the access road, parking and turning areas

The **Landscape and Development Section** detail that it is disappointing that it has not been possible to retain the existing ash tree T9, however it is considered that it would not be possible to find an alternative layout to accommodate the tree. A landscaping scheme and replacement tree planting to mitigate tree should be conditioned. The proposed dwellings that front Gloucester Road should be pushed back to allow more meaningful tree planting. All the recommendations of the Arboricultural Report and AIA by Tree Heritage should be followed.

**Kidsgrove Town Council** has been consulted and as the period for comments has expired (19.01.2015), it must be assumed that they have no observations to make upon the proposal.

The **Education Authority** detail that the development is scheduled to provide 8 dwellings and a development of this size could add 2 Primary School aged pupils and 1 High School aged pupil. However, they conclude that the local primary and secondary schools should have sufficient space to accommodate the likely demand from pupils generated by the development.

### **Representations**

The occupiers of 11 neighbouring properties have been notified with no letters of representation being received.

### Applicant/agent's submission

An indicative layout plan and floor plans have been submitted to support the application along with a Phase 1 Geo-Environmental Assessment, topographical Survey, Arboricultural Report and Arboricultural Impact Assessment have also been submitted

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

[www.newcastle-staffs.gov.uk/planning/1400890/DEEM3](http://www.newcastle-staffs.gov.uk/planning/1400890/DEEM3)

### **Key Issues**

The application is for outline planning permission for eight semi-detached dwellings on a former garage site located off Gloucester Road in Kidsgrove which is on the edge but within the urban area of Kidsgrove, as indicated on the Local Development Framework Proposals Map.

No matters of detail are being sought at this stage and therefore all matters reserved for subsequent approval. Therefore the main issues for consideration in this application are;

- The principle of the development
- The effect of the development on the form and character of the area
- Access and Highways implications
- Compliance with SPG 'Space Around Dwellings'
- Impact of trees
- An assessment overall of 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.

### The principle of the development

The site was a former garage site and the garages (owned by Aspire) have now been demolished. There is still some evidence of the previous garages (concrete pads and tarmac) and whilst the site is overgrown it is not considered that the hard surfacing has blended into the landscape and as such it is considered that the site falls within the definition of previously developed land (PDL).

Local Plan policy H4 seeks to protect garages sites from development for housing. However, the garages have been demolished and whilst no indication has been given as to when and why the garages were demolished it is assumed that there was insufficient demand to justify their retention as is the case for many of these types of garages. Therefore policy H4 is no longer considered relevant in the determination of this application.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and details that 600 of these should be 600 within the Kidsgrove area.

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

This previously developed site is located within the urban area of Kidsgrove and is considered to represent a sustainable location for housing development and due to the Council being unable to demonstrate a five year supply of housing the presumption should be in favour of

residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal (as required by para 14 and 49).

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

#### The effect of the development on the form and character of the area

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

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

All matters of detail are reserved for subsequent approval but an indicative layout plan has been submitted to support the application. The indicative layout shows that the site could accommodate two pairs of semi-detached dwellings fronting onto Gloucester Road which would have an acceptable building line to the existing dwellings in the street scene. A further two pairs of semi-detached dwellings would be located towards the rear of the site in the northwest corner. In the context of the character and form of the area it is considered that this arrangement is acceptable. Your officer is satisfied that an acceptable layout and appearance could be achieved that would provide sufficient private amenity space and landscaping for the site which would meet the requirements of the NPPF and development plan policies.

#### Access and Highways implications

The site has an existing vehicle access off Gloucester Road and the indicative layout plan shows that this will be repositioned.

The Highway Authority has raised no objections subject to conditions that require further information being submitted. Access is a matter for subsequent approval and the conditions requested are details that would be required as part of the reserved matters application and so such conditions do not need to be included at this stage.

The indicative plan shows that each two bed dwelling would have two off street car parking spaces plus three unallocated spaces. Two off street car parking spaces are considered acceptable and there is no requirement for the three communal spaces that are shown on the indicative layout in this case.

### Impact upon residential amenity

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on privacy, daylight standards and environmental considerations. Adequate separation distance can be provided between the dwellings envisaged and existing properties – in line with the advice contained within the SPG. The anticipated level of private amenity space is considered generous and would provide an acceptable standard of living conditions for future occupiers.

### The impact on trees

As discussed the site has become overgrown and whilst there are trees located on the site they are not considered to represent visually significant trees that require specific retention. However, the grade B trees should be retained where possible. Landscaping is a matter reserved for subsequent approval with the onus on replacement and additional tree planting to mitigate tree loss and to ensure a good quality development. The conditions advised by the Councils Landscape Development Section are considered acceptable.

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

The benefits of the development include the provision of housing within the Borough where there is a proven need within a sustainable location. There are no negative factors of sufficient weight which outweigh the benefits of the development applied for.

