

Public Document Pack

Date of meeting **Wednesday, 13th May, 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 consider the minutes of the previous meeting(s).
- 4** **Application for Major Development - Keele IC5, Plot 5, Keele University Science and Business Park; The Cabinet (SCC)/Strategic Planning Advice (Palmer); 15/00190/FUL** **(Pages 3 - 8)**
- 5** **Application for Major Development - Former TG Holdcroft, Knutton Road, Wolstanton; McCarthy & Stone / The Planning Bureau; 14/00968/FUL** **(Pages 9 - 18)**
- 6** **Application for Major Development - Land South East of Holloway Lane, Aston; Barnard/Reading Agricultural Consultants; 15/00173/FUL** **(Pages 19 - 28)**
- 7** **Application for Minor Development - Plot 37 Birch Tree Lane, Whitmore; Trustees of the Whitmore Estate / Corleco Projects; 15/00281/FUL** **(Pages 29 - 38)**
- 8** **Application for Minor Development - Workshop, May Street, Silverdale; Alan Leycett / A-Z Designs; 15/00249/OUT** **(Pages 39 - 46)**
- 9** **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

Members: Councillors Baker (Chair), Mrs Bates, Becket, Mrs Braithwaite, Cooper, Mrs Hambleton, Mrs Heesom, Miss Mancey, Northcott, Proctor (Vice-Chair), Miss Reddish, Mrs Simpson, 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.

**PLOT 5 (IC5) KEELE UNIVERSITY SCIENCE AND BUSINESS PARK
STAFFORDSHIRE COUNTY COUNCIL**

15/00190/FUL

The Application seeks full planning permission to vary condition 2 of planning permission 11/00058/FUL which was granted in 2011 for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5) with the provision of workshops on the ground floor and offices on the first and second floors, with associated parking and landscaping, at Keele University Science and Business Park. Condition 2 lists the approved drawings. The proposal seeks consent for certain amended details on the elevations of the building.

The site is part of that allocated on the Local Development Framework Proposals Map for employment/higher education-led development (Local Plan Proposal E8) and it also lies within an Area of Landscape Maintenance. Part of the site, although not that part on which the building is to be sited, is within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall.

The 13 week period for the determination of this application expires on 1st July 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Approved drawings**
- 2. Approval of colour finish of louvres**
- 3. All other conditions of 11/00058/FUL to continue to apply**

Reason for Recommendation

Subject to control over the colour of the proposed louvres, it is not considered that the proposed amendments would have such a significant adverse impact upon the quality of the design of the building to justify a refusal.

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

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

Key Issues

Full planning permission is sought to vary condition 2 of planning permission 11/00058/FUL which was granted in 2011 for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5). The building as approved has three units or Wings. Condition 2 lists the approved drawings.

Full planning permission was granted in February 2012 for amendments to the elevations (Ref. 11/00655/FUL) but that permission has now expired. That approval included the omission of brise soleil (projecting external sun shades) above the ground floor windows of Unit B and the addition of aluminium louvres to the end elevation of Unit C.

The amendments now proposed comprise the following:-

- Omission of the brise soleil) above the second floor windows on all elevations
- Omission of vent grilles on all elevations
- Addition of aluminium louvres to the end elevation of Unit C
- Roof height of all blocks to be raised by 75mm
- Amended brick type

The changes proposed to the design would have no impact upon the character and appearance of the Historic Park and Garden and therefore, the sole issue to consider is the acceptability of the amended design of the building.

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

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) seeks to provide a local context for design decisions and there is a specific section on employment design guidance. The guidance is generally at a higher urban design level rather than about individual components of a building.

It is not considered that the omission of the vent grilles or the increase in the height of the blocks by 75mm would have any material impact upon the appearance of this substantial building. In the approved scheme, all windows were to incorporate brise soleil or external sun shades projecting out by about 0.5 metre. It is now proposed to omit the brise soleil above the second floor windows of all elevations. The applicant considers that the overhang from the roof would provide shade over the second floor windows and that visually, the brise soleil would be indistinguishable from the roof overhang. The brise soleil on the windows of the first floor would remain and given the roof overhang, it is not considered that the omission of those at second floor would be a significant loss to the appearance of the building.

The most significant amendment proposed is the addition of aluminium louvres to the end elevation of Unit C. In the original scheme, this elevation facing north east was to remain open with a blockwork surround, so that the fire escape staircases within it between the three floors would be visible and interesting patterns of shadow and light and thus articulation would be provided. In the previous amended scheme (Ref. 11/00655/FUL) it was accepted that the end opening needed to be covered to comply with building regulations requirements to provide weather protection to the stairs. The fire escape side elevations would still remain open. This end elevation would be the most prominent on entering the larger site from the north but the louvres proposed would not form a flat elevation, and they would be set within a blockwork surround. The contrasting textures and materials would ensure that some articulation would remain and the open side openings will still help break up the end section of the building.

The canted wings and the glazed node features between the wings would remain and it is considered that overall, the building would retain some individuality and would remain of a reasonable standard of design. Subject to control over the colour of the proposed louvres, it is not considered that the proposed amendment would have such a significant adverse impact upon the quality of the design of the building so as to justify a refusal. In any event, this revision is identical to that approved in the previous scheme and given that there has been no material change in circumstances since that scheme was approved, it is not considered that any objection could be raised now.

Keele Parish Council state that this is an opportunity to reassess the use of stained timber boarding on the exterior of the building and samples of both the boarding and the brick should be requested. This application is only for amendments to the original extant consent and therefore, it is not considered that it would be reasonable to reconsider the acceptability of the use of timber boarding now.

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 CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy E8: Keele University and Keele Science Park
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Planning for Landscape Change – Supplementary Planning Guidance to the Structure Plan

Relevant Planning History

- 05/01146/OUT Outline planning permission for development for (a) academic functions; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff, conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods; and full planning permission for works including formation of development plateaux, roads, footpaths, cycleways and other infrastructure – Approved December 2006 following completion of Section 106 agreement
- 11/00058/FUL Full planning permission for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5) with the provision of workshops on the ground floor and offices on the first and second floors, with associated parking and landscaping – Approved April 2011
- 11/00655/FUL Variation of condition 2 of planning permission 11/00058/FUL for the construction of three-storey business accommodation to be known as Innovation Centre 5 (IC5) with the provision of workshops on the ground floor and offices on the first and second floors, with associated parking and landscaping so as to permit amendments to proposed elevations of Wing B and Wing C – Approved February 2012
- 11/00058/NMA Application for a non-material amendment to provide additional floorspace and flues relating to planning permission 11/00058/FUL – Approved 2014

Views of Consultees

Keele Parish Council states that this is an opportunity to reassess the use of stained timber boarding on the exterior of the building. Samples of both the boarding and the brick should be requested.

Historic England (formerly **English Heritage**) does not wish to comment on this application.

The **Urban Design and Conservation Officer** states that in light of the lapsed application for similar changes under the earlier permission the current amendments will not have any adverse impacts on the Historic Park and Garden.

No comments have been received from the **Garden History Society** by the due date and therefore it must be assumed that they have no observations to make upon the application.

