

Public Document Pack

Date of meeting Tuesday, 21st July, 2015
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Former Woodshutts Inn, Lower Ash Road, Kidsgrove; Aspire Housing/BM3 Architecture Ltd; 14/00767/FUL** (Pages 9 - 16)
- 5 **Application for Major Development - Land South of Mucklestone Road; Muller Strategic/Halletec; 15/00202/OUT** (Pages 17 - 36)
- 6 **Application for Major Development - Audley Working Mens Club, New Road, Bignall End; WW Planning; 15/00279/FUL** (Pages 37 - 46)
- 7 **Application for Major Development - Land on south east side of West Avenue, Butt Lane; Revelan Group plc / Harris Lamb; 15/00368/OUT** (Pages 47 - 56)
- 8 **Application for Major Development - Keele Leisure Centre, Keele University, Three Mile Lane, Keele; Keele University/Geraint John Planning Ltd; 15/00392/FUL** (Pages 57 - 66)
- 9 **Application for Minor Development - Land Adjacent to Halcyon, Tower Road, Ashley; Miss Stainer/Peter Richards & Co; 15/00353/FUL** (Pages 67 - 74)
- 10 **Application for Minor Development -Old Springs Farm; 13/00245/FUL** (Pages 75 - 82)
- 11 **PROGRESS MADE IN IMPLEMENTING THE ACTION PLAN AGREED BY THE COUNCIL IN RESPONSE TO THE PLANNING PEER REVIEW.** (Pages 83 - 84)

PLANNING COMMITTEE

Tuesday, 23rd June, 2015

Present:- Councillor Sophia Baker – in the Chair

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

Apologies Apologies were received from Councillor(s) Fear

8. APOLOGIES

Apologies were received from Councillor Fear

9. DECLARATIONS OF INTEREST

Councillor Mrs Hambleton declared an interest in application 15/00308/FUL as a member of the Aspire Board and left the room during the debate.

10. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 3 June, 2015 be agreed as a correct record.

11. APPLICATION FOR MAJOR DEVELOPMENT - FORMER TG HOLDCROFT, KNOTTON ROAD, WOLSTANTON; MCCARTHY AND STONE / THE PLANNING BUREAU; 14/00968/FUL.

Resolved: (1) That, subject to the applicant entering into a Section 106 obligation by agreement by 24th July 2015 to require:-

- (a) A financial contribution of £26,335 for the enhancement and maintenance of the bowling green at Wolstanton Park
- (b) A financial contribution of £172,624 towards the off-site provision of affordable housing
- (c) Reappraisal of the development's viability in the event of the development not being substantially commenced within 12 months of the permission, and a consequential upward adjustment of the contribution should the viability reappraisal so indicate

The application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Development to be occupied by those aged 55 and over
- (iv) Materials
- (v) Boundary treatments
- (vi) Contaminated land
- (vii) Construction management plan
- (viii) Internal noise levels
- (ix) Approval of recyclable materials and refuse storage

- (x) Landscaping scheme
- (xi) Tree protection
- (xii) Highway matters
- (xiii) Construction hours
- (xiv) Scheme to be completed to Code for Sustainable Homes Code Level 3
- (xv) Cycle parking provision

(2) Failing completion by the 24th July of the above planning obligation, 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.

12. APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD; APSIRE HOUSING; BM3 ARCHITECTURE LTD; 14/00767/FUL

Resolved: That a decision on this application be deferred to enable further discussions between the applicant and the District Valuer's.

13. APPLICATION FOR MAJOR DEVELOPMENT - 7 PARK AVENUE, WOLSTANTON; M&H PROPERTY DEVELOPMENTS / THE GENERAL ARCHITECTURE COMPANY; 15/00174/FUL

Members were advised that this application had been withdrawn.

14. APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER OXFORD ARMS, MORETON PARADE; DEO PROPERTY DEVELOPMENTS / A-Z DESIGNS; 15/00421/FUL

- Resolved:**
- (a) That, subject to the applicant entering into a Planning obligation, by no later than 24th July 2015, to secure the following:
 - A financial contribution of £35,316 for Wolstanton Park enhancement/improvements and maintenance

Permit, subject to conditions relating to the following: -

- (xvi) Standard Time limit for commencement of development
- (xvii) Approved plans
- (xviii) Materials
- (xix) Boundary treatments
- (xx) Contaminated land

- (xxi) Approval of recyclable materials and refuse storage
 - (xxii) Landscaping scheme
 - (xxiii) Tree protection measures
 - (xxiv) Arboricultural method statement
 - (xxv) Highway matters
 - (xxvi) Construction hours
 - (xxvii) Surface water drainage scheme
 - (xxviii) Access to remain ungated
- (b). Failing completion by 24th July 2015 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of open space within residential development, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

15. APPLICATION FOR MAJOR DEVELOPMENT - CONSULTATION BY CHESHIRE EAST ON APPLICATION FOR RESIDENTIAL DEVELOPMENT AT CARDWAY BUSINESS PARK; 15/2101C. /348/225

Resolved: That Cheshire East Council be advised that the Borough Council has no objections.

16. APPLICATION FOR MINOR DEVELOPMENT - PLOT 37 BIRCH TREE LANE, WHITMORE; TRUSTEES OF THE WHITMORE ESTATE / CORLECO PROJECTS; 15/00281/FUL

Resolved: That the application be permitted subject to the undermentioned conditions;

- (i) Time limit
- (ii) Submission of materials
- (iii) In accordance with the approved plans
- (iv) Submission of noise assessment
- (v) Contaminated land investigation and risk assessment to be submitted
- (vi) Tree protection in accordance with BS5837:2012 and submitted drawing
- (vii) Development in accordance with Arboricultural Method Statement for tree protection
- (viii) Prior approval of landscaping proposals
- (ix) Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting
- (x) Arboricultural site monitoring schedule
- (xi) Implement recommendations within the Phase 1 Extended Habitat Survey received with the application
- (xii) Prior approval and implementation of sewage plant equipment on site which shall be located further away from the boundary of the site with Misty Heights than shown on the approved plan.

17. APPLICATION FOR MINOR DEVELOPMENT - FORMER GARAGE SITE, QUEENSWAY; ASPIRE HOUSING; 15/00308/FUL

Resolved: That the application be refused for the following reason:

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

18. APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO HALCYON, TOWER ROAD, ASHLEY; MISS STANIER / PETER RICHARDS & CO; 15/00353/FUL

Resolved: That the application be deferred to allow submission and consideration of amended plans repositioning the accesses to limit the loss of trees.

19. APPLICATION FOR MINOR DEVELOPMENT - PLOT 34, EASTWOOD RISE, BALDWINS GATE; DAVID JAMES DEVELOPMENTS; 15/00377/FUL

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

The application be permitted subject to the undermentioned conditions:

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

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

20. TREE PRESERVATION ORDER - 1 WULSTAN DRIVE; NO.163 (2015)

Resolved: That Tree Preservation Order No 163 (2015), be confirmed as made and the owners of the site informed accordingly.

21. TREE PRESERVATION ORDER - 177 LIVERPOOL ROAD; NO.164 (2015)

Resolved: That Tree Preservation Order No 164 (2015), be confirmed as made and the owners of the site informed accordingly.

22. QUARTER 1 REPORT ON DECISIONS TO EXTEND THE PERIOD OF TIME WITHIN WHICH SECTION 106 OBLIGATIONS MAY BE COMPLETED

Resolved:

- (i) That the report be noted
- (ii) That the Head of Planning continues to report, on a quarterly basis, on the exercise of his authority, to extend the period of time for an applicant to enter into the Section 106 obligations.

23. DEVELOPMENT MANAGEMENT AND ENFORCEMENT PERFORMANCE REPORT

Resolved: That recommendations (a)-(c) be accepted. The Committee also requested a report at the earliest opportunity, within the next 2 months, providing an action plan indicating how the shortfalls in performance against targets will be addressed.

24. REVIEW OF TERMS OF REFERENCE AND MEMBERSHIP OF STRATEGIC PLANNING CONSULTATIVE GROUP

This item would be reported to the next meeting on 21 July, 2015

25. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR SOPHIA BAKER
Chair

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

14/00767/FUL

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

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

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

Following the resolution of the Committee the applicant has informed the authority that such a level of contributions would make the scheme unviable. The District Valuer (DV) was instructed on 9th February to review a Development Viability Appraisal of the development prepared on behalf of the applicant. A draft report from the DV has been received (10th June 2015) and the matter was reported to the Planning Committee meeting of 23rd June, however the decision was deferred to enable the concerns of the applicant to the conclusions of the DV to be explored.

RECOMMENDATION

1) Provided the DV maintains the conclusions of his draft report (which members will be advised of), that subject to the applicant entering into a Section 106 obligation by 21st September 2015 securing a) an education contribution of £10,674 and a Public open space contribution of £31,326, and b) requiring the review, if there is no substantial commencement within a year of the grant of planning permission, of the financial viability of the scheme, and upward only alterations being then made to the contributions if the scheme is evaluated at that time to be able to support higher contributions,

the application be PERMITTED subject to the following conditions

- Standard Time limit condition
- Approved plans/drawings/documents
- Approval of all external facing and roofing materials
- Inclusion of windows in side elevation of plots 21 and 22
- Landscaping scheme
- Details of boundary treatments, including to the rear of the adjoining commercial properties to block the existing gap
- Construction Method Statement.
- Provision of access drives, parking and turning prior to occupation.
- Access to plots 4 to 11 to comply with submitted Cameron Rose Associates plan.
- Width of driveway to plots 1 to 3 to be 4.5m for first 6m rear of the highway boundary.
- Permanently closure of redundant access.
- Driveways to be surfaced in a bound material for 5m from the highway boundary.
- Surface water interceptors to be provided where driveways fall towards the public highway.
- Contaminated land conditions
- Site to be drained on a separate system with no surface water to be discharged into combined sewer network.
- Provision of 10m access strip to public sewer crossing site.
- Updating of ventilation system of adjoining fish and chip shop
- Those conditions requested by the Coal Authority including remedial measures to address the coal mining legacy issues on the application site to be undertaken prior to the commencement of the development
- Submission of a further noise assessment relating to noise from the adjoining industrial doors business and the details of the measures to be undertaken within the development to mitigate the impact of noise arising from that and other noise sources. Implementation of the approved details.
- Prior approval of a scheme for the provision of a scheme with the tenure indicated in the appraisal. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.

2) Should the matters referred to above not be secured by the 21st September 2015, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sufficient provision for education, the provision of adequate public open space, and an appropriate mechanism to allow for changed financial circumstances; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured

Reason for Recommendation

This application has been undetermined for a period of approximately 40 weeks (at the time this report was prepared). The DV has not yet provided any further comment upon additional information

provided by the applicant in response to his draft report. Unless he alters his advice it is considered that the previous recommendation should be maintained – that contributions of a certain amount, albeit below those that a policy compliant scheme would require, be sought together with a reappraisal/ contribution adjustment mechanism. A further advance supplementary report will therefore be necessary to report the DV's further advice.

KEY ISSUES

The proposed residential development comprising 22 dwellings was considered acceptable by the Planning Committee in December 2014, however it was considered necessary to secure financial contributions through planning obligations to address certain impacts of the development. There has been no material change in planning policy relating to the issue of planning obligations since then, although Regulation 123 of the Community Infrastructure Levy Regulations has come into force since so it will need to be taken into account. In brief this indicates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010.

The development would result in additional pressure on limited primary school places of the school (St. Saviours) within whose catchment area it is located and a financial contribution to mitigate against such adverse impacts was considered necessary.

A planning obligation was also considered necessary to secure a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend the £64,746 contribution that is sought within Clough Hall Park, a neighbourhood park approximately 200m walking distance from the development where improvements have been identified as required.