### **Background Papers**

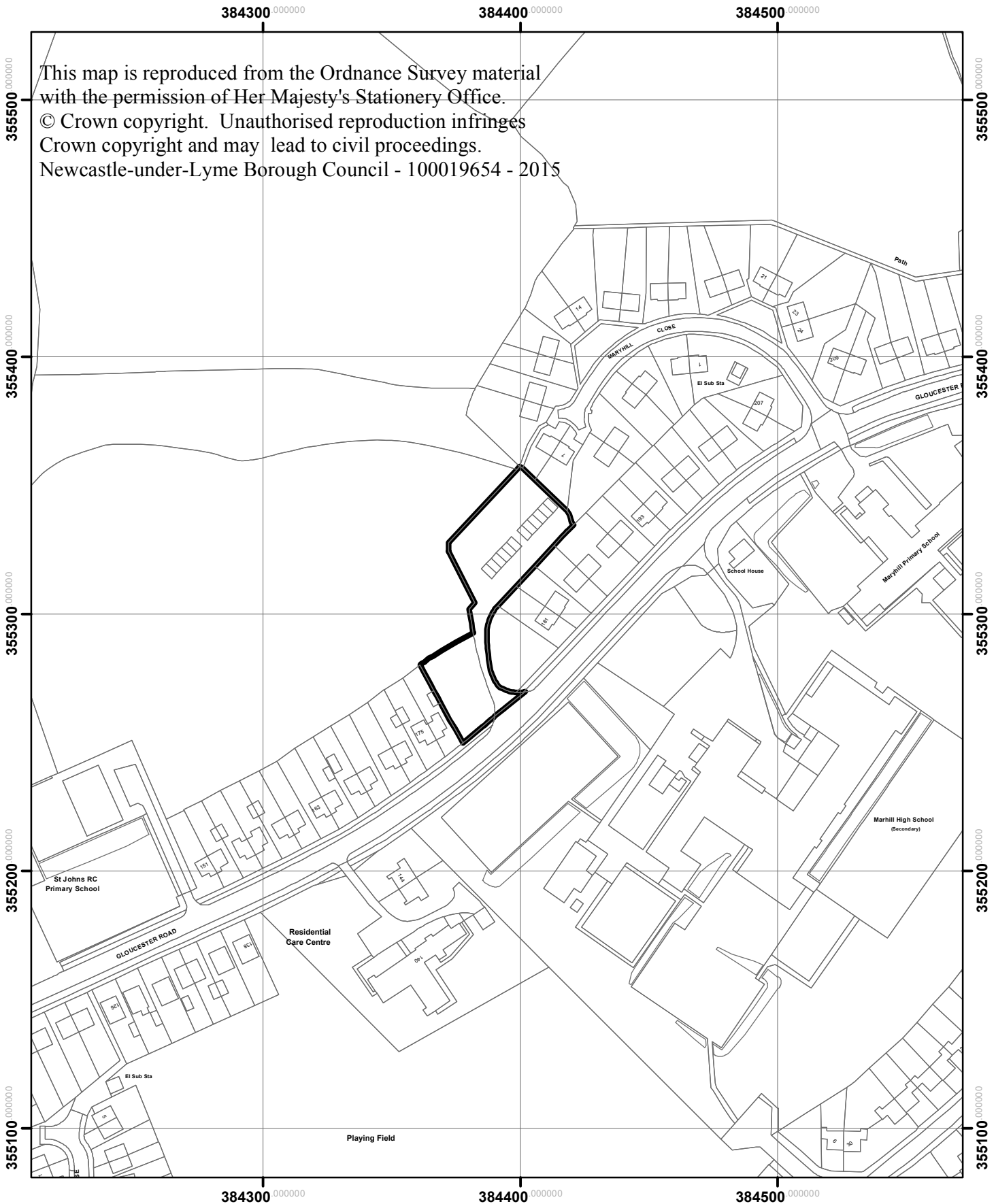
Planning File  
Planning Documents referred to

### **Date Report Prepared**

21st January 2015

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# Former Garages Gloucester Road Kidsgrove 14/00890/DEEM3



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**LAND ADJACENT TO SLATERS, STONE ROAD, HILL CHORLTON  
MR & MRS D & K SLATER**

**14/00875/OUT**

The Application is for outline planning permission for residential development of up to 8 dwellings. All matters are reserved for subsequent approval.

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

The application has been called to Committee by two Councillors for reasons regarding lack of clarity; definition of rural areas; contrary to policies; policy detail; accessibility and sustainability; landscape character; and drainage.

**The 8 week period for the determination of this application expired on 13<sup>th</sup> January 2014 but the applicant has agreed to an extension to the statutory period until 10<sup>th</sup> February 2015.**

## **RECOMMENDATION**

**Refuse for the following reasons:**

- 1. The development of this greenfield site within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**
- 2. The development would consolidate the loose open pattern of development and would have an adverse impact on the character and appearance of the area.**
- 3. The adverse impacts of the development, namely the harm to the character and appearance of the countryside - significantly and demonstrably outweigh the benefits of the development. The proposal therefore represents an unsustainable development that is contrary to the guidance of the National Planning Policy Framework (2012).**
- 4. The application fails to demonstrate satisfactorily that a safe access can be achieved without having an adverse impact on the protected oak tree on the northern boundary of the site.**
- 5. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision.**
- 6. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.**

## **Reason for Recommendation**

Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework, it is considered that there is no presumption in favour of this development as the proposal would result in new dwellings in an isolated location that would not enhance or maintain the vitality of a rural community. The special circumstances which could justify isolated new dwellings do not exist in this case. The development of up to 8 dwellings would consolidate the loose open pattern of development and would have an adverse impact on the character and appearance of the area. In addition the applicant has failed to demonstrate that a safe access can be provided without adverse impact on a visually significant protected tree. The adverse impacts of the development significantly and demonstrably outweigh the benefits of the development.

The development would result in additional pressure on limited primary and high school places of the schools whose catchment area it is located and in the absence of a financial contribution such adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure affordable housing within this development in accordance with policy.