Representations

None received

Applicant's/Agent's submission

Nil

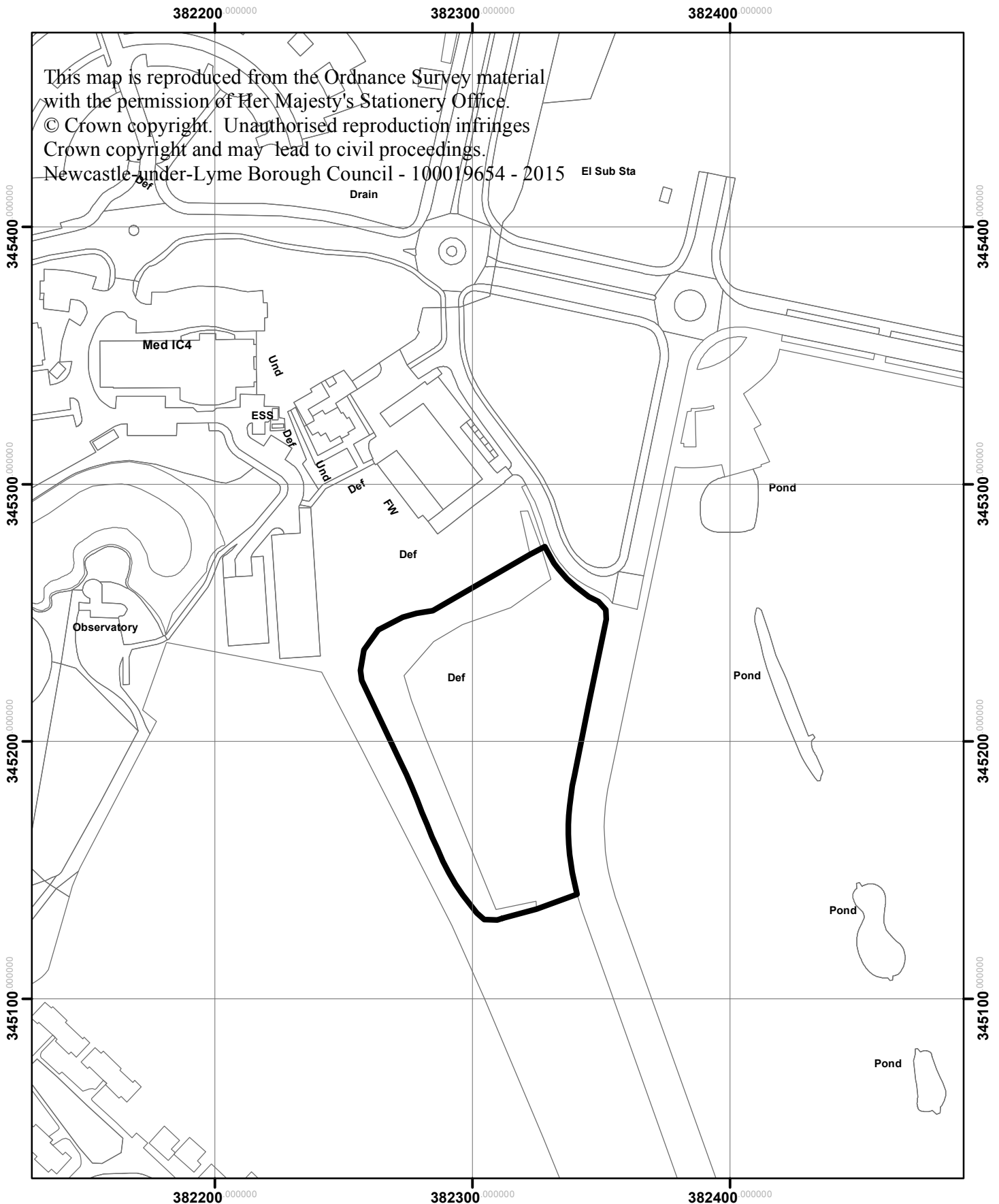
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th April 2015

Keele IC5, Plot 5, Keele University
Science and Business Park
15/00190/FUL



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

14/00968/FUL

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

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

The 13 week period for the determination of this application expires on 12th June 2015.

RECOMMENDATION

A. Subject to the applicant entering into a planning obligation, by no later than 12th June 2015, unless the applicant agrees to extend the statutory period to 26th June, in which case by that later date, to secure 8 affordable units and a financial contribution of £52,669 (£1,699 per dwelling) for the provision/maintenance of off-site Public Open Space

Permit, subject to conditions relating to the following: -

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

B. Failing completion by the date referred to in the above resolution, of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development fails to provide an appropriate level of affordable housing which is required to provide a balanced and well-functioning housing market and fails to secure the provision/maintenance of off-site public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The site is within the urban area of Newcastle and is a previously developed site which currently fails to contribute positively towards providing attractive townscape for the area. The benefits of the scheme include the provision of housing within an appropriate location and the enhancement of this part of Wolstanton and the area generally in a positive manner. Subject to the imposition of suitable conditions and the securing of planning 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.

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

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

Key Issues

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

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

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

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

Is the principle of residential development on this site acceptable?

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

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

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

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

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

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?

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

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

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

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

The building would be predominantly 3-storeys to the frontage stepping down to 2½ storeys to either side adjacent to the existing residential properties. It would be sited close to the frontage of the site significantly further forward than its neighbours to either side. It is considered that the proposed building line and massing would create an appropriate frontage onto Knutton Road and Wolstanton Marsh responding appropriately to both the neighbouring properties and to the site's location on a prominent corner. It is considered that it would enhance the local area and would create a focal point that would reflect local distinctiveness. MADE Design Review Panel who considered a very similar scheme at the pre-application stage considered that the large scale of the building and the strong way that it addresses Knutton Road is wholly appropriate and they commended its strong presence on the street.

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

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

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

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

Would there be any adverse impact on residential amenity?

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

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

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

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

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

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

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

Policy T16 of the Local Plan indicates that development will not be permitted to provide more parking than the maximum levels specified in the Local Plan Table 3.2 although development that provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on street parking or traffic problem. Paragraph 32 of the NPPF states that

development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A maximum of 44 parking spaces would be required for Use Class C3 (residential dwellings) but a Transport Statement that accompanies the application uses the applicant's own independent research of their existing sites and suggests that 11 spaces would be required. The 20 spaces proposed is higher than the demand anticipated by the developer but lower than the maximum requirement of 44 spaces in the Local Plan. Given the more elderly nature of the residents, it is not considered that the development would generate the same vehicle trip rates as standard residential dwellings and given this and the sustainable location of the site, the level of parking provision is considered acceptable.

No comments have yet been received from the Highway Authority but your Officer's view is that the access and parking is acceptable and it is not anticipated that a refusal could be sustained on highway safety grounds.

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

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

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

On the basis of the number of dwellings proposed, the affordable housing requirement for this site would be 8 units. It is considered that such a requirement would be lawful – it would comply with both Regulation 122 and Regulation 123 of the CIL Regulations and should be secured via a Section 106 agreement.

Will appropriate open space provision be made?