Your Officer is satisfied that such obligations would comply with Regulation 122 of the CIL Regulations i.e. that they are necessary to make the development acceptable in planning terms; are directly related to the development and are fairly reasonably related in scale and kind to the development. There have only been since April 2010 3 obligations entered into that secure a contribution towards St Saviours Primary School and one obligation towards Clough Hall Park. As such you Officer is also satisfied that such obligations would comply with Regulation 123.

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

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability".

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply.

The DV was asked to report on the viability of this scheme taking into account financial obligations - the payment of contributions towards the provision of additional education facilities (£22,062) and the enhancement/improvement and maintenance of Clough Hall Park (£64,746). The Education Authority has clarified that the above Education contribution would be used to increase the number of general teaching rooms at St. Saviours Primary School.

The applicant in this case has submitted financial information to substantiate their claim that the Council's requirements as an LPA would render the scheme unviable. The information submitted has

been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice. There have been discussions between the District Valuer and the applicants' agents with a range of supporting material being provided. The applicant's own appraisal taking into account a policy-compliant level of contributions indicates that the proposed scheme generates an internal rate of return of 5.84% which they consider to be inadequate for such a development.

It should be noted that in the scheme by Aspire that has been assessed 7 of the 22 units are proposed to be of a shared ownership tenure and 15 of an 'affordable rent' tenure.

The DV has undertaken two appraisals – one to reflect the allowances which a 'Not for profit Registered Provider' would be expected to make (Aspire is such a Provider) and the other to reflect the allowances (profit) that a developer who is not a Registered Provider would be expected to make. The DV's approach is to identify the Residual Land Value (essentially the expected value of the scheme minus the expected costs) in each case and to then compare it with his assessment of the Site Value (which it should be noted he assesses, having regard to comparable development site sales evidence, to be, at £250,000, £100,000 more than the applicant's agent considers to be the case). The DV's conclusion is that the proposed residential development is not viable, to a marginal extent, and he has gone on to undertake what is termed 'sensitivity testing'. That has established, in his opinion, that the scheme is able to deliver contributions of approximately £42,000, although he does indicate that if the scheme were to be developed by a developer that is not a Registered Provider then it would be unable to provide any Section 106 contributions whatsoever.

The applicant has expressed concerns that the DV's conclusion - that a private developer would not be expected to pay contributions as that would render the scheme unviable however they, a 'not for profit' organisation would be expected to pay a contribution, albeit a reduced one – is unfair. They have also provided some additional information on their projected costings which it would appear was not previously available to the DV.

If the Committee are prepared to accept the DV's conclusions, should they be confirmed, and agree to the principle of a reduction in the overall level of contributions there are two ways of proceeding, either to 'top-slice' both the education and public open space contributions that are required (i.e. reduce both by the same amount) or alternatively to seek in full one of the contributions (i.e. to 'ringfence' it) and allow the other contribution to be more substantially reduced or indeed deleted altogether. In several cases the Committee have agreed to ringfence education contributions, on the basis of the view that the provision of education facilities where new housing development is proposed is of overriding importance

Your officer would suggest that given the substantial amounts already secured by Section 106 obligations with respect to the same school a top- slicing approach is now more appropriate.

If however upon further consideration of the applicant's case the DV revises his conclusion and indicates that the scheme could not deliver any contributions at all, or if the Committee agree with the applicant (that it would be unreasonable to require contributions from the applicant on the basis they are a 'not for profit' business whereas a private developer would not be expected to pay contributions) then no contributions should be sought. Alternatively the DV might upon reflection still maintain that a contribution can be provided but one that is less than the £42,000 referred to in his draft report.

Market conditions and thus viability, can change, however. On this basis it would be quite reasonable and necessary for the LPA, when securing less than policy compliant contributions, to require the independent financial assessment of the scheme to be reviewed if the development has not substantially commenced within one year of the grant of the planning permission and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. This would apply whether a reduced level of contribution or no contributions are to be sought and would need to be secured via a Section 106 agreement.

When the Planning Committee considered the scheme in December 2014 it considered that it would be appropriate, in the event of an approval, to condition the prior approval of a scheme for the provision, in perpetuity, of 6 affordable housing units within the development. Aspire have asked that the proposal be assessed on the basis that it provides 7 shared ownership tenure units and 15 of an

'affordable rent' tenure and this mix should it is considered be reflected in a condition of any planning permission granted.

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

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy H4: Housing Development and Retention of Parking Facilities.
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other material considerations include:

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

Developer Contributions SPD (September 2007)
Affordable Housing SPD (2009)
Space Around Dwellings SPG (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design SPD (2010)

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

Relevant Planning History

None

Views of Consultees

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

Representations

No further publicity has been undertaken and no representations were received when the application was publicised when initially received.

Applicant/agent's submission

A Development Viability Appraisal undertaken. Details of the application but not of the appraisal, which contains confidential information, are available to view on the Council's webs site

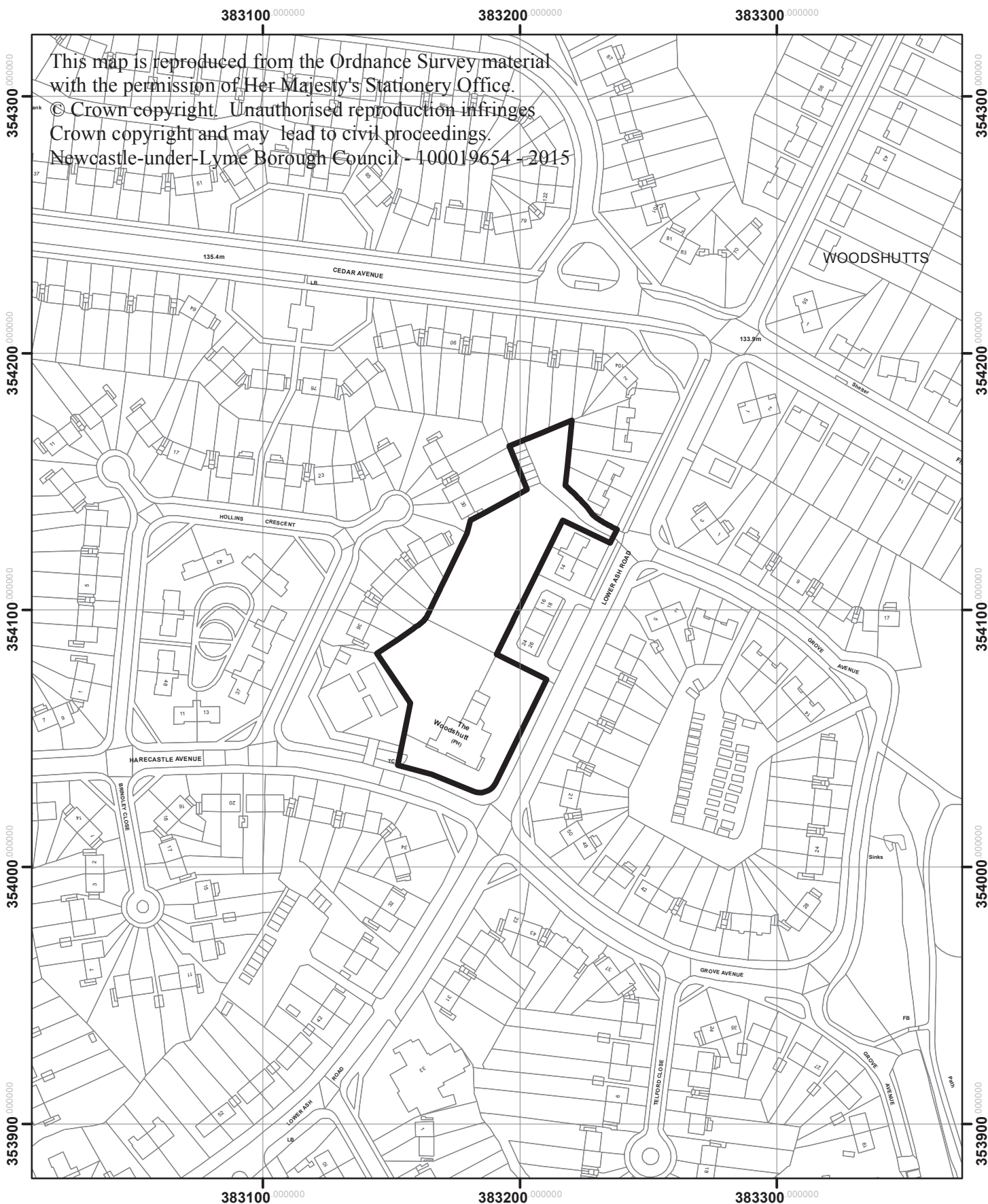
Background Papers

Planning Policy documents referred to
Planning files referred to

Date report prepared

3rd July 2015

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



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**LAND SOUTH-WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF
MARKET DRAYTON ROAD, LOGGERHEADS
MULLER STRATEGIC PROJECTS LTD**

15/00202/OUT

The application is for outline planning permission for the erection of up to 78 dwellings. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval. The site is subdivided into two parcels by a stream and landscape corridor. The larger portion of the site to the south of the brook is referred to as Area 1 and the smaller area to the north is referred to as Area 2.

The application site lies on the south-west side of Mucklestone Road which is a B classified road, outside the village envelope of Loggerheads and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 3.7 hectares.

Trees within the site are the subject of Tree Preservation Order (TPO) no.147.

The 13 week period for the determination of this application expired on the 15th June 2015 but the applicant has agreed an extension to the statutory period until 3rd September 2015, provided the recommendations below are agreed.

RECOMMENDATIONS

A) Subject to

(a) the Environmental Health Division withdrawing their previous objection to the proposal on odour nuisance grounds,

(b) your Officer confirming that it is appropriate to proceed on the basis of an agreement being now entered into directly between the applicant and the Education Authority securing the payment of £116,354 towards the provision of additional spaces at Madeley High School, or such sum as required by the education contributions policy (so as to avoid contravening Regulation 123 of the CIL Regulations), and such an agreement being entered in to by 28th August 2015, and

(c) the applicant entering into a Section 106 obligation by 28th August 2015 securing the following:

- i. Either a maintenance contribution of a sum to be advised or a management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £154,434 (on the basis that the development as built is for the full 78 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at St. Mary's CE Primary School, Mucklestone**
- iii. In perpetuity, provision of 25% of the dwellings as affordable units**
- iv. A contribution of £6,300 towards travel plan monitoring**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Contaminated land**
- 4. Construction hours**
- 5. Construction management plan**
- 6. Waste storage and collection arrangements**
- 7. Further noise assessment**
- 8. Internal and external noise levels**
- 9. Arboricultural Impact Assessment**
- 10. Arboricultural Method Statement**
- 11. Boundary treatments**
- 12. Details of Root Protection Areas**
- 13. Landscaping scheme**
- 14. Full details of accesses**
- 15. Layout of site including disposition of buildings and provision of adequate parking and turning within the curtilage**
- 16. Travel plan**
- 17. Surface water drainage scheme**
- 18. Details of the disposal of surface water and foul sewage**
- 19. Approval of details of play facilities and timing of provision of open space and these facilities**
- 20. Any reserved matters application to comply with the Design and Access Statement**

B) Should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure the provision of adequately maintained public open space, appropriate provision for required education facilities, an appropriate level of affordable housing, and measures to ensure that the development achieves sustainable transport outcomes; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites given that it does not have a full and objective assessment of housing need, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. Subject to the Environmental Health Division withdrawing their objection on odour nuisance grounds, the adverse impacts of the development - principally some limited local impact on the character and appearance of the area and the loss of best and most versatile agricultural land – do not significantly and demonstrably outweigh the benefits of this sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough and the provision of affordable housing in the rural area. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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. Additional information has been requested and provided where necessary to progress the determination of the application.

Key Issues

1.1 Outline planning permission is sought for residential development of up to 78 dwellings. Access from the highway network (but not the internal access arrangements within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning Statement and a Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 3.7 hectares in extent, is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map, and in the open countryside outside the village envelope of Loggerheads. The site comprises two parcels of land, divided by a stream and landscape corridor which is covered by a blanket TPO.