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

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

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

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

Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP6: Affordable Housing  
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local species  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Consideration  
Policy N19: Area of Landscape Maintenance

**Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

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

Relevant Planning History

Nil

Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring details of access, parking, turning and servicing, surface water drainage and surfacing materials, visibility splays of 2.4m x 160m at the site access, 2m wide footway across the site frontage to Slater's Hotel and an uncontrolled pedestrian crossing point over the A51 Stone Road.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding construction hours, internal noise levels for dwellings and contaminated land.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. The development is scheduled to provide 8 dwellings which could add 2 primary school aged pupils and 1 high school aged pupil. Baldwin's Gate Primary and Madeley High School are projected to have insufficient places available to accommodate the likely demand from pupils generated by the development. An education contribution for 2 primary school places (2 x £11,031 = £22,062) and 1 secondary school place (1 x £16,622 = £16,622). This gives a total contribution of £38,684.

**Maer & Aston Parish Council** objects on the following grounds:

- This land is within the small hamlet of Hill Chorlton which has less than 30 properties, no general shops, services or employment opportunities.
- A proposal to add a further 8 houses to this small community is out of scale.
- Hill Chorlton is not one of the three village service centres that are defined as suitable for additional housing development.
- Highway safety concerns – an additional opening would put undue pressure on this busy thoroughfare.
- It is suspected that many of the mature trees on the site would need to be removed.
- Visual impact.
- Site notices were delayed in going up and subsequently disappeared.
- The proposal is contrary to a number of policies.

The Parish Council further advise that it held a public meeting on 6<sup>th</sup> January and around 40 local residents attended and all were against the application. Chapel and Hill Chorlton Parish Council also supported the public meeting as many of their residents will be affected. In June 2006 Maer & Aston Parish Council published its Parish Plan which clearly states that residents were against developments of this type. In addition, the 2008 Housing Needs Survey stated that Maer & Aston and Chorlton Parishes may have low housing need however due to the rural area any additional development was unsustainable.

**Chapel and Hill Chorlton Parish Council** object to the application on the grounds that the land is in a small village also affecting residents who have chosen to live within a village life making it unsustainable for families to take advantage of any basic services. This site is in an area of local landscape beauty and more houses on this site would cause a precedent for more development in this area.

The **Landscape Development Section (LDS)** states that all of the major trees on this site are affected by Tree Preservation Order 12. It would appear that a significant protected roadside Oak tree may be affected by sight lines required for the installation of the access and insufficient information is available to confirm that the tree will not be affected. Should the access result in the loss of this tree then they would not support the proposal. The impact on site hedgerows is unclear and there has been no assessment of the impact of any highway visibility splay. Permission under the hedgerow regulations is not needed 'to get access in place of an existing opening' so the installation of the new access would be subject to the developer planting a new stretch of hedgerow to fill the original entrance. Should this development be approved, any existing and replacement hedgerow should be protected for a period of 5 years through an appropriate planning condition. Any reserved matters application should be accompanied by a tree survey, arboricultural impact assessment, PRAs of retained trees shown on the proposed layout, details of boundary treatments and landscaping proposals including details of hedgerow replacement.

## Representations

Sixty-three letters of representation have been received. Objection is made on the following grounds:

- The proposed development does not comply with and is not in accordance with the NPPF, the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, the Local development Framework Proposals Map and saved policies H1, N17 and N19 of the Newcastle-under-Lyme Local Plan.
- The site does not have sustainable accessibility to the 8 key services defined by the Government – employment, food stores, GPs, hospitals, primary schools, secondary schools, further education institutions and town centres. The nearest town where all 8 key services can be found is 10.6km away. The nearest Rural Service Centres with limited key services are Loggerheads and Madeley (7.1km and 7.4km away).
- The limited services in Baldwin's Gate are inadequate to meet a household's regular needs.
- The businesses at Slaters are tourist facilities and they do not provide any services to sustain the nearby population and would not sustain residents of the development.
- Public transport is limited to an hourly service on a single route. The bus service is inadequate to meet the needs of people whose working hours are outside the '9 to 5' routine or those who work outside Newcastle town centre.
- There is no direct public transport to the full-time GP surgery in Madeley.
- The only buses reach the Sheet Anchor too early for a child to arrive at the primary school and so parents would have to take children to school by car.
- Available walking routes to Baldwin's Gate are primarily 0.8km along rural roads (60mph speed limit) with no lighting and no footway. Distances by shortest route are the butcher's shop (1.2km), primary school (1.4km) and the post office (1.6km).
- The area has no mains gas supply which means that residents will be forced to opt for more expensive heating fuels making them unsuitable as affordable housing.
- The site is in a rural area with a Defra definition of a 'less sparse dispersed' population.
- The site is in the open countryside and not in an area earmarked for development; it is not within one of the 'village envelopes' as defined on the Proposals Map.
- There are no local employment opportunities and residents would have to drive to work.
- The site is identified as an 'Area of Landscape Maintenance' and the proposed development would be contrary to the character of the locality and would erode its quality. This substantial infill would be contrary to the local pattern of settlement.
- The site is on steeply rising ground and the development would have a significant visual impact on the surrounding countryside and erode the quality of the rural landscape. The dwellings would be prominent in the landscape due to the steeply rising nature of the site. This would be contrary to the local landscape character where the natural landscape predominates and scattered dwellings are a minor element.
- The proposed development would be clearly visible from nearby properties and Chorlton Public Right of Way no. 7.
- Light pollution would further erode the night-time landscape, which is already negatively affected by lighting at Slaters Restaurant and shopping village.
- There are five protected trees on the site and the applicant has made no reference to them.
- The eastbound visibility splay is obstructed by one of the protected trees.
- There is a summit in the A51 to the east of its junction with the A51 which will impair visibility.
- The proposed development does not serve any identified housing need.
- On-site storage for LPG or heating oil would be necessary, putting pressure on the available space.
- There is no public sewer on the A51.
- Overflows from the ditch on Chorlton Moss Lane and highway flooding would be exacerbated by the proposed development.
- The development would be out of scale with the existing loose pattern of development in the immediate area.
- There are no footpaths to Baldwin's Gate and there is no safe walking route to Maer.
- The recent approval on appeal for 113 dwellings in Baldwin's Gate makes development at this isolated, unsustainable site unnecessary and unjustifiable.
- No evidence is submitted to support claims that there would be a 'symbiotic relationship' between the development and the business at Slaters.