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

This development would not include an area of public open space within the site. The Landscape Development Section therefore considers that a financial contribution is required to include a contribution for capital development/improvement of off-site green space (Wolstanton Marsh and Wolstanton Park) in addition to a contribution to maintenance costs for 10 years. As the proposal is for retirement dwellings they state that the play element of the sum for the capital development/improvement of offsite open space should be removed. They also state that the maintenance contribution should be reduced by the same proportion. Your Officer considers that this is an appropriate approach although it is considered that it is also appropriate to also waive the outdoor sports contribution on the basis that contributions must be "fairly and reasonably related in scale and kind to the development". On this basis there would be a total contribution requirement of £52,699 which could be secured through a planning obligation achieved by agreement. Such an obligation would be lawful – it would comply with Section 122 of the CIL Regulations. Furthermore it would appear that such an obligation would comply with Regulation 123 as well. Further information will be provided in this regard prior to the meeting.

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

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh

the benefits which comprise the contribution of additional housing and the redevelopment of what is currently a vacant and unsympathetic site within a primarily residential area and accordingly permission should be granted.

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to the control of residential development

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

Affordable Housing SPD (2009)

Developer Contributions SPD (2007)

Relevant Planning History

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

Views of Consultees

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

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

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

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

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

The comments of the **Highway Authority**, the **Waste Management Section** and the **East Newcastle Local Area Partnership** are awaited. If no comments are received by 1st May such bodies could be assumed to have no comments to make upon the proposals. Any comments received in time will be reported to Members in a supplementary report.

Representations

One letter of objection has been received from the occupier of No. 29, Silverdale Road. Concern is expressed that the building is 2 ½ storey next to their property rather than 2 storey and that the kitchen windows facing their property are not frosted glass.

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

Applicant's/Agent's submission

The application is accompanied by the following documents:

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

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

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

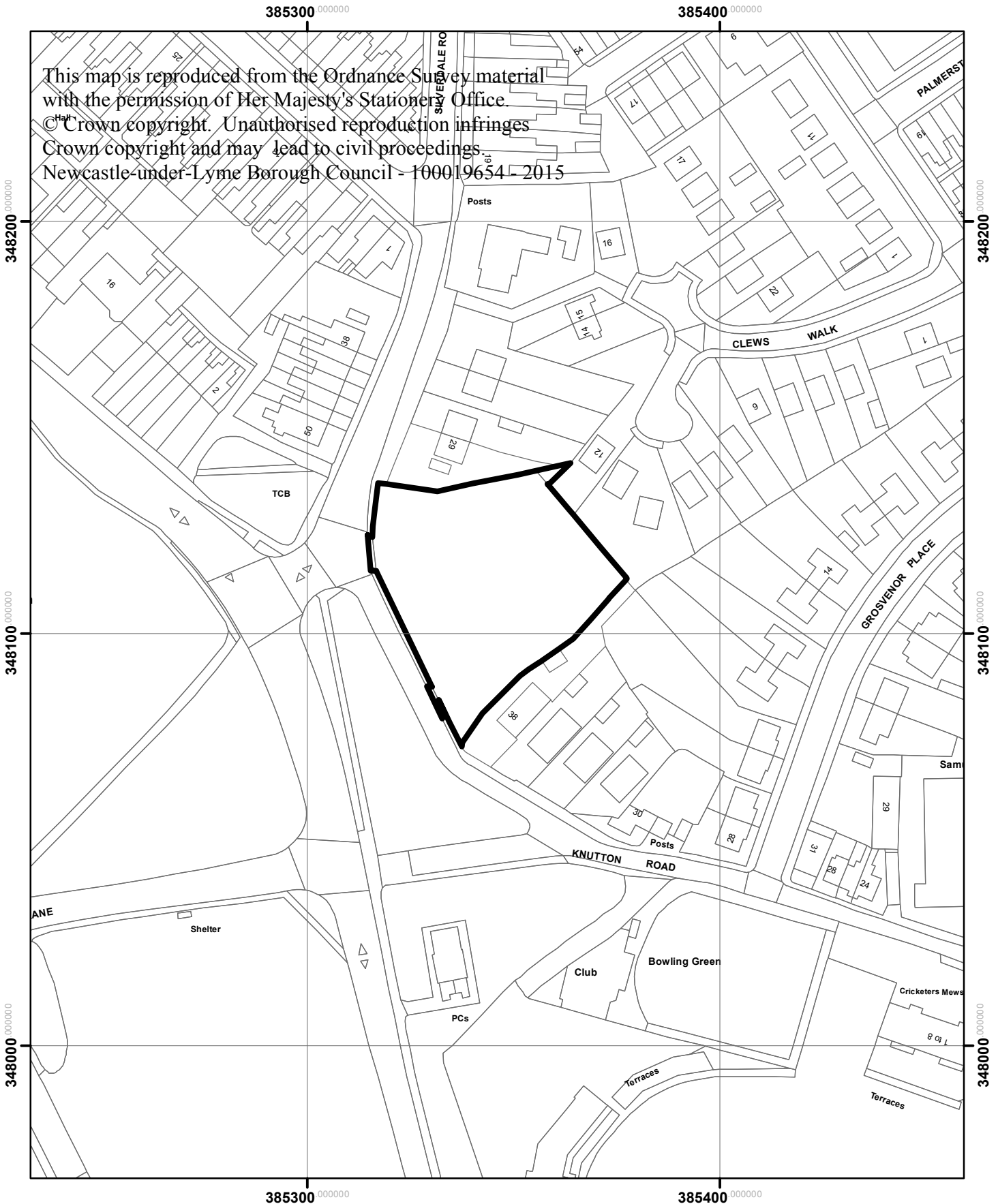
22nd April 2015

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



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LAND SOUTH EAST OF HOLLOWAY FARM, HOLLOWAY LANE, ASTON
MS ELAINE BARNARD

15/00173/FUL

The Application is for a change of use from a private to a commercial equestrian centre, extensions to an existing barn to provide 10 stables, the siting of a horse walker and the siting of a chalet dwelling on a concrete pad.

The application site, of approximately 0.2 hectares, is within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The application has been referred to the Planning Committee at the request of two Councillors due to concerns regarding highway safety, concerns that the proposed business is unsustainable, inappropriate and harmful to the character of the area, a dwelling on the land is not in keeping with the surrounding location, and concerns that the land could be used to support other activities.

The 8 week period for the determination of this application expired on 28th April 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Permission for the dwelling to be restricted to a period of 3 years only**
- 4. Occupation of the dwelling restricted to a person/persons employed full time by the equestrian business**
- 5. Details of materials**
- 6. Details of external artificial lighting**
- 7. Provision and retention of access, parking, servicing and turning areas**
- 8. Surfacing of access drive**
- 9. Gates to open away from the highway**
- 10. Provision of visibility splays**
- 11. Landscaping scheme**

Reason for Recommendation

Although the proposal would not represent sustainable development due to its location outside of a rural service centre away from services, facilities and sustainable transport modes, it is considered that the particular nature and demands of this equestrian business make it essential for a worker to be resident on the site in accordance with Paragraph 55 of the NPPF. It is not considered that there would be any significant adverse impact on the character or appearance of the area from any of the elements of the development and subject to conditions it is not considered that the proposed traffic movements would be so significant to cause severe harm to highway safety.

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

No amendments were considered necessary during the course of the application.

Key Issues

The application is for full planning permission for the following:

- The change of use from a private to commercial equestrian centre
- An extension to an existing barn to provide 10 stables
- The siting of a horse walker
- The siting of a chalet dwelling on a concrete pad

The site is located within an Area of Landscape Enhancement 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 development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the proposed development have any adverse impact upon highway safety?