1.3 The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that following a 12 month period from the publication of the NPPF (i.e. post 29th March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

1.4 Reference has been made in representations to the Loggerheads Parish Council Neighbourhood Statement. This is a document produced by the Parish Council with no input from the Borough Council and although it has been through a process of consultation with the local community and gained the consensus of the community, it has not been subject to the rigorous procedures of wider consultation, justification and challenge which a Supplementary Planning Document has to go through, has not been adopted by the Borough Council, and accordingly has no formal status in the planning system so it must be considered to be of very limited weight. As referred to above, a further factor that has a bearing on what weight could be given to it is the question of how much it complies with the NPPF. It appears to your officer that it far from accords with the NPPF – for example in its approach to housing development, and its lack of an evidence based approach. It is useful as a statement of local opinion but no more.

1.5 Taking into account the development plan, the other material considerations indicated below and the consultation responses received, it is considered that the main issues for consideration in the determination of this application are:-

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

- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Is the loss of agricultural land acceptable?
- Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?
- Would there be any significant impact upon any protected species?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Would there be any issue of flood risk?
- What planning obligations are considered necessary and lawful?
- 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?

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

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

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

2.3 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.

2.4 Furthermore, Policy H1 of the Local Plan indicates that planning permission for residential development will only be given in certain circumstances – one of which is that the site is within one of the village envelopes.

2.5 As indicated above this site is neither within a village envelope nor would the proposed dwellings would serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by policies of the Development Plan.

2.6 The Local Planning Authority (the LPA), by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent underdelivery of housing, the LPA is required to increase the buffer to 20%. The Local Planning Authority, in the opinion of your Officer, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF), because that it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections.

2.7 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 (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, 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, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to

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

2.8 In sustainability terms, although the site is outside the village envelope of Loggerheads, it is immediately adjacent to it. Loggerheads is identified within the CSS as being one of the three Rural Service Centres which are detailed as providing the most comprehensive provision of essential local services. The Borough's Rural Services Survey (2008) which provided the evidence base for the designation, states that Loggerheads, one of the borough's larger rural settlements, "has a wide range of local services and is located within a very sustainable and accessible location along the A53". At that time it confirmed that within the village there was a post office, 2 food shops, a school, a pub, a cash point, a library and other local amenities. It went on to conclude that Loggerheads and the other settlements defined as Rural Service Centres were the best served with a wide range of local services and amenities that ensured the settlements were generally sufficiently equipped to meet the needs of the residents they served.

2.9 Currently Loggerheads has a food store, a primary school, a public house, a pharmacy, a library, a cash point, a post office, a restaurant, a takeaway, a hairdresser, a veterinary surgery and bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.10 Although this site lies outside the village envelope, it would still be relatively close to existing facilities. The centre of the site would be between approximately 500m and 600m walking distance from the village centre of Loggerheads, i.e. the food store, post office and library. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and fall within 400m of the site (that being the national recommended distance for a suitable walking distance from a property to a bus stop). It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. The site is actually closer to such services than many of the existing properties within the Loggerheads Village Envelope boundary. Given the limitations to the bus service, it is acknowledged that accessibility to employment is likely to be primarily by car. However there is the opportunity for the use of public transport for some work and/or leisure trips and given that this is not a remote, rural location, distances to higher order settlements and facilities are relatively short. In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location.

2.11 These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.12 The applicant states that in terms of the economic dimension, the proposal could generate a direct investment of around £7.8 million in the local construction sector, whilst indirect economic activity generated will be in the region of £22 million. These figures are based upon each dwelling representing an average of around £100,000 of construction investment and every £1 spent on construction generating a total of £2.84 in indirect economic investment.

2.13 They say that there would also be social benefits in the provision of both market and affordable housing which would contribute to meeting the housing needs of present and future generations, helping to create a mixed and inclusive community. The provision of public open space and play facilities should benefit the whole village and the influx of new residents should help support local services and contribute to the vitality of this rural community.

2.14 In terms of the environmental dimension of sustainable development, they say that the proposed development would not adversely affect the trees on the site, biodiversity or landscape quality. It is argued that the Council would have control over the detailed design, form and materials of the development and the principles of the Design and Access Statement could be controlled by way of a condition.

2.15 Whilst your officer is in no position to confirm whether the implications of the development for the economy are as suggested the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area, the latter which following the Ministerial Statement of 28th November 2014 can now only be expected from sites of more than 10 units in rural areas. The public open space would be able to be used by the wider population as well, but fundamentally should be seen as providing the appropriate required mitigation for the development rather than as a benefit per se. The issue of the environmental impact of the scheme will be considered fully below.

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

3. Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?

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

3.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

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

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

3.3 Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted. Up to 78 dwellings are proposed comprising a variety of house types, which would be predominantly 2-storey but it is indicated that there may be opportunities for a limited amount of higher development to mark important views and corners. The density of the proposed scheme would be approximately 29 dwellings per hectare.

3.4 There is a mix of dwelling size and style in the area with primarily detached dwellings to the north-east of the site and a mix of both semi-detached and detached properties to the south and east. The majority of properties in the vicinity of the site are 2-storey with bungalows on Price Close to the east of the site and some 2 ½ and 3 storey houses on Hemp Mill Walk to the north.

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

3.6 Section 10.5 of the Urban Design SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality. It states that in doing so, designers

should respond to the pattern of building forms that helps create the character of a settlement, for instance whether there is a consistency or variety.

3.7 It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the village. Given the variety of dwelling size, density and style currently in the village, it is considered that the proposed scheme, as shown on the indicative layout drawing, both respects local character and optimises the potential of the site to accommodate development. The proposed development would achieve a mix of housing types and would help to deliver a wide choice of homes and create a sustainable, inclusive and mixed community as required by the NPPF.

3.8 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement. The content of that document is considered appropriate as a basis for the reserved matters submission and therefore should planning permission be granted, a condition is recommended requiring any subsequent reserved matters applications to be in accordance with the principles of the Design and Access Statement.

3.9 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.10 The site comprises two pasture fields on the north and south slopes of the Tagedale Brook valley on the western edge of Loggerheads. The wooded stream course divides the two areas of the site. Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being within a 'Sandstone Estatelands: subtype Farmland' landscape character type. It states that the area is characterised by a landscape of intensive arable farming. The SPG was used in the NLP to set policies for landscape consideration. This site is within an Area of Landscape Restoration and NLP Policy N21 states that within such an area it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

3.11 A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application. It identifies this area as being 'low' in quality with a policy objective of 'landscape restoration' because intensive arable farming has led to the loss of landscape elements that formerly contributed to character and quality and because it is adversely affected by the urban influence of Loggerheads. The Assessment states that the site is enclosed on three sides by surrounding dwellings and on the fourth side by tall hedgerows and a sewage treatment works. As a result, open views of the site are only obtained from the surrounding dwellings and from a short section of Mucklestone Road.

3.12 The LVIA considers that the development of housing on the site represents a minor extension to the overall settlement of Loggerheads and despite being fields at present, the site sits comfortably within the development footprint of Loggerheads without encroaching on open countryside to the west of the existing water treatment works. It concludes that this is an extension to an existing large rural settlement and inevitably occupiers of dwellings currently on the outside of the settlement will experience some loss of visual amenity. However, if the architecture and landscape treatments are appropriate to the setting, then the overall loss of visual amenity to the wider community will be minimal.

3.13 As stated in the LVIA, due to the topography of the surrounding area, views of the site would be limited to those gained from the surrounding dwellings and from a relatively short section of Mucklestone Road. Although the development would encroach into the open countryside, there is an existing dwelling in the north-western corner of the northern site and the proposal would not extend beyond the built development that currently exists to the north of Mucklestone Road. Subject to a good quality layout and design and subject to conditions regarding proposed landscaping, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

4. Is the loss of agricultural land acceptable?

4.1 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land (BMVAL). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

4.2 Best and most versatile land (BMVAL) is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Quality Assessment based upon a field survey has been submitted with the application which concludes that the northern parcel of land (0.71ha) comprises Grade 3b agricultural land (moderate to low value) and the southern area of the site (2.9ha) comprises Grade 2 (very good quality).

4.3 A number of appeal decisions have been considered which assess the *significance of the loss* of agricultural land. In a decision relating to a housing scheme in Selsey, Chichester, where the site was mainly Grade 2 with a small amount of Grade 3a land, the Inspector considered that the weight to be attached to the issue should be towards moderate. However, it was concluded that even so, bearing in mind the modest size of the site which measured 1.75 ha, the consideration was not of sufficient force to prevent the development taking place. In another decision relating to a development of 7 dwellings at Malpas, Cheshire, the Inspector concluded that although the site might constitute Grade 1 and/or Grade 2 agricultural land, the resultant conflict with the saved Local Plan policy would be outweighed by the significant and pressing shortfall in housing land supply. In comparison to these appeals, this proposal would result in the loss of a larger amount of agricultural land.

4.4 In allowing an appeal at land off Gateway Avenue in Baldwin's Gate, the Inspector highlighted that he had no information as to whether the Council was aware of deliverable housing sites that could contribute to the shortfall in the 5 year housing supply which are on lesser quality land. Other than the very broad Land Classification Map (which indicated this site not to be BMVAL) it continues to be the case that there is no such information available.

4.5 The paragraph of the NPPF referred to above refers to 'significant' development of agricultural land but no definition of 'significant' is provided. Nonetheless, your Officer considers that it must be concluded that the loss of this land is a material consideration which weighs against the proposal. Whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

5. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

5.1 Vehicular access to the development would be provided from Muckleston Road through the introduction of two simple priority controlled accesses and a dropped kerb access serving approximately three dwellings. The application includes a proposal for a 2m wide footway along the site frontage linking existing footways, and dropped kerbs and tactile paving at two points on Muckleston Road to assist pedestrian connectivity.

5.2 Concerns have been raised by residents on the grounds that the development would use the junction of Muckleston Wood Lane and the A53 at which there have been several serious accidents and many near-misses and also that the double roundabout configuration in Loggerheads at the Muckleston Road/A53/Eccleshall Road junction is hazardous. It is contended that although Muckleston Road is subject to a 30mph speed limit, many drivers exceed this. Concerns have also been raised that two access points onto Muckleston Road would result in a total of 7 junctions within a distance of only 235m.

5.3 The application is accompanied by a Transport Assessment (TA) which states that a number of junctions have been assessed and they all have sufficient spare capacity to accommodate both this development and that proposed on the Tadgedale Quarry site (Ref. 15/00015/OUT). It states that whilst the Tadgedale Quarry proposal does not yet benefit from planning permission, the traffic generated by the development of 128 dwellings has been taken into account in order to demonstrate that the local highway network will continue to operate satisfactorily with both developments in place. The TA states that visibility at the proposed accesses is acceptable and that the personal injury

accident data does not represent a material concern. It considers that the development is sustainable with good accessibility for those travelling by foot and by bicycle and is served by a good bus service. The TA concludes that:

"..there is no highway or transport related reason to withhold planning permission for the scheme and the proposed development is therefore commended for approval".

5.4 The Highway Authority (HA) has no objections to the application subject to the imposition of conditions.

5.5 The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*. Noting that the Highway Authority does not raise objections to the application, your Officer's view is that subject to the imposition of conditions the impact of the proposed development on transport grounds would not be severe and therefore an objection on such grounds could not be sustained.

5.6 The HA refers to concerns of residents regarding the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction. They state that although mitigation is offered as part of the proposed development at the Tadgedale Quarry site (Ref. 15/00015/OUT) with a controlled pedestrian crossing on the A53 (Market Drayton Road) to the west of the junction, no such improvements are proposed in relation to this application. The HA state that on the assumption that the Tadgedale Quarry development does not proceed or that it takes place after this development, such a pedestrian crossing on the A53 should be required as part of any permission granted for the development referred to in the application here being considered.