- Applications for residential development on sites in the immediate vicinity have consistently been refused over the last 60 years.
- The site is adjacent to a conservation area and is still a very significant part of the original planned landscape.

**Sir William Cash MP** objects on very similar grounds to those listed above.

**Whitmore Parish Council** objects on the following grounds:

- The proposed development is contrary to the Core Spatial Strategy, the Local Plan and the Urban Design SPD.
- The development would have a harmful impact on the landscape and character of the area and its scale would be inappropriate to the location.
- The proposed development would not be sustainable due to its isolated location outside any existing settlement. The route indicated by the applicant to be a safe route comprises public roads which are narrow and well trafficked.
- If permission is to be granted, a condition should be included requiring the houses to be for younger and retired people.

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

The application is accompanied by a Design, Access & Planning Statement, an Ecological Assessment, a Highway Access Statement and a Statement of Drainage and Flood Risk. A further letter has been submitted by the applicant's agent stating the following:

- This development cannot be considered isolated given its context and its association with the public house and craft centre.
- The site is approximately 15 minutes' walk from Baldwin's Gate. The school is 900m away which is not considered to be an unreasonable distance. The lack of footpath and the unlit roads do not warrant a reason for refusal. A programme has been implemented nationally to reduce street lighting and so to refuse applications on this ground can no longer be warranted. There is a regular bus service and bus stop located over the road at the junction of Woodside.
- The lack of formal public footpaths is part of rural living and reliance on the private car for some journeys is inevitable. This has been accepted in a number of appeals recently. Reference is made to an appeal in Montford Bridge, Shrewsbury in which a development of 35 dwellings was considered sustainable.
- It is likely that any developer would seek a lower density of larger family homes given its context. The proposal could be reduced further and capped at 5 dwellings.
- Whilst Hill Chorlton comprises primarily detached properties, they are all located in small pockets of development along the roadside and would therefore be seen more as a nucleated settlement pattern. The site lies between existing residential development and is very much an infill in this respect. There is a large craft centre and public house/bowling green adjacent. It simply cannot be seen as isolated.
- The site would contribute to the five year housing land supply deficit and the varying social and economic benefits outlined in the Design & Access Statement.
- In light of the recent Baldwin's Gate appeal decision, this proposal should be considered very thoroughly.
- It is considered that there is no demonstrable evidence which shows this development to provide a significant adverse impact which outweighs the general benefits, specifically boosting housing and supply and supporting the rural economy.

All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400875OUT](http://www.newcastle-staffs.gov.uk/planning/1400875OUT)

#### **Key Issues**

The application is for outline planning permission for residential development of up to 8 dwellings. All matters are reserved for subsequent approval.

The site, of approximately 0.49ha in extent, lies within the open countryside and an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map.

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

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on trees and hedgerows?
- Would the proposed development have any adverse impact upon highway safety?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so how should it be delivered?
- Would there be any significant adverse impact upon ecology?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

The application site lies approximately 1.3km from the centre of the nearest village development boundary of Baldwin's Gate (measured along the public highway) and is within the open countryside. The site does not meet the definition of previously developed land.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. Baldwin's Gate is not one of the targeted areas. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

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

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

Baldwin's Gate is not identified in the CSS as one of the Rural Service Centres. It is identified as a village and the CSS indicates that no further growth is planned for the villages and efforts will be made to ensure existing services and activities within the villages are protected.

In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted according to CSS Policy ASP6. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

In conclusion, this site is not within one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwellings would not serve an identified local need and as such is not supported by policies of the Development Plan.

The LPA, by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under-delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to

demonstrate a five year supply of deliverable housing sites. The latest housing land supply figure is 3.12 years.

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

As a consequence, policies such as NLP H1 with its reference to the village envelope and CSS ASP6 with its reference to Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

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

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given states that where there are groups of smaller settlements, development in one village may support services in a village nearby. It further details that local planning authorities should avoid new isolated homes in the countryside unless there are ‘special circumstances’.

The applicant’s agent states that the proposal will not only support the local economy (Slaters and Hill Chorlton/Maerfield Gate) but also the surrounding villages/hamlets which act as a cluster of villages surrounding the main centre of Baldwin’s Gate. The agent states that the proposal would not represent ‘isolated homes in the countryside’ in light of them being part of an existing mixed use development which presently lends support to the local rural economy and is surrounded by existing residential properties.

Contrary to the view of the applicant’s agent, your officer considers that this development would represent isolated dwellings in the countryside. Although there are some existing residential dwellings nearby and the site is adjacent to the retail craft centre, holiday accommodation and public house that comprise ‘Slaters’, the site is some distance from any of the surrounding villages of Baldwin’s Gate, Maer or Chapel Chorlton and the pattern of development is one of farms and scattered, isolated dwellings. The site is not within a village and there is no evidence that the development would materially enhance or maintain the vitality of rural communities.