Is the principle of the development on this site acceptable?

The applicant has an established business known as 'Horsedrawn Occasions' which has been trading in Walsall for 14 years. It offers a range of horse-drawn services to clients throughout England that include weddings, special occasions, promotions and films and funerals. Due to a change in personal circumstances the applicant is no longer able to use her existing facilities and is proposing to relocate the existing equestrian business to this site. The business owns a total of 10 horses and offers a range of 14 different carriages with teams of two, four or six horses.

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

The operation of an equestrian business such as this is considered an appropriate rural business subject to detailed considerations which will be addressed below. The principle of the associated stable building and horse walker is also considered acceptable.

In terms of the principle of a new dwelling, 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. Aston 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.

This site is not within one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwelling 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 and in accordance with paragraph 49 and 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.

Whilst it is not considered that this is a sustainable location for a new dwelling, Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

PPS7: Sustainable Development in the Rural Area (2004) was replaced by the publication of the NPPF in 2012. However, the annex to PPS7 contained advice relating to occupational workers' dwellings and it is considered that the criteria contained within the annex remain an appropriate way to assess this issue. Although PPS7 did not specifically give advice on the considerations to be applied to dwellings required in connection with horse related establishments (it referred to other occupational dwellings), it did advise that similar tests as relevant to agricultural dwellings should be applied.

Regarding temporary dwellings, Annex A of PPS7 states that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation.

PPS7 indicates that temporary agricultural dwellings should satisfy the following criteria:

- i) clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii) functional need;
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) the functional need could not be fulfilled by another existing dwelling on the unit, or by any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v) other normal planning requirements, e.g. on siting and access, are satisfied.

Firstly, turning to the functional need for a dwelling on the site. PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement may arise, for example, if workers are needed to be on hand day and night to provide essential care at short notice or to deal quickly with emergencies. It goes on to say that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.

The applicant's Supporting Statement is produced by Reading Agricultural Consultants (RAC). It is stated that an equestrian enterprise such as this requires 24-hour supervision for the following reasons:

- The close supervision, management and daily requirements of horses boxed in their stables;
- The strict exercise and training routine for individual horses;
- The strict training routine for pairs of horses working with the carriages and managing their temperament when doing road work;
- The provision of security for valuable horses from theft or malicious attack;
- Dealing with unforeseen emergencies including a horse with colic, damage to the stables from the horses or severe weather conditions.

It states that horses should be inspected regularly for signs of illness, distress or injury, and equine establishments have a duty of care to ensure the rapid diagnosis and treatment of injury, disease or infestation. It concludes that it is RAC's view that there was an essential need for an equestrian worker to be resident at the site in Walsall to ensure the welfare needs of the horses stabled there were not compromised and exactly the same essential needs will persist once the business is relocated to the new site. Workers living off site are unable to provide the same level of care and scrutiny.

The Supporting Statement highlights that the continued success of the applicant's business is absolutely dependent on the availability of on-site accommodation to provide the welfare needs of the horses stabled on site. Your Officer accepts that the particular nature and demands of this equestrian business as listed above make it essential for a worker to be resident on the site. It is not considered that this need could be adequately met through measures such as the installation of CCTV.

The applicant's agent states that an analysis of houses for sale have revealed no properties available to purchase in the immediate locality that would be suitable and available to meet the essential needs of the applicant's enterprise. Your Officer has conducted a similar search and accepts that there are no dwellings available sufficiently close to the site to fulfil the identified functional need.

For a temporary dwelling, there are other tests to be considered. In particular, clear evidence of a firm intention and ability to develop the enterprise concerned is required. The applicant clearly has ability and experience in this field and a number of her customers have written letters of support. She has had a mortgage offer agreed to purchase the site over a twelve year term.

As stated above, the business has been operating successfully for 14 years in Walsall and this demonstrates the sustainability of the business in that location. Business accounts have been made available to Officers and the applicant has also provided a cash-flow forecast for the year ending April 2015 which shows a positive balance carried forward each month taking account of income and expenditure.

However, given that the business will be relocated, the proposed dwelling would support what will be effectively a new business. However, a temporary consent for a dwelling would enable the Council to further test financial performance if or when a subsequent application is made for a permanent dwelling. It is considered therefore, that sufficient evidence has been provided to allow your Officers to conclude that criteria (i) to (iv) listed above have been met. The requirements of siting and access are considered below.

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 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 Enhancement. Policy N20 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The application site has an existing steel framed building with a lean-to which currently comprises three stables and a tack room. Two extensions are proposed to the building. One would measure 4.57m x 8.08m in plan with a maximum height of 4.53m to form an additional bay to the barn which would be used to store the carriages and tack and the other would measure 9.14m x 18.29m with a maximum height of 4.84m to form ten stables. The materials would comprise red brickwork and metal cladding with a box profile sheeted roof, similar to the existing building. A horse walker with a diameter of 9.14m and a height of 2.5m is also proposed.

Whilst relatively large, the proposed stable building would be adjacent to existing buildings on the site and the materials would be similar to those of the existing buildings. Such buildings are typical of a rural location. The proposed dwelling would be a relatively small bungalow at just 48 square metres and it would be sited within a paddock adjacent to the existing and proposed stable buildings. It would however, be a temporary chalet style structure, the design of which would not be appropriate on a permanent basis. However, subject to a condition restricting the dwelling to a temporary period, it is not considered that there would be any significant adverse impact upon the character and appearance of the area.

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

A significant number of objections have been received on highway safety grounds. In particular, concerns have been expressed that the lanes are very narrow and horse-drawn carriages would create danger for other road users, particularly as there are no passing points for large vehicles.

In response to a request from the Highway Authority, the applicant's agent has submitted the following additional information:

- A plan showing the access drive at a width of 5m and the provision of achievable visibility splays
- Details of the existing and proposed traffic movements from the site showing an estimated increase of just fewer than 5 traffic movements per week
- Details of the amount and location of vehicles that will be parked at the site

On the basis of the additional information submitted, the Highway Authority has no objections to the proposal subject to the imposition of conditions. In particular they state that the level of traffic movements are appropriate and that the visibility splays are acceptable due to the low levels of existing traffic movements along Holloway Lane.

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

The applicant's agent highlights that the site already has permission for private equestrian use. The applicant owns a single horse box and trailer which will leave and return no more than on a daily basis. The applicant has advised that only very infrequently (at present once a month) are a team of horses taken out with a carriage. The team is working 4 days per week away from the area. Representations have been received stating that the applicant has overstated the current vehicle movements from the site and has underestimated the proposed vehicle movements. Your Officer has no evidence that this is the case but even if it were, it is not considered that the proposed traffic movements would be so significant to cause severe harm to highway safety. Subject to conditions, it is not considered that an objection could be sustained on highway safety grounds.

Other matters

Representations have been received referring to a previous application for a stockman's dwelling on this site being refused. Outline planning permission was refused in 1995 for the erection of a dwelling for a stockman (Ref. 95/00120/OUT). The applicant bred miniature Shetland ponies but in that particular case it was considered that there was insufficient justification for a dwelling. Notwithstanding this, it is considered that in relation to the current application there is an essential need for a rural worker to live on site for the reasons outlined above.