5.7 The view of the applicant's agent is that the suggested crossing would not enhance pedestrian safety in crossing the A53 because existing pedestrian flows across the A53 are on the north east (Newcastle) side of the junction via a traffic island and the new crossing would require the majority of pedestrians, to make two additional crossings- one across Mucklestone Road to reach the proposed crossing (although not residents of this particular development who would already be on the southern side of Mucklestone Road), and a second across Eccleshall Road to reach the shops and the school. The agent states that for these reasons and based on independent advice that the existing infrastructure was already compliant with highway traffic management guidelines and has sufficient capacity to take the additional traffic flows, it has been concluded by them that there are no traffic impacts that require such mitigation measures.

5.8 This matter has been discussed with the HA who have advised that a controlled pedestrian crossing on the A53 is not necessary to make the development acceptable, but rather it is, in their view, desirable. Furthermore the point that the agent makes about the inappropriate location of the suggested crossing appears justified. Taking these points into account it is not considered reasonable to require such a crossing as part of this development.

5.9 In terms of the accessibility of the site to the services within the village, the introduction of a footway along the site frontage will provide a continuous pedestrian link to the A53 and centre of Loggerheads. This will improve linkages from the site to the village, will help to reduce the requirement for residents to use their car and to ensure a sustainable development.

6. Would there be any significant impact upon any protected species?

6.1 Representations have been received stating that the development will have an adverse impact on wildlife.

6.2 An Ecological Survey submitted to accompany the application states that the majority of the site has low ecological value. The survey has assessed the potential for bats and bird breeding activity. A small number of the trees have been assessed as having some potential to support roosting bats but the risk of disturbance is negligible and so no further surveys are considered necessary.

6.3 It is not considered therefore that a refusal could be sustained on the grounds of adverse impact on protected species.

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

7.1 One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

7.2 With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

7.3 In relation to the existing properties, subject to careful positioning of windows it is anticipated that there would be no significant adverse impact on amenity. Within the site it is considered that adequate separation distances between plots can be achieved and that sufficient private amenity space would be provided.

7.4 Paragraph 109 of the NPPF states:

"The planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

7.5 The application site lies immediately to the east of the Loggerheads Village waste water treatment works (WwTW) which is operated by Severn Trent Water (STW). A Noise Assessment and an Odour Impact Assessment have been submitted to accompany the application.

7.6 With regard to the original Noise Assessment submitted, the Environmental Health Division (EHD) identified a number of inconsistencies relating to the assessment of noise from the sewage treatment works. A revised Noise Assessment has now been received which concludes that subject to recommended mitigation measures, the site is suitable for residential development. The EHD has advised that subject to conditions the proposed development is acceptable on noise grounds.

7.7 With regard to the Odour Impact Assessment, initial modelling of odour emissions identified potential negligible to slight adverse odour effects across much of the built development parts of Area 1 of the site (the land to the south of the brook), with moderate to substantial adverse impacts at locations to the immediate south and east of the WwTW. Negligible adverse effects are predicted across Area 2. The indicative proposals include a landscaped buffer alongside the boundary with the WwTW in the west of Area 1 with areas of public open space providing a further buffer zone to the built development. The Assessment asserts that although screening may not provide a mitigation option aiding the dispersion of odours, it can offer a psychological effect and minimisation of visual impacts which can reduce the potential for odours to cause annoyance to residents. It concludes that it is considered that the site is suitable for the proposed development with regards to odour considerations subject to the incorporation of an extended and enhanced landscaped area to provide a further buffer zone to the south and east.

7.8 The EHD originally objected to the proposal on the grounds that some of the proposed dwellings would be located within an area where levels of odour would be likely to give rise to pollution or significant detriment to amenity. Although it is argued that this is based on 2010 meteorological data when there were unusual weather conditions, the EHD point out that is quite possible that these conditions could return. Due to uncertainty with the model arising from assumptions made and variability in weather conditions, it was considered quite possible that these dwellings will be exposed to a moderate adverse impact. Concern was also expressed regarding additional impacts that may occur during the emptying of the sludge holding tanks.

7.9 In response to these concerns further information has very recently been received from the applicant's Air Quality Consultant. It is explained the odour modelling was undertaken using 5 years of meteorological data (2009-2013) obtained from the Met Office. An anomaly is identified in the data for

2010 as the winter of that year experienced an unusually prolonged cold period resulting in calm and stable conditions reducing dispersion. The modelling for each of the 5 years was plotted as contours of odour data and on that basis a landscape buffer zone has been included, providing a separation between the WwTW boundary and the houses. Although some of the proposed dwellings do appear to be within an area where levels of odour would be likely to give rise to pollution or significant detriment to amenity, the Consultant goes on to highlight that this is due to the 2010 'anomaly' and the reliance on 'Shawbury' data.

7.10 Additional work in the form of further modelling and site surveys has now been undertaken. Analysis of additional Met Office modelled data now obtained (known as NWP data) - that refers to the site itself - shows the 'risk area' to be significantly smaller than previously modelled. It does not extend to within the proposed built development.

7.11 The Air Quality Consultant also confirms that an additional site visit has been undertaken during the transfer of sewage sludge. This transfer was undertaken during a period of very warm weather but odours that were deemed to pose a significant adverse impact were not noted. Whilst it is acknowledged that the odours may on occasion be different to those experienced, given the short term nature and infrequent operation of the transfer process, these are not considered likely to pose a significant adverse impact on the development. It is concluded that the site is suitable for the proposed development with regard to odour considerations.

7.12 The applicant's agent confirms that they have undertaken consultation with Severn Trent Water but that they have at no stage objected to the proposals. The comments of Severn Trent Water are awaited and will be reported to Members if received.

7.13 Although no formal revised comments have been received from the EHD, they have advised informally that on the basis of the further information received they are now likely to withdraw their objection. It is anticipated that their further comments will be received shortly and a further report will be given to Members on the matter.

8. Would there be any issue of flood risk?

8.1 Concerns have been expressed by objectors referring to a history of flooding in the area and stating that the existing surface water system has no capacity to accommodate the proposed development. A Flood Risk Assessment (FRA) has been submitted to accompany the application. Although the site has low flood risk, flood risk management measures are proposed to mitigate flood risk further.

8.2 The Environment Agency states that the site is located within Flood Zone 1 which is an area with a low probability of flooding and therefore raises no objections but recommends consultation with the Lead Local Flood Authority (LLFA).

8.3 Staffordshire County Council as LLFA initially objected to the application on the grounds that further information was required to enable assessment of the flood risks. Additional information has been submitted and they now have no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

8.4 Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

9. What planning obligations are considered necessary and lawful?

9.1 The applicant has confirmed their willingness to provide 25% affordable housing and to make financial contributions towards the provision and maintenance of public open space, education provision and travel plan monitoring. These are considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations

providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

9.2 Staffordshire County Council has requested an education contribution towards the provision of spaces at St Mary's CE Primary School in Mucklestone and Madeley High School. There have been no planning obligations entered into since April 2010 providing for a contribution towards St Mary's however 5 obligations have already been entered into providing for a contribution to Madeley High School. Your Officer is considering the implications of this and a further report will be given to Members on the matter.

9.3 In its consultation response, Loggerheads Parish Council states that if this application is to be considered for approval then it must contribute to the identified infrastructure and community facilities requirements set out in its Neighbourhood Statement. It then goes on to list a number of contributions and recommends a monetary sum for each. Your Officers have met with Loggerheads Parish Council who provided some background to why the particular requirements have been set out and how the monetary sums has been derived.

9.4 The list includes a number of highway related contributions but the Highway Authority does not consider that they are necessary to make the development acceptable. A contribution towards an upgrade of the electricity supply is requested but it is the case that a developer has a statutory duty to finance the electricity supply to a housing development in any event. A contribution to the upgrade of the foul and surface water system is requested but again there is a statutory requirement for the statutory undertaker to address any impact. Requests have been made by the Parish Council towards the provision of a community centre, youth facilities and sports facilities. Your Officer has sought the views of the Council's Leisure Strategy Section on this request but they have not provided any evidence of a need for such facilities to be improved. Finally, a contribution is requested towards a doctor's surgery/health centre. Your Officer has sought the views of Staffordshire Public Health on this request. Whilst their comments confirm that there is an ageing population in Loggerheads and Whitmore Ward, they have not provided any evidence of a need for improvement of the existing health facilities in the area. On the basis of the above, it is not considered that the contributions requested by Loggerheads Parish Council would comply with Section 122 of the CIL Regulations.

10. 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?

10.1 In consideration of the above points, the development would result in some limited local impact on the character and appearance of the area and there would be a loss of best and most versatile agricultural land. However, the proposal represents sustainable development and would make a significant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area.. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
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 N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

Planning for Landscape Change – SPG to the former Staffordshire and Stoke on Trent Structure Plan

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Relevant Planning History

None

Views of Consultees

The **Environmental Health Division** object on the grounds of an unacceptable impact from pollution from sewage odours with respect to Area 1 of the development. In the event of approval being granted conditions are recommended regarding noise levels, further noise assessment regarding noise from the sewage treatment works, contaminated land, construction management plan, protection of the highway from mud and debris, details of dust mitigation during construction and waste storage and collection arrangements.

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

The **Landscape Development Section** is satisfied that subject to the agreement to a final layout the development can be accommodated without the loss of visually prominent TPO'd trees. Information provided in the submission shows that significant TPO'd roadside trees will not need to be removed to accommodate the access routes to the proposed development, the position of the new bridge would appear to avoid Category B trees and sufficient allowance for POS has been provided. Where

shading is identified as a potential problem it is suggested that habitable rooms face away from retained trees. Conditions are recommended requiring an arboricultural impact assessment and method statement, Root Protection Areas (RPAs) of retained trees to be shown on the proposed layout, details of all special engineering works, details of boundary treatments and full landscaping proposals. Either an appropriate play facility should be installed on-site or an appropriate contribution for off-site Public Open Space would be requested. The contribution based on 78 dwellings would be £229,554. The Public Open Space contribution would be required for Burntwood Play Area which is 590m (straight line distance) or 720m (walking distance). There would be preference for the installation of an on-site facility due to the distance of the development site from the main village facility.

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Excluding the 19 RSL dwellings from secondary only, a development of 78 houses (59 at secondary level) could add 16 Primary School aged pupils and 9 High School aged pupils. Madeley High School is projected to have limited places available in one year group only. St. Mary's CE (VA) Primary School is projected to have limited places available in one year group only (excluding taking into account any demand associated with the Tadgedale Quarry development). On the basis that the Tadgedale quarry application has yet to be determined an education contribution for 14 primary school places (14 x £11,031 = £154,434) and 7 secondary school places (7 x £16,622 = £116,354) is required. This gives a total request, from the Education Authority, for an education contribution of £270,788.

The **Waste Management Section** has no comments but notes that the northern part of the development could cause access difficulties for refuse collection vehicles and would require reversing manoeuvres.

The **Highway Authority** state that modelling of the access junction and surrounding network shown in the Transport Assessment (TA) shows that they will operate within their practical capacity during peak hours in future years with the development traffic added. Vehicular access to the site will be provided from the B5026 Mucklestone Road thorough the introduction of two priority controlled access and a drop kerb access. The site is well located in terms of walking distance to most village services and the developer is proposing a 2m wide footway along the site frontage linking existing footways and dropped kerbs and tactile paving at two points at this location on the B5026 to assist pedestrian connectivity. No objections are raised subject to conditions regarding full details of the site access, full details of the layout of the site, submission of a travel plan and submission of a construction method statement. A £6,300 travel plan monitoring fee is required.

It is stated that concerns have been raised over the safety of the A53/Eccleshall Road/Mucklestone Road double mini roundabout junction, suggesting that it is a barrier to pedestrian movement. This has been mitigated against as part of the neighbouring proposed residential development at the Tadgedale Quarry site but not on this application. Such a proposal should be included in this application on the assumption that the proposed development on Tadgedale Quarry does not proceed or comes after this development.