The site is approximately 1.3km from the centre of Baldwin’s Gate village. It is at least a 15 - 20 minute walk from the village and the route is along country lanes with no footway and no street lighting. Sandy Lane, whilst a C class road, is a busy highway linking the A51 with the A53 and it is considered that the route is significantly busy enough to deter people from walking along it, particularly parents with children. Although there are bus stops approximately 200m from the site, given the distance of the site from the shops and services of Baldwin’s Gate, it is not unreasonable to assume that the majority of journeys by occupiers and visitors to the dwellings would be made by car.

The applicant’s agent has referred to the recent appeal decision in which up to 113 dwellings were allowed at Gateway Avenue, Baldwin’s Gate (Ref. 13/00426/OUT) however your officer considers that the current site is not comparable to that case. Although also outside the village envelope of Baldwin’s Gate, the Gateway Avenue site is much closer to existing facilities of Baldwin’s Gate, and the distances of the site to the facilities are within acceptable walking distances along safe pedestrian routes.

The applicant's agent has also referred to an appeal decision for 35 dwellings in Montford Bridge, Shrewsbury, in which the Inspector considered the site to be sustainable. The agent highlights that Montford Bridge only has a public house, much the same as Hill Chorlton with other services in a village which is 1 mile away, much in the same manner as Baldwin's Gate. Contrary to the application site however, which is within the open countryside outside any settlement boundary, the appeal site is referred to as within a rural settlement. It is not considered therefore, that the two are directly comparable and therefore little weight should be given to the decision.

In this case, it is not considered that the 'special circumstances' exist that would justify such isolated development which is otherwise contrary to a policy in the NPPF. However, because the location is not the subject of any specific area designation it is still incumbent upon the Local Planning Authority to demonstrate that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This issue is addressed at the conclusion of this report, after an assessment of other issues.

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

All matters are reserved and no indicative layout has been submitted however it should be possible to consider the likely impact upon the landscape of up to 8 additional dwellings. The applicant has stated that the scheme could comprise a roadside development to be arranged fronting onto Stone Road in much the same manner as the adjoining properties.

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

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.5 of the SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality.

The site lies within an Area of Landscape Maintenance. Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

One of the core principles of the NPPF is recognition of the intrinsic character of the countryside as well as the supporting of thriving rural communities within it. The site is within a rural landscape comprising agricultural fields bounded by hedgerows, sporadic residential dwellings and woodlands and copses of trees. The proposed development of up to 8 dwellings would consolidate the loose open pattern of development, and would appear at odds with the prevailing character of the area.

The applicant's agent has stated that whilst Chapel Chorlton comprises primarily semi-detached properties, they are all located in small pockets of development along the roadside of both the A51 and Sandy Lane/Woodside and would therefore be seen more as a nucleated settlement pattern. Although there are small groups of dwellings in the area, they are sporadic and informal in nature and it is considered that a development of 8 dwellings on this site would impact adversely upon the character of this part of the countryside.

Would there be any adverse impact on trees and hedgerows?

All of the major trees on the site are covered by Tree Preservation Order 12. The Landscape Development Section has expressed concern that a very significant protected Oak tree adjacent to the highway may be affected by the requirement for visibility splays for the access to the site. It is



stated that should the access result in the loss of this tree the proposal would not be supported. This is discussed in more detail in the following section on highway safety.

A section of hedgerow would need to be removed to form the new access to the site. The Landscape Development Section has advised that permission under the Hedgerow Regulations is not required 'to get access in place of an existing opening', so subject to a condition requiring the planting of a hedgerow in the existing opening, it is not considered that an objection could be sustained on the grounds of impact on the hedgerow.

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

All matters are reserved but the application is accompanied by a Highway Access Statement which includes a plan indicating the proposed access close to the western boundary of the site. In terms of visibility, the Statement acknowledges that whilst this length of highway is designated at 40mph, vehicle speeds are likely to be higher and consequently, splays of 2.4m x 160m are indicated. It is stated that there is a mature oak tree growing alongside the highway boundary but it suggests that the tree will not cause any visibility impediment.

The Highway Authority has no objections to the proposal subject to conditions including a requirement for visibility splays of 2.4m x 160m, a 2m wide footway across the site frontage linking to Slaters and an uncontrolled pedestrian crossing point over the A51.

As referred to in the section above that deals with impact on trees, the oak tree adjacent to the highway is a very significant protected tree. Whilst the submitted highway plan suggests that the tree would not have any impact on visibility, no topographical drawing has been produced and it is not possible to conclude with any certainty that the visibility could be achieved without impact on the tree. On this basis, it is considered that the application fails to demonstrate satisfactorily that a safe access can be achieved without having an adverse impact on the protected oak tree on the northern boundary of the site.

What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?

The development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. Staffordshire County Council as the Education Authority advises that both schools are projected to have insufficient places available to accommodate the likely demand from pupils generated by the development and therefore requests an education contribution of £38,684 for 2 primary school places and 1 secondary school place.

Since a Ministerial Statement of 28<sup>th</sup> November 2014, there are now specific circumstances where contributions for affordable housing and tariff style contributions, which include an education contribution, should not be sought for small scale and self-build development. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres. This scheme is for less than 10 dwellings but it is an outline application with no details of house types and therefore floor areas. Your Officer has therefore estimated the potential combined gross floorspace of 8 dwellings and considers that it would exceed 1000 square metres.

On this basis, it is considered that a contribution should be sought and your Officer is satisfied that the education contribution sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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). This could be secured by agreement but given the concerns of principle and impact on the character of the area raised above it needs to be noted that there is no such obligation currently "on the table".

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

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

This outline application proposes up to 8 dwellings and at 25% provision for affordable housing, 2 affordable dwellings would be required. The applicant's agent has advised that such provision would be made.