Concerns have also been expressed stating that there is insufficient area on site to support 10 horses from a grazing and exercise perspective and that it does not meet British Horse Society guidelines. The guidance refers to a requirement for 0.4ha of grazing for each horse but that guidance relates to horses that are simply grazing on the land and does not relate to horses that are being kept or stabled on the land. The applicant's agent states that in this particular case, the reliance on available grazing land is not such an important consideration as the horse walker provides the necessary exercise area for the horse not being worked. In addition, feed is brought onto the land and the horses are provided with a very specific and managed diet.

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

Nil

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding access, parking, servicing and turning areas, surfacing of the access, gates to open away from the highway and provision of visibility splays.

The **Environmental Health Division** has no objections subject to a condition regarding external artificial lighting.

Maer & Aston Parish Council considers that the proposed use would not be suitable on the narrow rural roads and states that further information regarding access, vehicle movements and storage of vehicles should be requested. Conditions should be imposed restricting the number and type of vehicles and controlling the hours for HGV traffic. The size of the plot appears insufficient. Conditions should be attached restricting the use of the chalet for the owners only, only one such building should be allowed on the site, the other buildings should be restricted to storage and stables, any lighting should be non-intrusive to the surrounding countryside and there should be no public events on site to include any motor vehicles, bikes or large groups of people requiring parking.

No comments have been received from **Loggerheads Parish Council**. Given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

Approximately 145 letters of objection have been received. Objection is made on the following grounds:

- A previous application for a stockman's dwelling on this site was refused.
- The 4 horse stabling currently on the land is for private use and is not an equestrian centre.

- The proposed use is not for a commercial equestrian centre as stated, but a horse-drawn carriage business.
- Additional stabling for 10 horses and a building to house 14 vehicles would be over intensification of the use of this land.
- No information on the existing and proposed parking spaces or details of increased vehicle movements was given with the application.
- Equestrian centres have restrictions on the number of horses allowed on a given area of land. There is insufficient area on site to support 10 horses from a grazing and exercise perspective. It does not meet BHS guidelines.
- No provision has been made for the disposal of dirty water from the site.
- The lanes are exceptionally narrow and horse-drawn carriages would add danger to other road users, particularly as there are no passing points for large vehicles.
- There are no bus services in the area.
- The proposed development of this greenfield site is contrary to policies in the NPPF 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.
- The proposal will not materially add to the housing that is needed and is contrary to Policy H1 of the Local Plan and Policy ASP6 of the Core Spatial Strategy.
- There are no special circumstances and no essential need for a dwelling as there is no established business for that need, nor is the proposal in agriculture or forestry. The business could be located in a more sustainable location especially as grazing does not appear to be a pre-requisite.
- The proposal would set a precedent.
- There will be significant impact on amenity value for neighbours and locals.
- It has not been demonstrated that there is a lack of suitable and available alternative sites for this business.
- There is no indication of the operating hours or whether external lighting will be required.
- The lane is already heavily used by horse riders and farm vehicles and the proposed use will put people at risk.
- Badgers and bats are in close proximity.
- There are alternatives to living on site including CCTV.
- The applicant has overstated the current vehicle movements from the site and has underestimated the proposed vehicle movements.

Four letters of support have been received. A summary of the comments made is as follows:

- The applicants are reliable, hardworking and professional people and the care of the horses is of paramount importance to them.
- Working horses need to be stabled most of the site to ensure they are clean and injury free. This requires a lot of unsociable hours preparing and caring for the horse late at night or very early in the morning. There is also the issue of security as there is thousands of pounds worth of equipment required.
- The business makes a valuable contribution to the local community and preserves traditional skills of horsemanship.
- Would continue to use them no matter where they are located.

Applicant's/Agent's submission

The application is accompanied by a Supporting Statement and information relating to traffic movements.

Background papers

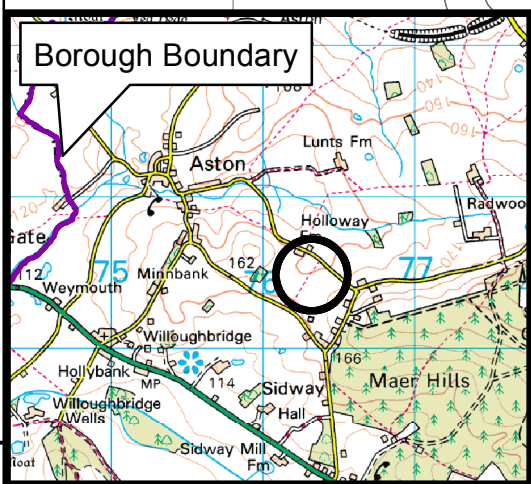
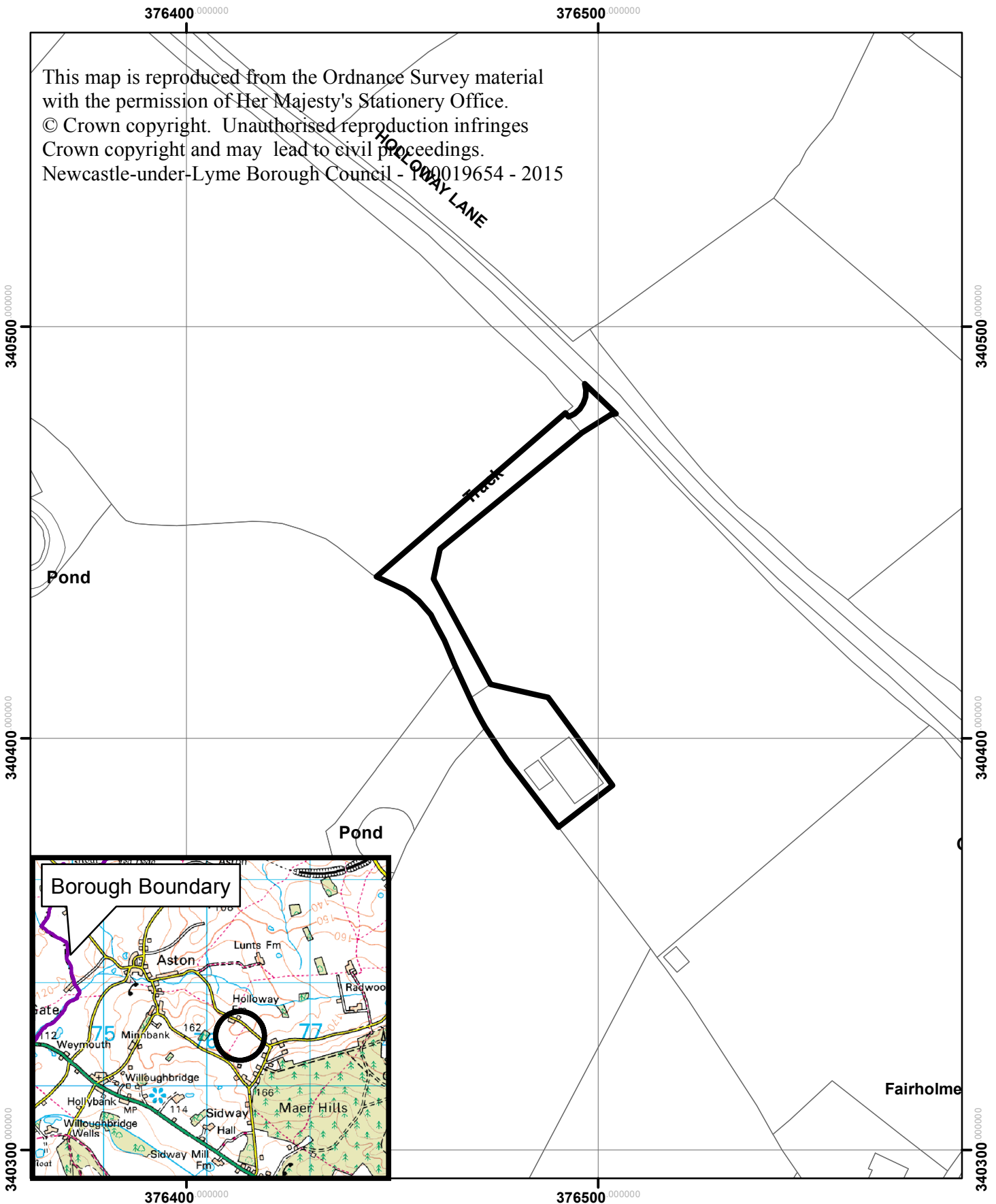
Planning files referred to
 Planning Documents referred to