The **Housing Strategy Section** states that the applicant will need to provide 25% of the dwellings for affordable housing with 60% being social rented and 40% being shared ownership. The affordable housing should not be clustered together on the development and should be sufficiently spread across the development.

Loggerheads Parish Council objects on the following grounds:

- The site notices state that the proposal "does not accord with the provisions of the Development Plan in force in the area".
- The Rural Area is at least 60% ahead of requirement thus negating the requirement for any further development in Loggerheads.
- This site is not brownfield, not within the Village Envelope of Loggerheads and is close to a village which is not a sustainable location for further development.
- The application describes the doctor's surgery in Ashley as "easily accessible by public transport". Although a bus service does pass close to the surgery it runs just once an hour and the bus stop is 650m away.

- The conclusions of the Transport Assessment that there are no highways or transport concerns is totally at odds with the experience of the Parish Council and local residents. The junction of Mucklestone Wood Lane and the A53 has resulted in several serious accidents and many near-misses and the double roundabout configuration in Loggerheads is hazardous.
- Nearly half of drivers on Mucklestone Road exceed the 30mph speed limit. There is a very active Speed Watch Group in the area and the 85th percentile is 37mph.
- The proposal for 2 access points onto Mucklestone Road would result in a total of 7 junctions within a distance of only 235m.
- The schools are consistently full and there is a lack of parking for dropping off and collecting children. That is not a sustainable situation which will deteriorate further if this application is permitted.
- Public transport will not allow people to travel to work from Loggerheads.
- There is no need for housing in Loggerheads, with an average of 100 houses for sale in the immediate area over the past 12 months. In addition, there are nearly 2000 empty houses in the Borough.
- Noise from RAF training helicopters using the adjacent Folly Wood is quite intrusive from Monday to Friday. This has been overlooked in the Acoustics Report.
- The Parish Council has had several complaints about smells and flies from the sewerage works at the rear of the site. Sniff tests undertaken in November 2014 and January 2015 in dry and cold conditions are not accurate tests given that complaints come in warm weather.
- A large area behind the bungalows in Price Close is a permanent bog.
- If this application is to be considered for approval then it must contribute to the identified infrastructure and community facilities requirements set out in the Parish Council's Neighbourhood Statement.
- There have been five major developments in Loggerheads in the recent past producing approximately 540 new houses and all that has been provided has been statutory open space and small areas of play space. There is now a backlog of provision of infrastructure and facilities which must be corrected.
- This is just one of two proposals currently being considered and the Borough Council intends to seek planning permission for its own land at Eccleshall Road and Market Drayton Road in the near future. That would potentially raise the number of new houses to more than 350. It is very important that these sites are considered collectively so that their impact can be truly evaluated.

Staffordshire County Council Flood Risk Team has no objections subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme for the site.

Staffordshire Public Health states that it is important to consider current and long-term demographic changes in the population to ensure that services appropriately meet the needs of local residents. For Loggerheads and Whitmore Ward a key demographic feature is the ageing population and living in a rural area can present difficulties in accessing services. The significantly higher proportion of residents aged 75+ and 85+ who are living in the ward and the significantly higher proportion of these age groups providing unpaid care indicates need for local and accessible health and social care services for the ageing population. This ageing population indicates the need for planning to consider ageing, including the design and planning of local areas – suitable housing, age-friendly environments, accessible outdoor spaces and building design.

No comments have been received from the **Crime Prevention Design Advisor**. Given that the period for comments has ended it could be assumed that he has no comments to make upon the proposals.

The comments of **Severn Trent Water** are awaited.

Representations

Approximately 100 letters of objection have been received. A summary of the objections made is as follows:

- The development would be outside of the village envelope.
- The village is not well served by public transport and most journeys are by car. As such the proposal is wholly unsustainable.
- The road network serving Loggerheads is already substandard and any significant increase in traffic would exacerbate this. The mini-roundabouts are notoriously dangerous and further traffic would further risk the safety of residents.
- The local primary schools have reached capacity and there is no secondary school.
- The offensive smells and fly infestations from the sewage farm would be increased.
- The Ashley Doctor's surgery has reached its capacity.
- The car parking at the local shops has reached capacity and further vehicles would cause problems with health and safety regulations and would make it more hazardous for pupils walking to school.
- There is a large stock of available housing – there is no shortage.
- Loggerheads is lacking in facilities.
- There are 1800 vacant properties in the Borough and a number of brownfield sites in the town that would lend themselves to residential development.
- The bus service is infrequent and unreliable.
- The electricity supply system has been overloaded for years.
- Loggerheads lacks community facilities for all ages.
- The current telephone and broadband availability are struggling to keep up with demand.
- Impact on privacy.
- Impact on views.
- Impact on the character of the site.
- Impact on wildlife including owls.
- Job opportunities are limited.
- There is a history of flooding and the capacity of both the surface water and foul sewer systems need to be updated and enlarged.
- The area is the site of the Battle of Blore Heath.
- The site is close to an intensive chicken unit with the associated smells, noise, dust and flies.
- Impact on property values
- The Loggerheads Parish Plan does not include this site for development.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Planning Statement
- Design and Access Statement
- Assessment of Housing Land Supply
- Noise and Vibration Assessment
- Odour Impact Assessment
- Phase I Desk Study
- Flood Risk and Drainage Strategy
- Archaeology Heritage Assessment
- Arboricultural Report
- Landscape and Visual Appraisal
- Habitat Survey and Ecological Appraisal
- Transport Assessment
- Travel Plan
- Agricultural Land Classification Report

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1500202OUT

Background papers

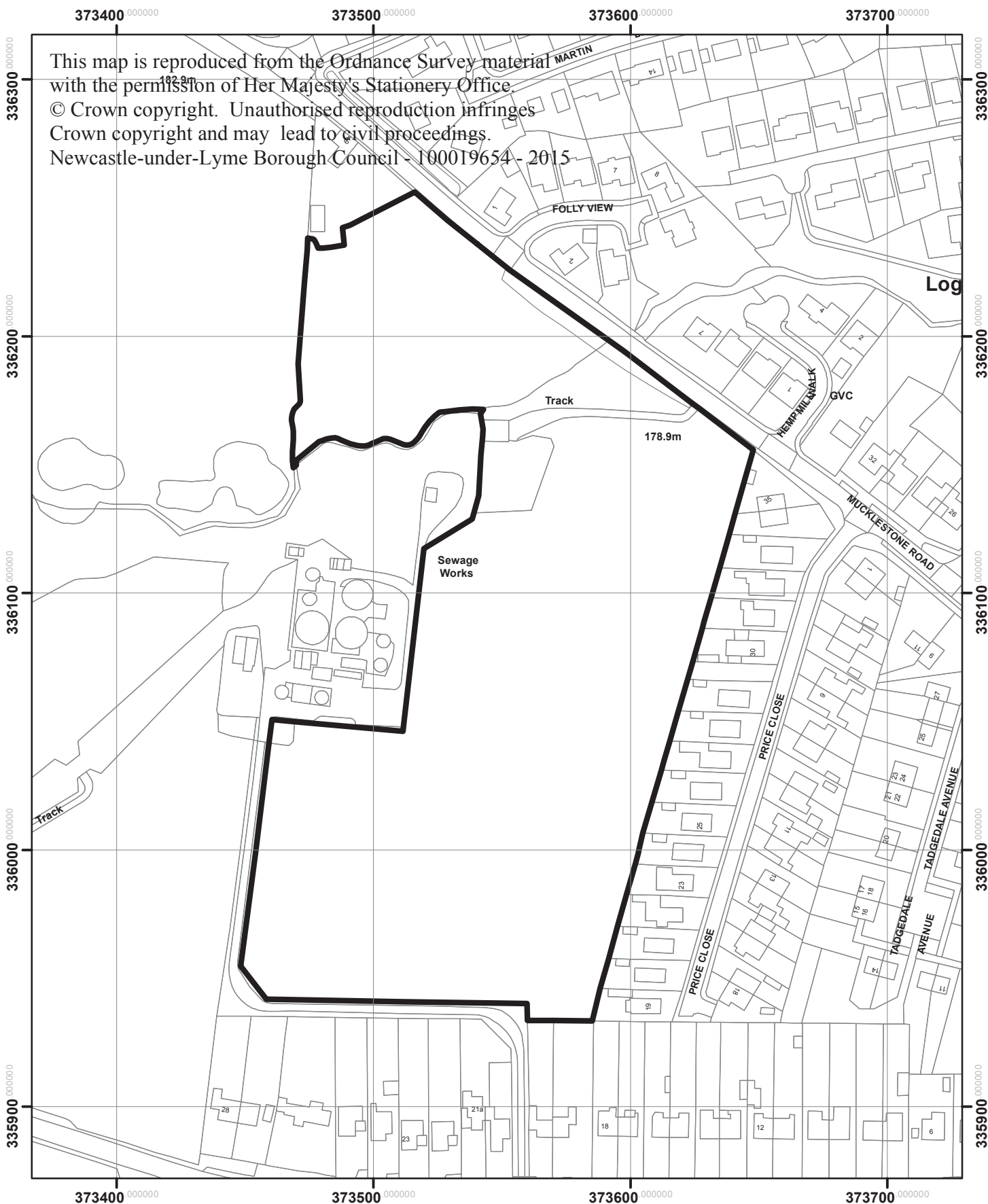
Planning files referred to
Planning Documents referred to

Date report prepared

8 July 2015

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Land South West Of Mucklestone Road,
West Of Price Close And North Of
Market Drayton Road, Loggerheads
15/00202/OUT



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**AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END
WW PLANNING**

15/00279/FUL

The application is for full planning permission for a residential development comprising 14 houses.

The application site, of approximately 0.33 hectares, is within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II listed milepost is sited located on New Road opposite and in close proximity to the site.

The 13 week period for the determination of this application expires on 25th August 2015.

RECOMMENDATION

Refuse for the following reasons;

- 1. The number of dwellings proposed for this site results in the proposed development having a cramped and overdeveloped appearance that would be out of character with the immediate locality and harmful to the appearance of the area;**
- 2. The applicant has failed to demonstrate that an acceptable level of off street car parking can be achieved within the application site and that a refuse lorry can manoeuvre within the site safely which would in adverse impact on highway safety,**
- 3. Without a secured and appropriate financial contribution relating to public open space the development would be contrary to policies on the provision of open space for residential development;**
- 4. Without a secured and appropriate financial contribution for education places the development would be contrary to policies on the provision of open space for residential development.**

Reason for Recommendation

There are a number of concerns about the development. These include the adverse impacts of the development stemming from the number of dwellings proposed which would be harmful to the form and character of the area, the highway safety concerns and the absence of an obligation securing a financial contribution towards public open space and education provision. These adverse impacts significantly and demonstrably outweigh the benefits of the development – in particular the provision of housing on a previously developed site involving a disused workingmen's club, in the context of the Council's inability to demonstrate a 5 year supply of deliverable housing sites, in a sustainable rural location.

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

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

Key Issues

This application is for full planning permission for a residential development comprising 14 dwellings on the former Audley Workingmen's Club site located on New Road in the village envelope of Bignall End.

Access to the proposed development would be off New Road and a grade II listed milepost is located on New Road opposite and in close proximity to the site. The proposal is not considered to adversely affect the setting of this milepost and so no further consideration is deemed necessary.

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?
- S106 obligation considerations
- 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 the development on this site acceptable?

The site lies in the rural area within the village envelope of Bignall End.

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

Policy ASP6 is more specific towards housing in rural areas and 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. This is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

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.

The application site is currently occupied by an existing workingmen's club building and associated car parking and as such meets the definition of previously developed land (PDL) as identified within annex 2 of the NPPF.