The specific circumstances set out in the Ministerial Statement referred to above apply to affordable housing and for the reasons set out above, it is considered that a contribution should be sought and your Officer is satisfied that the affordable housing provision sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is 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). Again this could be secured by agreement but again given the concerns of principle and impact on the character of the area raised above it needs to be noted that there is no such obligation currently "on the table".

Would there be any significant adverse impact upon ecology?

An Ecological Assessment has been submitted to support the application. The Assessment concludes that the site has a low ecological value and that subject to mitigation, there will be no adverse impact on any protected species. Subject to appropriate conditions therefore, it is not considered that the proposed development would have any significant adverse impact upon ecology.

Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

As indicated above the proposal is considered to be contrary to a specific policy within the Framework. However the NPPF leaves some room for interpretation so it is appropriate to go on to consider what the adverse impacts of granting planning permission might be and whether they significantly and demonstrably outweigh any benefits – the alternative or additional test that has to be addressed when policies on the supply of housing are 'out of date'.

The NPPF presumes against new isolated houses in the countryside because that is not a sustainable form of development. Services are more expensive to provide to isolated houses, and the occupiers, because they have no choice over the mode of travel they use for most trips, have a greater carbon footprint than those that do. These are all adverse impacts. In addition by consolidating what is at present a loose open pattern of development, the development does impact adversely upon the character of this part of the countryside. One of the core principles of the NPPF is recognition of the intrinsic character of the countryside as well as the supporting of thriving rural communities within it. As to the benefits (of the development) reference has been made to the present lack of a five year supply. The development would make a contribution to this supply albeit a limited one. Taking all of the above into account it is the view of the Council that the adverse impacts of this development do significantly and demonstrably outweigh the benefits of the development, and accordingly the proposal also fails this further test.

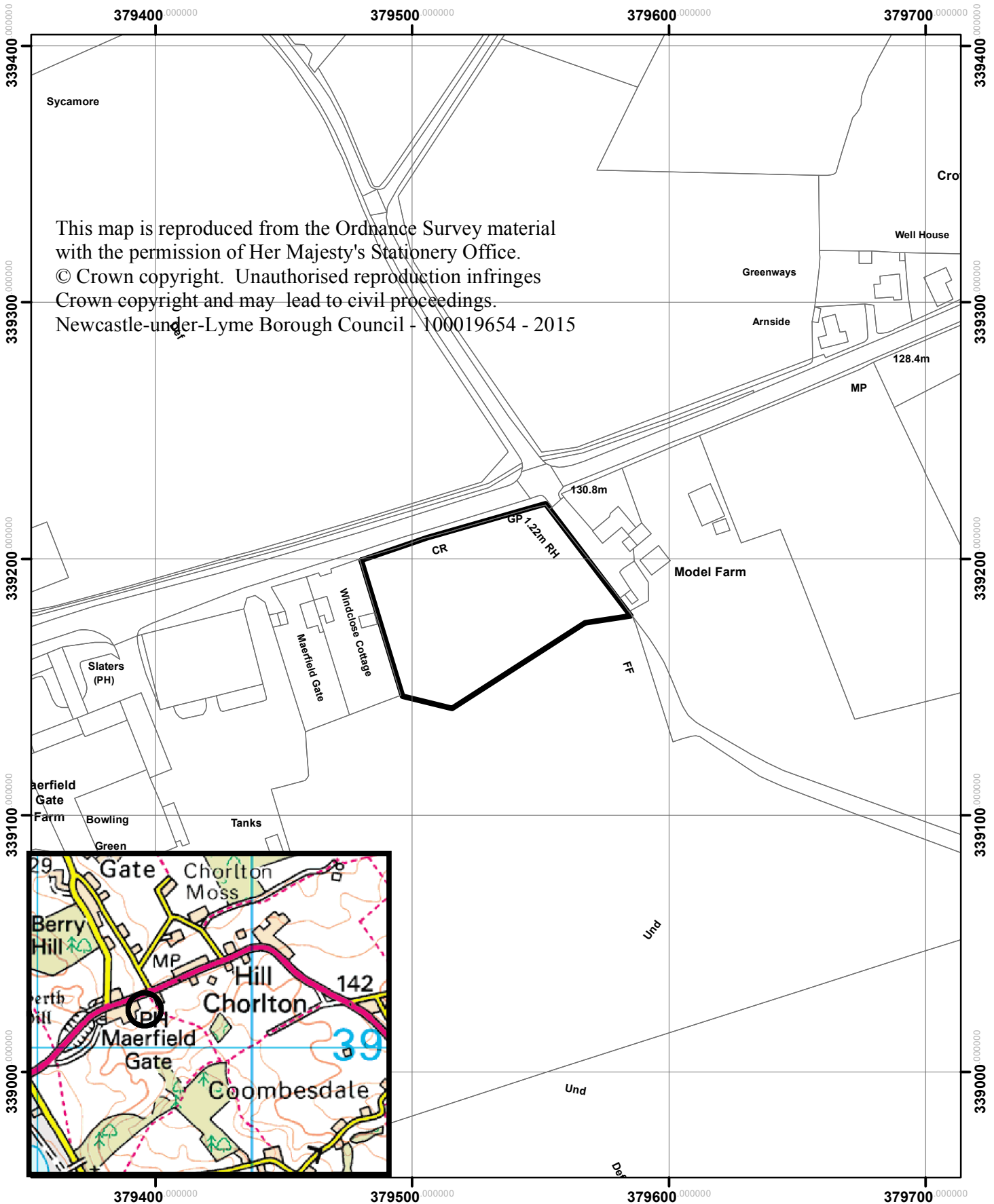
Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

19<sup>th</sup> January 2015

# Land adjacent to Slaters, Stone Road, Hill Chorlton 14/00875/OUT



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**BIGNALL END FARM, BIGNALL END ROAD, BIGNALL END  
TELEFONICA UK LTD**

**14/00888/FUL**

The application is for planning permission for the replacement of the 17.3 metre monopole with a 20 metre dual user monopole, 4 antennas with 2 ancillary Remote Radio Units on the head frame at the top of the structure, 1 new 300mm dish and airwaves existing antennas fixed to the tower and associated ancillary works.