Date report prepared

28th April 2015

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Land South East of Holloway Lane, Aston 15/00173/FUL



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

15/00281/FUL

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

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

The statutory 8 week determination period for the application expires on the 28 May 2015

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approval of materials**
- 3. Approved plans**
- 4. Submission of noise assessment**
- 5. Contaminated land investigation and risk assessment to be submitted**
- 6. Prior approval of full Tree Protection Proposals**
- 7. Prior approval of an Arboricultural Method Statement for tree protection**
- 8. Prior approval of landscaping proposals**
- 9. Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting**
- 10. Alignment of utility apparatus – including drainage**
- 11. Arboricultural site monitoring schedule**
- 12. Implement recommendations within the Phase 1 Extended Habitat Survey received with the application**
- 13. Prior approval and implementation of sewage plant equipment on site**

Reason for recommendation

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

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

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

KEY ISSUES

The application seeks planning permission for the erection of a detached dwelling on a site off Birch Tree Road. The application site is located within an area of Green Belt, therefore the key consideration with regard to the principle of development is whether the proposal represents inappropriate development within the Green Belt. In addition it is within a landscape maintenance area as indicated on the Local Development Framework Proposals Map.

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

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

Is the development considered appropriate development in the Green Belt?

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

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

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

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

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

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

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

Birch Tree Lane is made up of detached dwellings within substantial plots. There is a number of single storey bungalow accommodation, some split level dwellings and also two storey properties. There is no defined character on the street, with some dwellings being very contemporary in their design, such as Glen Falls.

The proposed dwelling would be split level, with a two storey elevation facing onto Birch Tree Lane. The dwelling would be of contemporary design, utilising large glazed elements to both the front and rear elevation. As there is no defined character, it is considered that the split level, contemporary design of the proposed dwelling would not be out-of-keeping with the area.

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

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

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

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

Is the impact on residential amenity acceptable?

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

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

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

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

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

Neighbours have raised a number of concerns with regard to the sewage treatment on site. The application form states that a Klargestor Domestic Treatment plant would be used on site, however no additional details have been provided at this stage. As such it is considered necessary to request additional details are provided for prior approval and implementation via condition.

Are there any highway safety issues?

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

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

Is the impact on trees and the landscape acceptable?

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

The Council's Arboriculturalist's comments are awaited and will be provided to Members via a Supplementary report.

Will the development have an unacceptable impact on protected species?

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

Other Matters

A number of residents have raised concerns with regards to the proposed dwelling and its proximity to the proposed HS2 route. From the draft information it appears that the site would be just beyond the buffer of the over ground HS2 route, and as such may be impacted upon by the development in the future. Given that the principle of residential development has been established through the extant outline permission, referred to below, it is considered that this could not be a reason to refuse the application.

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

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

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

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

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

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

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

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Space about Dwellings (July 2004)

Relevant Planning History

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

Views of Consultees

Whitmore Parish Council: Object on the following grounds;

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

Landscape Development Section: Comments awaited

Highways Authority: No objections to the development

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

County Ecologist: Offer no comments

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

Representations

Eight letters of objection have been received to date. A summary of the comments is provided below,

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

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

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

Applicant/agent's submission

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

www.newcastle-staffs.gov.uk/planning/1500281FUL

Background Papers

Planning File
Development Plan

Date report prepared

27 April 2015

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



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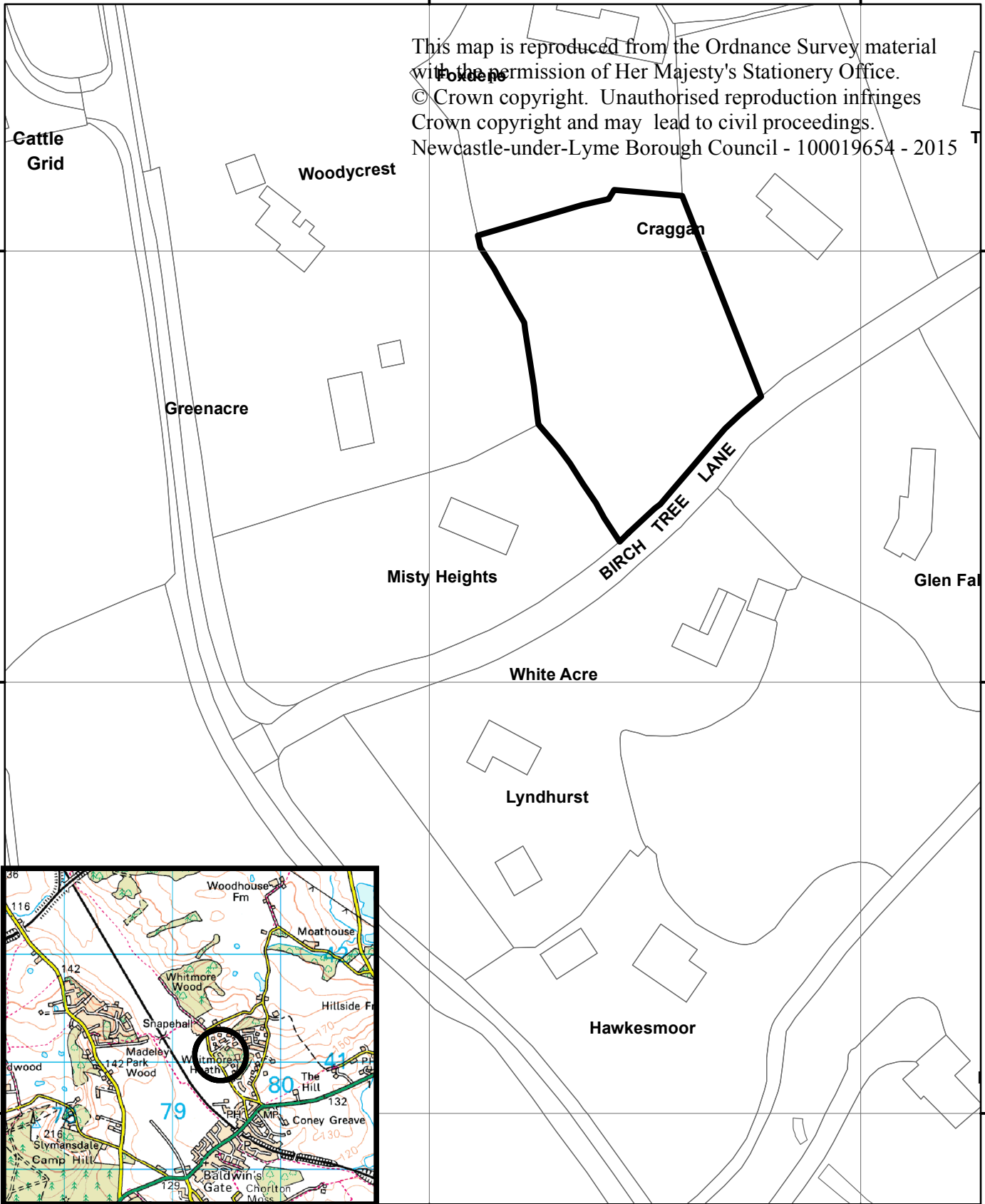
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WORKSHOP, MAY STREET
MR ALAN LYCETT