The principle of residential development on this site by virtue of it representing development of PDL in a sustainable rural location is considered to comply with policies SP1 and ASP6 of the CSS, policy H1 of the local plan. However in accordance with paragraphs 14 and 49 of the National Planning Policy Framework (NPPF) such policies are out of date as, in the opinion of your officer, the Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the NPPF due to a lack of a full objective assessment of need. The starting point is a strong presumption in favour of development unless any adverse impacts of doing so would outweigh the presumption will be considered in the sections below.

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

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

Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of

buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them.”

The submitted layout shows a single point of access which utilises the existing access for the former workingmen’s club with a straight road leading to a turning head at the top. The proposed dwellings would all front this internal road.

The proposed dwellings would be semi-detached and two storey in height with a mix of two and three bedroom dwellings. The housing density of the proposed development is 42 dwellings per hectare. The proposed dwellings would be tightly spaced together and whilst it is acknowledged that the character and form of some parts of Bignall End is of high density terraced streets the context is very different on this side of New Road which has much lower density. In particular a neighbouring residential development permitted in 2002 has an approximate density of 35 dwellings per hectare which is considered a more appropriate density for this rural settlement location. This results in the development having a cramped and overdeveloped appearance that would be out of character with the immediate locality. This would be contrary to the urban design guidance and requirements of the NPPF.

Whilst the individual design of the plots, which are all very similar with identical features within the front elevations, may be acceptable within a development of fewer dwellings in this case such uniformity serves to emphasise that the dwellings are too tightly spaced and appear cramped. A reduction in numbers of dwellings within the development and the introduction of other materials to the palette proposed would improve the scheme in your officer’s opinion.

The two bed properties would have one frontage car parking space in order to provide soft landscaping on the frontages. Parking standards are considered in a later section but the amount of soft landscaping does not soften the appearance of the frontages to a point where it addresses the overdeveloped appearance of the site.

It is therefore considered that the redevelopment benefits of the proposal do not outweigh the harmful impact that the appearance has on the character and form of the area. It is the view of your officers that a lower density development would address the significant concerns raised.

Would there be any adverse impact on residential amenity?

Paragraph 17 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As discussed the layout shows the dwellings in a linear form with plots 1 to 7 having an outlook towards the rear elevations of properties on Pump Court and plots 8 to 14 would have an outlook towards the rear of properties on Watlands Road. A number of objections have been raised by neighbouring occupiers about the two storey scale of the proposed dwellings and the proximity to neighbouring properties and potential overlooking and loss of privacy. However, the separation distances between the proposed plots and the existing plots would comply with the SPG and adequate private amenity space would also be achieved which is considered acceptable.

If planning permission were to be granted it is advised that permitted development rights for all of the plots should be removed for extensions and outbuildings due to the limited rear garden sizes. The ability to undertake alterations to the roof without the need for planning permission should also be removed to ensure that no harm is caused to the amenity of neighbouring occupiers and hardstandings should be prevented within the front gardens.

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

Policy T16 of the local plan details that for a two/ three bedroom dwelling there should be a maximum of two off street car parking spaces per dwelling.

The NPPF seeks to promote sustainable development and development in sustainable locations. In this instance it is one of the largest rural centres with public transport opportunities (bus service)

operating on New Road with schools and other amenities within easy walking distance. Audley village centre is also considered to be within easy walking and cycling distance from the application site.

The two bed dwellings are said by the applicant to have one off street car parking space on a front driveway and the three bed dwellings to have two spaces in a tandem arrangement (other than plot 12 where the two spaces are side by side covering the width of the site frontage). The applicant considers that such parking levels are appropriate for this sustainable location and that a reduced level of parking would also be acceptable in such a sustainable location which would allow more landscaping along the frontages to address concerns that have been expressed about the appearance of the development.

It is acknowledged that there is a choice of modes of transport than the private car in this location it is, however, considered that the number of parking spaces that is said to be provided is necessary to address the needs of the development and any reduction could result in vehicles parking on the access or elsewhere. Whilst, as suggested by the applicant, design measures can be incorporated into the development that would discourage vehicles from parking along the access those vehicles that aren't accommodated on plot will park elsewhere on the public highway which may result in highway safety problems.

In any event the applicant has not satisfied your officer or the Highway Authority, through the submission of a plan showing parking spaces of appropriate dimensions, that one space can be provided for the two bed dwellings and two spaces for the three bed. As such as the applicant has failed to demonstrate an acceptable level of parking within the development and that highway safety will not be affected.

Another concern expressed by the Highway Authority is that the applicant has also failed to demonstrate that a refuse lorry can access and manoeuvre the site safely. This also results in highway safety concerns.

A reduction in housing numbers would also reduce the impact that car parking has on the appearance of the development and visual amenity of the area.

S106 obligation considerations

The Landscape and Development Section (LDS) and the Education Authority (EA) have indicated that the proposed development would require a contribution to be secured for Public Open Space (POS) and Education respectively.

The NPPF advises developments should optimise the potential of site accommodate development, create and sustain an appropriate mix of uses, including public open spaces (paragraph 58), it also advises the local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 203).

It necessary to consider whether the contributions sought are in accordance with Section 123 which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010.

The proposed development would introduce 14 new two and three bed dwellings into the locality and no open space is included within the development proposals. Therefore LDS have requested a contribution of £41,202 for capital development/improvement of greenspace and maintenance Local playground facilities at Bignall End Road which is the only public open space within the locality.

A contribution of £33,093 to primary school provision (3 pupil places) towards Ravensmead Primary School is requested.

A POS contribution has not been previously secured for the above and neither has a contribution towards the above school. It is therefore considered that the obligations requested are consistent with

the provisions of the NPPF and meets the tests of the CIL regulations, as amended, which are that a planning obligation should be

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

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

The proposed scheme by virtue of the number of units and the cramped appearance would represent overdevelopment of the site that would have a harmful impact on the visual amenity of the area, along with highway safety concerns, which would outweigh the benefits of the provision of housing land in the rural area and the redevelopment of the existing derelict site, thus being contrary to the requirements of the NPPF taken as a whole.

Other matters

The County Council Flood Risk Team has commented that a Surface Water Drainage Strategy has not been submitted and that detailed drainage plans are required for the proposed development, to show the proposed topography and how it will drain are required before the application is determined. United Utilities, have, however requested drainage details through a condition of permission.

Further clarity will be sought from the flood risk team of their request and whether the matters can be addressed via conditions. An update will be provided prior to the meeting.

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 CSP5: Open Space/Sport/Recreation
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy C22: Protection of Community Facilities
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

Relevant Planning History

None relevant

Views of Consultees

Audley Parish Council has indicated that the design of the site layout is of a poor quality with no soft landscaping and a uniform appearance which is not in keeping with the adjacent modern development. In particular it is overcrowded and overdeveloped. A reduction in property numbers to 10, providing a mix of housing offers and designs with larger gardens and more off road parking would be considered a better quality and more sustainable development. Consideration should be given to the lack of ability for the visitors and resident's additional cars being able to park in the nearby area if there is no room to park on the road of the development.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding construction hours, contaminated land and design measures to mitigate future occupiers from noise.

The **Highway Authority** has recommended that the application should be refused due to the application failing to provide adequate information to assess the application from a highway safety perspective.

The **Housing Strategy Section** states that the 14 dwellings do not meet the threshold set out in the Affordable Housing SPD and therefore no affordable housing is required.

The **Education Authority** states that the development falls within the catchments development falls within the catchments of Sir Thomas Boughey High School and Ravensmead Primary School. The development is scheduled to provide 14 dwellings. A development of this size could add 3 primary aged pupils and 2 secondary aged pupils. Sir Thomas Boughey High School is projected to have sufficient space to accommodate the likely demand. Ravensmead Primary School is projected to be full for the foreseeable future and an education contribution for 3 Primary School places (3 x £11,031) = £33,093 is therefore required.

Staffordshire County Council Flood Risk Team have indicated that they are unable to comment as there is no Surface Water Drainage Strategy submitted with the application.

The **Landscape Development Section** raises no objection subject to tree protection measures and submission and approval of a landscaping scheme. A contribution of £ 2,943 per dwelling towards the improvement and maintenance of local playground facilities at Bignall End Road should be secured which is a 644 metre walk or radial distance of 528 metre away.

The **Waste Management Section** raises concerns regarding the access to the proposed properties, for waste collection vehicles. A 26 tonne, 12 meter long refuse truck would have to either reverse in or out of the access road. Reversing vehicles of this type is a high risk operation and HSE guidance for the waste industry states that such manoeuvres should be designed out where opportunities arise. Notwithstanding the concerns a conditions regarding waste recycling details and storage is advised by condition.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** support the redevelopment of the site for housing but wonders whether the proposed layout could be improved by changing the location of the access road so that it follows the east boundary instead to improve natural surveillance and enable unsightly boundary treatments to be removed.

United Utilities raise no objections subject to foul water and surface water conditions along with advisory notes regarding water supply.

Representations

Eight letters of representation have been received, seven objecting to the application and one letter in support. The objections received are on the following grounds;

- Houses would overlook neighbouring bungalows,
- The development would cause noise from traffic,
- The design of the houses is poor and the development is out of keeping with the area,
- It would result in the loss of privacy to neighbouring windows from the houses and traffic,
- Concerns regarding criminals having easy access to existing properties due to the access road,
- Construction noise would have a detrimental impact on neighbours,
- The site would be overdeveloped and two storey properties are not appropriate,
- Bungalows would be more appropriate in this location,
- Potential drainage issues,
- Loss of privacy to rear gardens,
- Car parking provision is insufficient,
- The developer is seeking to maximise profit,

The letter of support indicates that the application for housing would be suitable for the area and remove an unused derelict eyesore.

Applicant's/Agent's submission

The application is accompanied by a Design & Access Statement and a Site Investigation Desk Study report. These documents are available for inspection at the Guildhall and on

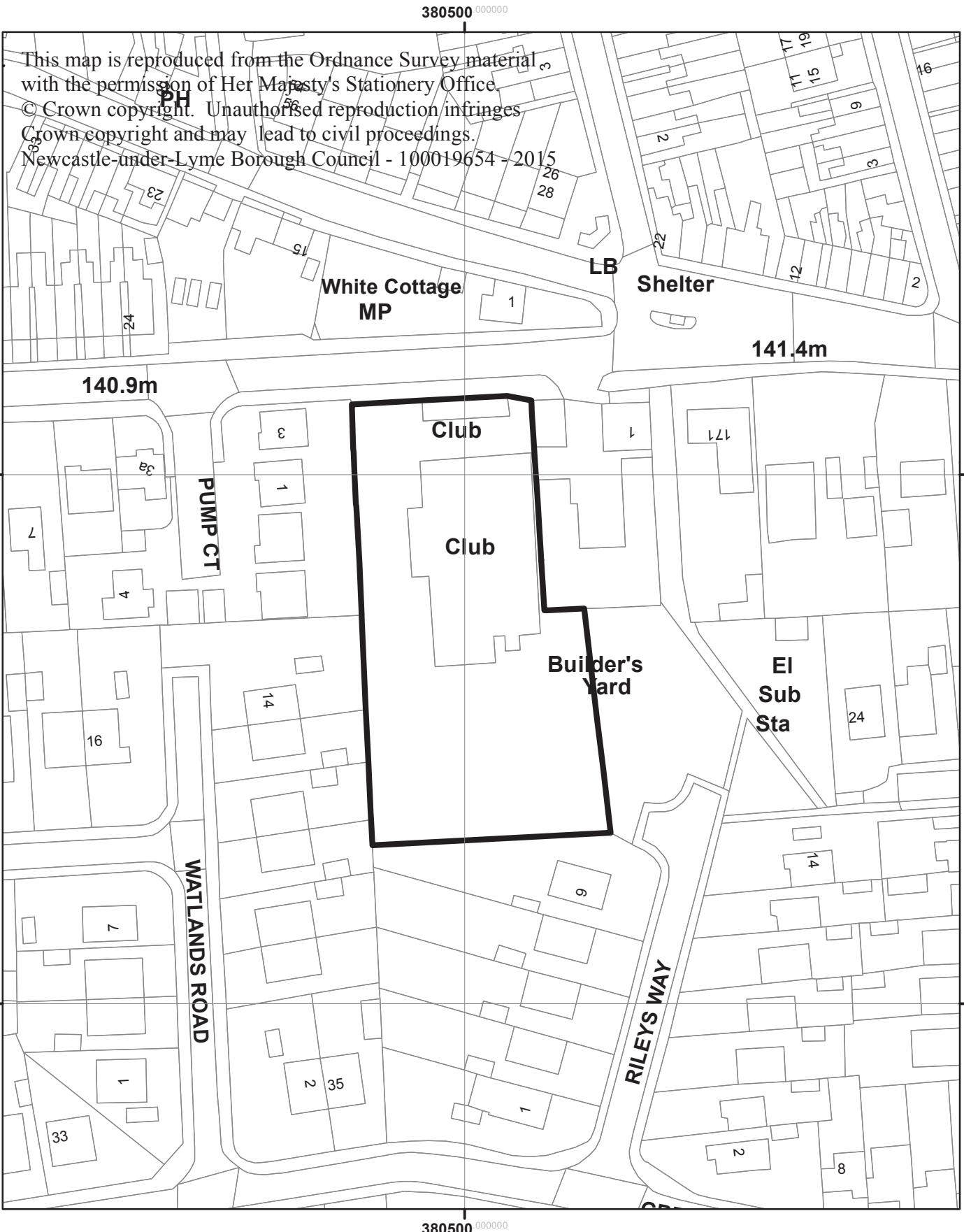
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