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

**The 8 week period for the determination of this application expires on the 13<sup>th</sup> February 2015.**

## RECOMMENDATION

**Permit subject to the following conditions:**

- i) Standard Time limit**
- ii) Approved plans**

## Reason for Recommendation

The proposal represents inappropriate development in the Green Belt, however it has been concluded that very special circumstances exist that outweigh the harm that would be caused to the Green Belt, namely the technological need for the development, the facilitation of mast sharing and the fact that it is a replacement mast. The proposal would have an acceptable impact upon the character and quality of the Area of Landscape Restoration, and the proposal is considered acceptable in terms of its impact upon amenity. The proposal is therefore considered to comply with Policies S3, T19, T20, N17 and N21 of the Local Plan, Policies ASP6, CSP1, CSP3 and CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026 and the aims and objectives of the NPPF.

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

The development proposal is considered a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

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

Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information  
Policy S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration

## Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

Nil

Views of Consultees

The **Environmental Health Division** has no objections to the application

**Audley Rural Parish Council** support the application and note that they are pleased this type of application is automatically heard by Planning Committee

Representations

None received

Applicant's/Agent's submission

The applicant has submitted some supplementary information including a declaration of conformity with ICNIRP Public Exposure Guidelines, certifying that the site is designed to be in full compliance with the requirements of the radio frequency guidelines of the International Commission of Non-ionizing Radiation. A Design and Access Statement and a letter regarding notice served under Article 11 of the Town and Country Planning Order 2010 have also been submitted.

Details of the application are available are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1400888FUL](http://www.newcastle-staffs.gov.uk/planning/1400888FUL)

**Key Issues**

Full planning permission is sought for the replacement of the existing 17.3 metre high monopole with a 20 metre high dual user monopole, 4 antennas with 2 ancillary Remote Radio Units on the head frame at the top of the structure, 1 new 300mm dish and airwaves existing antennas fixed to the tower and associated ancillary works.

The mast and equipment is located within a field off Bignall End Road, within the Green Belt and an Area of Landscape Restoration.

The recently published NPPF advises that local planning authorities should support the expansion of electronic communications networks, including telecommunications. It also encourages the use of existing masts, buildings and structures unless the need for a new site is justified. New sites should be sympathetically designed and camouflaged where appropriate. Local planning authorities should determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.

The NPPF details that local plan policies should be given due weight according to the degree of consistency with the framework. 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 applicant has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines and it is therefore felt not necessary to consider this as a key issue.

Given the policy support, in principle, for communications infrastructure, the main issues for consideration in the determination of this application are therefore;

- Is the development an appropriate form of development within the Green Belt?
- How was the site selected?
- Is the impact upon the visual amenity of the area acceptable?
- Does the proposal comply with current guidance on health concerns?
- If inappropriate do very special circumstances exist which would outweigh the harm caused to the Green Belt?

#### Is the development an appropriate form of development within the Green Belt?

Paragraph 90 of the National Planning Policy Framework sets what other forms of development, than the construction of new buildings, that are not inappropriate in the Green Belt. Telecommunications development does not fall within the forms of development that are not inappropriate in the Green Belt. Therefore, the starting point for the assessment of the proposal in relation to Green Belt policy is that the proposal represents inappropriate development in the Green Belt, which should not be approved unless the required very special circumstances exist which outweigh the potential harm to the Green Belt caused by inappropriate development, any other harm.

#### Site selection process

As previously indicated in the report, the applicant proposes to upgrade the existing telecommunications mast, including its replacement with a 20 metre monopole and various equipment and antennas.

The existing ground based installation in its current form does not meet the operator's technical requirements meaning that this upgrade is required to maintain the existing 2G and 3G network coverage and capacity and provide a 4G network for both operators on a single shared structure. This approach keeps the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network, in accordance with the NPPF.

Alternative sites would have been considered by the operator when this now existing base station was first conceived and established on site.

Based on the site being an existing telecommunications site and the proposal being for a replacement mast and ancillary equipment, and based on the requirements for improvements in this locality to 2G and 3G networks, it is considered that the siting of the upgraded mast on the site of the existing mast would be acceptable.

#### Is the impact upon the visual amenity of the area acceptable?

The site lies within an area of Landscape Restoration. Within these areas, the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The proposal involves an increase in the height of the mast by 2.7 metres, plus various antennas and a dish. The location of the base station is within a field that is not visually prominent from public vantage points. There are trees surrounding the base station, which will help to assimilate the development with the surrounding area.

Overall, it is considered that the impact of the proposed replacement mast and associated antennas and dish would have a minimal impact on the visual amenity of the area and would not further erode the character or quality of the landscape, and the proposal is considered to comply with Policies N17 and N21 of the Local Plan and the aims and objectives of the NPPF.

#### Does the proposal comply with current guidance on health concerns?

The application is accompanied by a certificate of compliance with the ICNIRP guidelines for public exposure and the NPPF advises that the LPA should therefore accept that the proposal meets the International Commission guideline for public exposure. Furthermore, no objections have been raised by the Environmental Health Division.