15/00249/OUT

The application is for outline planning permission for the erection of 4 dwellings – in two buildings - and associated car parking. Details of scale and access are applied for at this stage with all other matters of detail (layout, appearance and landscaping) reserved for subsequent approval.

The scale of the development applied for is 2 storey (8.4 metres in ridge height) with each building having a footprint of 11.5 metres by 8 metres in width and length.

Access is off May Street. Off road car parking is indicated to be provided to the front of the proposed dwellings with scope for two parking spaces for each dwelling – eight spaces in total.

The application site lies within the Urban Neighbourhood Area of Newcastle (which includes Silverdale) as specified on the Local Development Framework Proposals Map.

The site area measures approximately 1044 square metres.

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

RECOMMENDATION

Subject to the receipt of no objections from the Highway Authority which cannot be addressed through amendments to the proposed access provision.

PERMIT subject to conditions relating to:

- **Standard time limit;**
- **Approved plans;**
- **Approval of reserved matters;**
- **Reserved matters landscape details shall include replacement tree planting through removal of existing trees on site;**
- **Tree protection measures;**
- **Contamination remediation;**
- **Highway matters.**

Reason for Recommendation

The site is located within a sustainable location for new housing under the current Development Plan. There were some form and character concerns in relation to a block of town houses erected on a backland plot, as originally proposed however the application has been amended to refer to four semi-detached dwellings, and there are no objections on form and character grounds. They can be accommodated within the confines of the site without significant detriment to neighbouring amenity levels or unacceptable living standards for future occupants. Satisfactory separation distances between the proposed dwellings and other existing properties can be achieved with garden provision in accordance with the Council's space around dwellings standards. The amenity space available for 22 and 23 May Street would be diminished (the application site include a remote garden/landscaped area (across a former parking area) but the reduction is not considered harmful given their use as student accommodation, and the limited contribution this garden area makes at present . The formal views of the Highway Authority are not yet known but it is anticipated that subject to potential layout amendments for vehicle circulation areas sufficient off road parking can be provided without detriment to the safety of road users and residents of May Street.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework. As a result of discussions with the case officer the scheme was amended.

Key Issues

The application is for outline planning permission for the erection of 4 dwellings with only scale and access applied for at this stage. All other matters (appearance, landscaping and layout) are reserved for subsequent approval. The scale of the development is two storeys with each building having a footprint of 11.5 metres by 8 metres in width and length. It is intended that the development will be let to students or to the wider market should the student market niche no longer prove to be realistic.

The majority of the site currently comprises of a tarmac hard standing area with a small part on its western side laid out as landscaping. Nos. 22 and 23 May Street (within the former ADC Ltd workshop building) immediately adjoining the site are currently used for student housing.

Since receipt of the application revised plans have also been submitted showing the potential for an alternative scheme for two pairs of semi's rather than 4 town houses. The layout however is indicative given that particular matter is reserved for subsequent consideration.

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

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

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

The site is located within the urban area of Silverdale close to a range of local services and regular public transport provision to the town centre and further afield. Development Plan policies support the broad principle of residential development in this location.

The National Planning Policy Framework (Framework) states at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Paragraph 14 of the Framework details a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. As such and in accordance with paragraph 14, there is a presumption in favour of this development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The merits of the scheme are now considered.

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

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

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

The site is surrounded by other residential properties. On one side of May Street there is a line of terraced properties, on the opposite side, there are detached and semi-detached dwellings with no particular uniform architectural style evident.

The scale of the development – two storey development in two building - is appropriate in this location. The height of the buildings proposed reflects that it is anticipated that accommodation would be formed within the roof space with rooflights. – hence the Parish Council reference to the development being of three storeys. . The view taken is that four dwellings in a semi-detached format could be accommodated on the site without harm to the form and character of the area.

3. Is the impact to surrounding trees acceptable?

Some tree loss of low amenity value is required to accommodate the development. Limited planting, once the required parking is taken into account, could be secured within any subsequent landscaping scheme at reserved matters stage. There is a protected Ash tree in the rear garden of 115 High Street but appropriate measures can be employed to ensure there is no harm to the tree.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook. In that layout is a reserved matter, but the scale is not, all the Authority can consider is whether there are grounds to consider that two buildings of the size applied for cannot be in any circumstances accommodated on the site without material detriment to residential amenity.A

Immediately to south of the site are 17 and 19 Park Road with fairly shallow rear gardens. To the north are 115, 113, 111, 109 and 107 High Street with much longer rear gardens and 21 May Street. Development of the site for this scale of development would inevitably result in a degree of overlooking. The SPG recommends a separation distance of 21 metres to be achieved between two storey properties containing what are termed principal windows . It also advises minimum garden area sizes should be around 11 metres long and at least 65 square metres in area. Minimum separation distances, or very close to those distances, are achieved in the indicative layout and therefore adequate privacy and light levels for existing surrounding occupiers should be able to be secured as well as sufficient garden space per dwelling.

22 and 23 May Street (formerly ADC House), immediately to the east of the site, are currently used for student housing. They are in the ownership of the applicant. The use of those properties has been previously investigated by the Planning Service and deemed to be lawful. Those properties would not have access to any sitting out or garden area should the application site be developed. It is only the land to the front of those existing properties which would be available and it primarily is used for parking access and circulation and across it would run the access to the new dwellings units proposed. However given that the properties are used for student accommodation rather than family occupation, that it is very unlikely that they would be attractive as family housing anyway (the buildings being virtually on the boundary) and given the poor relationship to the current garden area. it is not considered

that the loss of the garden as a consequence of the development, would be materially detrimental to the residential amenity of those occupiers.

Local residents have raised concerns in relation to the potential for antisocial behaviour to arise from future occupants of the development who may be students living together as a single household. Whilst issues of unneighbourly behaviour can arise, it is not reasonable to assume that they will and that they cannot be addressed through other legislation. The planning determination should concern itself the issue of the use, rather than the potential behaviour of individual occupiers. Objections to the proposal on this basis are therefore unjustified in a location where the broad principal of residential use is acceptable.