3rd July 2015

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LAND AT WEST AVENUE, KIDSGROVE
REVELAN GROUP PLC

15/00368/OUT

The application is for outline planning permission for the erection of up to 44 dwellings. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent consideration. Indicative information provided shows access to the site off West Avenue. The site in total extends to some 1.4 hectares.

The site lies within the Kidsgrove Neighbourhood and Urban Area as specified on the Local Development Framework Proposals Map.

The 13-week period for the determination of this application expires on 17 August 2015.

RECOMMENDATIONS

A. Subject to the applicant entering into a Section 106 obligation by agreement by 15th August 2015 to require:-

- 1. Affordable housing on-site provision;**
- 2. A financial contribution for the enhancement and maintenance of the playground at Townfield Close of £2,943 per dwelling**
- 3. A contribution of £99,279 (for a development of 44 dwellings) towards general teaching rooms at St. Saviour's CE Primary School**

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approval of reserved matters**
- 3. Contaminated land**
- 4. Construction Method Statement**
- 5. Submission of a noise assessment and approval and implementation of appropriate noise mitigation measures**
- 6. Tree protection**
- 7. Highway matters**
- 8. Construction hours**
- 9. Surface water drainage system**

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; fails to secure the provision/maintenance of off-site public open space;; and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area fails make an appropriate contribution towards primary school provision or, if he considers it appropriate, to extend the period of time within which the obligation can be secured .

Reason for Recommendation

Although the proposal would result in the loss of an employment site, the evidence submitted suggests that it is unlikely that the site will be developed for employment. On this basis, it is not considered that an objection can now be sustained on the grounds of the loss of employment land and in the context of the Council's continued inability to demonstrate a five year supply of housing land, the principle of residential development is considered acceptable. It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, could contribute positively to the character and appearance of the area. The scheme is considered acceptable in terms of impact on highway safety, trees and residential amenity. Subject to

the imposition of suitable conditions and appropriate financial contributions, it is not considered that there are any material considerations which would justify a refusal of outline planning permission.

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

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

- Is the principle of development acceptable both in terms of the loss of employment land and the principle of residential development at this location?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any adverse impact upon highway safety?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Is affordable housing required and if so, how should it be delivered?
- Will appropriate open space provision be made?
- Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

Is the principle of development acceptable both in terms of the loss of employment land and the proposed nature of the residential development?

The site was previously in use for employment purposes. The NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Policy E11 of the Local Plan states that development that would lead to the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. CSS Policy SP2 states that the spatial principles of economic development include improvement in the levels of productivity, modernisation and competitiveness of existing economic activities, whilst attracting new functions to the conurbation, especially in terms of service-based industries. These policies are considered to be consistent with the NPPF.

In relation to residential development, CSS Policy ASP5 sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and an indicative target of at least 600 dwellings within Kidsgrove.

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.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material

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

Your officer's advice is that the Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full objective assessment of its housing needs, and is relying on household projections. The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

In terms of sustainability, the site is located close to the A34 and the A500 with its links to the M6 motorway. Butt Lane has a number of shops and services and bus stops are located on Newcastle Road, in very close proximity to the site with a bus service running every 20 minutes connecting Hanley, Newcastle and Kildgrove with its railway station. It is considered that this site represents a sustainable location therefore.

In terms of the quality of the application site as an employment site it is of reasonable size (1.4ha) and is level. It also has a fairly good and direct access to the A500 and thus to the regional and national road network, a factor which no doubt proved attractive to AAH when they developed their site on the other side of West Avenue. A Marketing Summary has been submitted to accompany the application advises that the application site has been marketed since 2004, initially involving the vacant buildings on the site and more recently as a cleared site. In the last four years it has been marketed as part of a larger site for design and build opportunities and planning permission has been granted for a new employment unit on adjoining land which formed part of the site that was marketed. The marketing has therefore been successful to some extent therefore. The submission states that in addition to very weak demand and interest in selling plots of land to occupiers, there have been a number of key reasons why it has been difficult to deliver employment development on this site, as follows:

- Funding not supported because occupiers are not prepared to lease premises for a period of 15 or more years.
- Significant disparity between second hand building values and new build prices required to make a scheme economically viable.
- Lack of demand for a nonprime location both pre and post-recession.
- Lack of demand generally for new building units from the occupational market.

According to the 2011 Employment Land Review (ELR) there is a shortage of well-located employment land in the borough particularly for B1c (light industrial) and B2 (general industrial) development. The Review predicted that the employment land requirements for the borough were 150 hectares from 2011 to 2026 and identified a shortage in the supply of sites to meet the demand forecast. This employment site is of 'good' quality, at least relative to other sites available within the borough and is summarised in the ELR as being well located close to a number of existing employment uses, although there are topographical issues.

However, the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst this site is not allocated it has had outline permission for employment use and is identified as an employment site in the ELR and as such the lack of an allocation should not count against it. It should also be noted that in as far as it seeks to identify the amount of employment land that is available the ELR has been found to be unsound. A Planning Inspector concluded in an inquiry on land at Trentham Lakes there was more than sufficient employment land available in the wider area to satisfy future demands and the Inspector in the appeal at Watermills Road (application reference 13/00974/OUT) accepted that same conclusion. In that appeal the Inspector considered that whilst the development of the site would result in the loss of, in that case, just over 1ha from the employment land supply, overall the borough and the wider market area within which it operates, would still have an adequate supply of land. As such the proposal would not have a detrimental impact on the supply of employment land.

The applicant's Marketing Report does appear to indicate that it is unlikely that the site will be developed for employment purposes – i.e. that there is no “reasonable prospect” as per the NPPF. Marketing has been for a 10 year period and therefore extended beyond the period of economic downturn and recession, and as such has been of sufficient length to enable a reasonable assessment to be made and as such it should no longer be protected.

In conclusion, although the proposal would result in the loss of an employment site, the evidence submitted does suggest that it is unlikely that the site will be developed for employment. On this basis, it is not considered that an objection can be sustained on the grounds of the loss of employment land and in the context of the Council's continuing inability to demonstrate a five year supply of housing land, the principle of residential development is considered acceptable.

Would the development be acceptable in terms of the impact on the form and character 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 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.

Although an indicative layout has been submitted to show how the site may be developed, layout, scale and appearance are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on the layout submitted. A maximum of 44 dwellings are proposed comprising a variety of house types. There is a mix of dwelling size and style in the area and the density proposed appropriately reflects the character of the locality. It is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, could contribute positively to the character and appearance of the area.

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

A Transport Statement has been submitted to accompany the application. The indicative layout plans shows that the site would be served by an access directly onto West Avenue some 40 metres or so to the south west of the next access onto the West Avenue (as opposed to via the roundabout). The Statement indicates that nearby junctions will continue to operate within capacity with the development and the site's access junction will operate satisfactorily. It concludes that the proposed development is acceptable from a transport perspective.

The Highway Authority has no objections to the scheme subject to a number of conditions. They do not appear to have a particular view on whether the access should come off the new road leading from the roundabout or from West Avenue directly.

This is a sustainable location and the site is well located in terms of services, amenities, employment and schools. The occupiers of the dwellings would have good access to alternative options for travel other than the car.

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

The development falls within the catchments of St. Saviour's CE Primary School and King's CE (VA) School (the former Clough Hall Technology School). Staffordshire County Council as the Education Authority calculate, on the basis of their adopted policy, that a development of this size could add 9 Primary School aged pupils, 7 High School aged pupils and 1 Sixth Form aged pupils.

The County Council advises that King's CE (VA) School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development, but the Primary School is projected to be full for the foreseeable future. An education contribution of £99,279 is therefore requested for 9 primary school places (9 x £11,031).

Your Officer is satisfied that the education contribution sought is one which meets the three tests set out in Section 122 of the CIL Regulations (i.e. it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development).

Section 123 of the Regulations stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. The limit has not yet been reached. It is therefore considered that such a contribution could be secured as it would accord with Section 123.

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

Policy CSP6 of the CSS states that for 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.

On the basis of the maximum number of dwellings currently proposed, the affordable housing requirement for this site would be 11 units. Your Officer is satisfied that securing affordable housing through a planning obligation accords with section 122 of the CIL Regulations. Section 123 does not apply.

Will appropriate open space provision be made?

LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, where it should be located and what issues should be taken into account in its design. It also indicates that its maintenance must be secured.

Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

The Landscape Development Section (LDS) have requested a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. It is proposed to spend the contribution that is sought within a playground (a Locally Equipped Area for Play or LEAP) at Townfield Close. This is approximately 700m walking distance from the development where improvements have been identified as required which is significantly more than the maximum distance normally considered appropriate (400m). However in that the play area is en-route to the local shops and services on Butt Lane, use may well be made of it on such trips. Whilst upon completion of residential development on adjoining land there will play facilities in much closer proximity to the site it is the view of your officer that such a contribution would still comply with Section 122 and 123 of the CIL Regulations.

Would the development provide appropriate standards of residential amenity for the occupiers of the proposed dwellings?

One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The site is bound to the south by the site of GE Energy which has recently had planning permission granted for a new warehouse unit on this side. A noise limit was set on the permission for all activities at the development, other than HGV movements which are limited, by condition, to a maximum of 6 entering and leaving the site before 6am or after 8pm on any day. To the south-east, opposite the site, is AAH Pharmaceuticals which is limited to no more than 40 HGVs between 11pm and 7am with no more than 20 such movements between 5 and 7am.

A Noise Assessment has been submitted which assesses the potential impact of **existing** noise sources on the proposed dwellings but does not consider the impact from noise from the planning permission for GE Energy. Notwithstanding this, whilst the Environmental Health Division have

requested a condition that secures a further noise assessment and details noise mitigation measures it is noted that no objections to the proposals are raised by them on this basis..

With respect to the interrelationship of the proposed dwellings with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

Subject to appropriate noise assessment and mitigation measures, it is not considered therefore that an objection could be sustained on the grounds of impact on residential amenity.

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy E11: Development of Employment Land for Other Uses
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (March 2014)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings Supplementary Planning Guidance (SPG) (July 2004)

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

Newcastle-under-Lyme BC and Stoke-on-Trent Joint Employment Land Review (July 2011)

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

Relevant Planning History

The site forms part of a larger site with the following planning history (it forms part of the site which was all originally intended for employment development).