Do the very special circumstances exist which would outweigh the harm caused to the Green Belt?

Turning to whether very special circumstances exist to outweigh the harm caused by inappropriate development in the Green Belt, the applicant has submitted a supporting statement which indicates the following:

- The proposal is for a replacement monopole that would be 2.7 metres taller than the existing pole and slightly thicker
- The replacement pole would involve mast sharing, which reduces the number of separate sites required for telecommunications infrastructure therefore there would be no further encroachment in the countryside.
- There would be no impact on the setting and special character of historic towns
- There would be a minor impact on the landscape and visual amenity as a result of the increased size of the mast and broadness of the headframe.
- The lattice tower would be screened by trees even when not in leaf
- There is a technical requirement for high quality communications infrastructure, good mobile connectivity and the availability of mobile broadband which all play a vital role in economic growth, social inclusion, accessibility to services and sustainability.
- The growth and provision of this type of infrastructure is supported by the Government, in particular 4G
- The scheme is set on private land and the siting would not impact upon recognised pedestrian and vehicular movements.
- There are mature trees and foliage in the immediate locality, which would help assimilate the base station's change in form into the environment.

It is considered that the technological need for the development, coupled with the fact that the base station already exists and that the upgrade will facilitate mast sharing, comprises a case for very special circumstances which would outweigh harm caused by inappropriate development in the Green belt.

In conclusion, it is considered that very special circumstances exist that outweigh the harm caused by inappropriate development in the Green Belt.

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

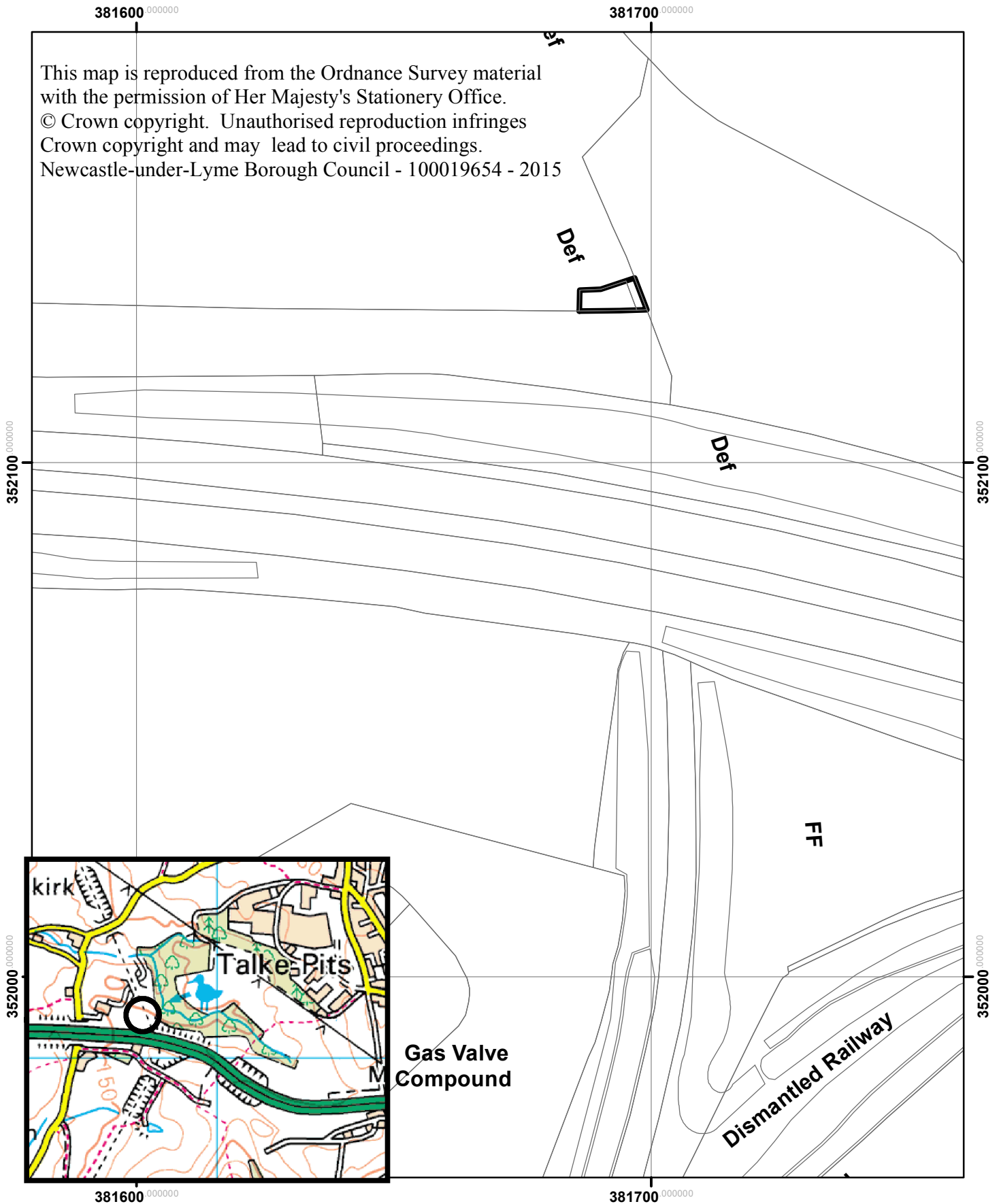
14<sup>th</sup> January 2014



# Land adj Former Railway Embankment Bignall End Road, Bignall End 14/00888/FUL



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