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

The access proposed is directly off May Street through that also used by 22 and 23 May Street. May Street is a small cul de sac. There is a small turning head half way along the road. Although there are some dwellings with off road parking provision there is considerable reliance upon on street car parking for the majority of residents in the road. The views of the Highway Authority have yet to be received. Their officer has expressed some initial concerns with respect to the amount of turning space available which may require revisions to the access and parking area indicated and even a reduction in the amount of development. A further supplementary report will be given once those views are known.

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History of former ADC Ltd building

02/00527/COU Change of use of part from offices to use as a single dwelling – permitted 2002a single dwelling

Views of Consultees

Silverdale Parish Council very strongly object to the proposal on the ground that:-

- The development is not in keeping with the surrounding area.
- The height (3 storeys) will not fit in with the surrounding area.
- The entrance will not be adequate for the amount of cars that will need to enter and exit the site.
- There is already an issue with parking which is likely to be exacerbated.

The **Highway Authority** have not yet responded. Their comments are awaited.

Environmental Protection have no objections subject to conditions:-

1. Noise assessment and mitigation measures for internal and external noise levels of the dwellings.
2. Contaminated land remediation

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

- Due to the removal of some trees and shrubs – a landscaping condition should be applied to help blend the development with its surroundings.
- There is a protected Ash tree in the rear garden of 115 High Street. Tree protection should therefore be a condition on any approval.

Representations

10 letters of representation plus a petition with 39 signatories have been received objecting to the proposal on the following grounds:-

- Residents haven't been consulted.
- On-street car parking (on May Street) is already a problem which would be exacerbated by the development.
- Turning in May Street very difficult due to parking problems making it unsafe for pedestrians and difficult for those who rely on emergency services.
- The proposal would overdevelop the site.
- S&S Bathroom and Kitchens have permission to use their showroom as a manufacturing unit which causes traffic problems on May Street. Church activities also increase traffic on the road.
- 22/23 May Street already operates as student accommodation.
- The rear of the development which is south facing will overlook 17 and 19 Park Road reducing privacy, light levels and result in an overbearing impact.
- Littering, noise and disturbance arising from students occupying the development.

Covenant matters relating to the site have also been referred to which are not a material planning consideration.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link www.newcastle-staffs.gov.uk/planning/1500249OUT

Background Papers

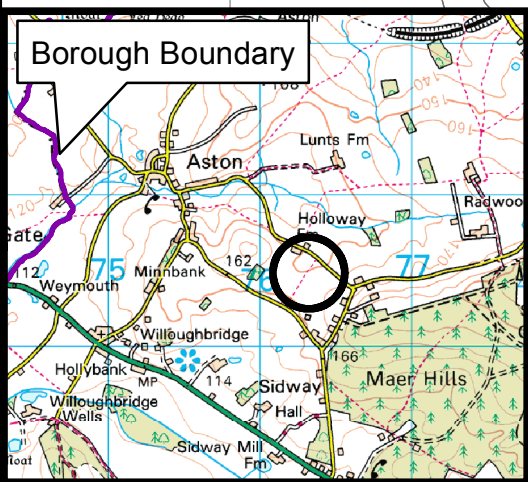
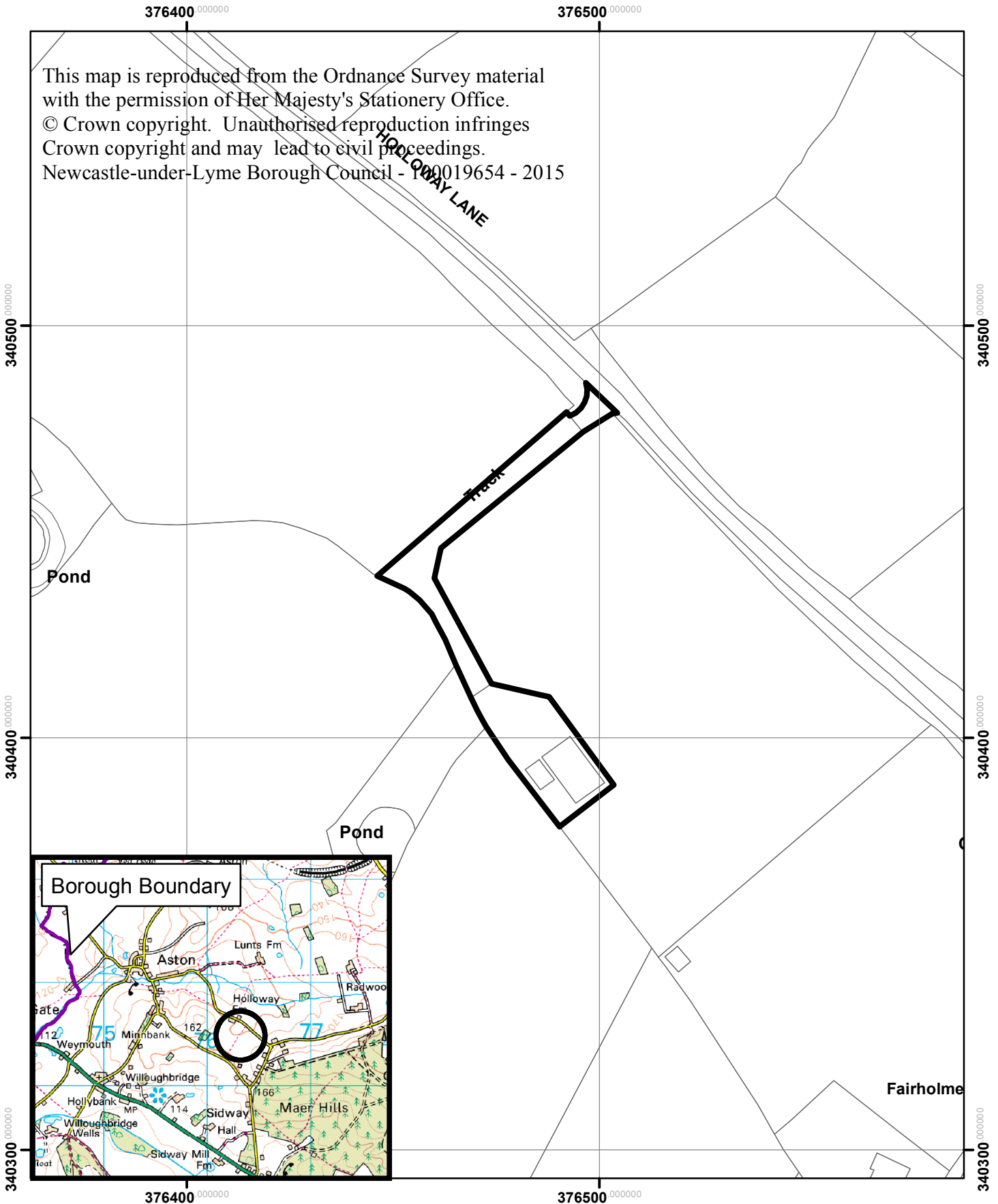
Planning File
Planning Documents referred to

Date Report Prepared

29 April 2015.

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Land South East of Holloway Lane, Aston 15/00173/FUL



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