2005	05/00551/OUT	Refuse - mixed employment and housing development
2006	06/00777/OUT	Refused and allowed at appeal - mixed employment and housing

		development
2008	08/00691/REM	Refused and dismissed at appeal - erection of 87 dwellings
2010	10/00244/REM	Approve – 81 dwellings
2011	11/00237/OUT	Approve - full planning permission for residential development comprising 87 dwellings and outline planning permission for the principle of mixed employment use
2015	14/00736/FUL	Approve - new industrial unit and associated link to existing unit with associated service area and car parking (use classes B1, B2 and B8).

Planning permission has been granted for 172 dwellings on adjoining land on a site described as land west of West Avenue, West of Church Street and Congleton Road and North of Linley Road (application reference 12/00127/OUT and 14/00368/REM)

Views of Consultees

The County Council as the **Education Authority** request a contribution of £99,279 (based upon a development of 44 dwellings) as it falls within the catchment of St Saviour's CE (VC) Primary School which is not predicted to have sufficient space to accommodate the likely demand generated by this development. The contribution would be spent on a project to increase the number of general teaching rooms at the school. The secondary school, the King's CE (VA) is predicted to have sufficient capacity however.

The **Highway Authority** has no objections subject to conditions requiring details of the site access, parking and turning etc; closure of redundant access and a Construction Method Statement.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding noise assessment and mitigation measures, hours of construction, hours of construction and contaminated land.

The **Landscape Development Section** has no objection subject to conditions securing a tree protection plan and landscaping, and subject to a contribution of £2,943 per dwelling towards capital development/improvement of the playground and Townfield Close.

The **Environment Agency** has no objections to the proposal subject to conditions regarding contamination.

The County Council as **Lead Local Flood Authority** recommend a condition requiring submission and approval of a detailed surface water drainage scheme for the site.

Housing Strategy indicates that policy compliant affordable housing provision should be secured.

The **Crime Prevention Design Advisor** indicates that a development with the layout shown on the illustrative plan would possess very strong crime prevention credentials. The applicant should ensure that the development prevents unauthorised access to the rear of properties and that where rear boundaries back onto public open space the boundary treatment is appropriate.

United Utilities has no objection to the proposal subject to conditions stating that no surface water should be discharged either directly or indirectly to the combined sewer network. The site should be drained on a separate system with only foul drainage connected into the foul sewer. Surface water should discharge to a Sustainable Drainage System.

The **Coal Authority** has no objection.

The views of **Kidsgrove Town Council** and the **Economic Regeneration Section** have been sought but they have not responded by the due date. As such it is assumed that they have no comments on the application.

Representations

No representations have been received.

Applicant's/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Viability Statements
- Flood Risk Assessment
- Ground Conditions Report
- Air Quality Report
- Noise Statement
- Tree Survey
- Transport Assessment
- Travel Plan
- Bat Survey Report
- Letter of response to comments of the Council's Economic Regeneration Section

All of these documents are available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk/planning/1500368OUT

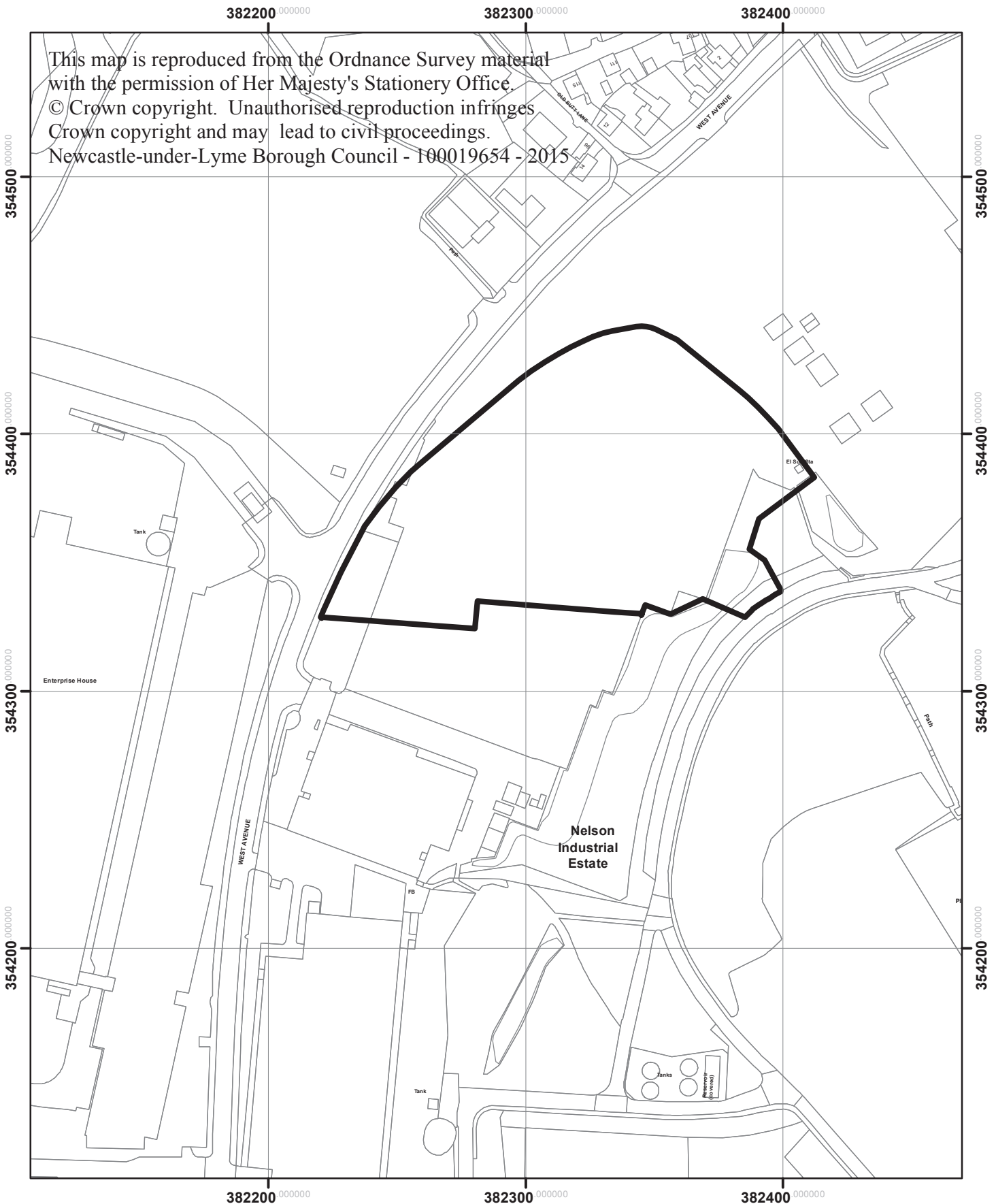
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

6th July 2015

Land on south east side of
West Avenue, Butt Lane
15/00368/OUT



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Keele University
Keele University Sports fields, off Keele Road

15/00392/FUL

The report is to consider an application that seeks planning permission for a package of pitch and sports facilities upgrades to the existing leisure facilities on the campus of Keele University including a new full size Artificial Grass Pitch (AGP), a smaller AGP rugby training pitch, a relocated rugby pitch, redevelopment of part of the existing macadam tennis courts to provide 2 new basketball courts and a beach volleyball court, all along with associated flood lighting, fencing of varying heights, additional pathways, and a replacement 3 bay partly open faced storage shed.

The application site is located within the Green Belt, an Area of Landscape Maintenance as identified within the Local Development Framework Proposals Map. The site is also within the Grade 2 Registered Historic Parkland and Garden at Keele

The statutory 13 week determination period for the application expires on 25 August 2015

RECOMMENDATION

PERMIT subject to conditions relating to the following matters

- 1. Time limit for commencement**
- 2. Approved plans**
- 3. Lighting levels in accordance with submission**
- 4. Tree protection plan to BS**
- 5. Arboricultural Method Statement**
- 6. Construction details**
- 7. Technical specification of full size AGP**
- 8. Community use agreement**

Reason for recommendation

In terms of its impact upon residential amenity, the landscape and the historic parkland and garden heritage asset the scheme is considered to be acceptable. However whilst the storage building constitutes appropriate development in Green Belt policy terms the formation of the pitches, fencing and floodlighting do not – the Committee must decide whether it considers the required “very special circumstances” exist. Substantial weight should be 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 considerations..

On the harm side, inappropriate development is by definition harmful to the Green Belt. Whilst the features proposed (the lighting columns and fencing) are not insignificant, by reason of their height, they have little volume or mass and the openness of the site is in effect maintained by the proposals. On the positive side, to be weighed against such harm, there are undoubted significant benefits in terms of the provision of improved outdoor sport facilities on a location that is already used for that purpose, and at a location that, by being accessible on foot from the campus is a sustainable one. The uniqueness of the proposal is its relationship to the University, and in that sense it is not capable of being located elsewhere beyond the Green Belt (the University being surrounded by Green Belt). One of the stated objectives of Green Belt policy is to provide opportunities for outdoor sport and recreation.

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

The Authority has sought and received additional information from the applicant to assist in its determination of this application.

KEY ISSUES

1.0 Introduction

1.1 The application seeks planning permission for alterations to the existing sports facilities to the university. The proposed alterations include;

- A new floodlit AGP football pitch to replace the existing grass rugby pitch.
- A new floodlit AGP training pitch on an unused area of playing field west of the existing tennis courts to be used for rugby and soccer
- A grass rugby pitch relocated to current site of a football pitch to ensure two full sized grass rugby pitches are retained
- Redevelopment of four out of eight macadam tennis courts to provide two floodlit basketball courts and a floodlit beach volleyball court
- A replacement storage shed measuring approximately 18 metres in length, 7 metres in width and 4.5 metres in height
- Fences of up to 4.5 metres in height
- Floodlighting

1.2 The application site forms part of the University of Keele campus. The site falls within the Green Belt, and within an Area of Landscape Management, all as indicated on the Local Development Framework Proposals Map. The site furthermore lies within the Grade 2 Registered Historic Parkland and Gardens at Keele, a nationally designated heritage asset. Access to the site is achieved via the internal campus road network, and the site is bounded on its north western side by a tree flanked stone retaining wall that separates it from the lower Keele Road. To its north east lie further playing fields (bounded by the A525 along their northern side) and to the south east residential properties and various University buildings. The University's sports centre building lies to the east of the site

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

- The principle of the development in terms of its appropriateness in terms of Green Belt policy and whether it meets national policy on outdoor sporting facilities
- Impact upon residential amenity
- Landscape impact
- Impact upon the historic park and gardens , including impact of trees of amenity value
- If the development is inappropriate development within the Green Belt do the required very special circumstances exist so as to justify approval

1.3 Each issue will be assessed in turn below.

2.0 Principle of Development in terms of its appropriateness in terms of Green Belt policy and whether it meets national policy on outdoor sporting facilities

2.1 The application site is located within the Green Belt, and as such consideration must be given as to whether the proposal would represent inappropriate development within the Green Belt. The site is already used for outdoor sports so there is no change of use involved. The proposal has two elements – the construction or adaptation of artificial pitches and hard surfaces (works that would be undertaken by a play pitch provider rather than an engineer) together with fencing and floodlighting, and the erection of the storage building.

2.2 NLP Policy S3: Development within the Green Belt within the Local Plan states that there will be a presumption against development in the Green Belt, but one of the exceptions to this is

“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. Such development must be on reclaimed land, or low grade agricultural land, where practicable. Any buildings must be limited to those essential to the use and much be sited to minimise their impact on the openness of the Green Belt”.

2.3 Notwithstanding that the development plan is starting point for the consideration of planning applications, the weight to be given to the above policy is dependent upon its consistency with the NPPF – the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given to them. In this case the NPPF is actually more restrictive than the above local policy.

2.4 The NPPF indicates that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt and that this should include looking for opportunities to provide for outdoor sport and recreation. The proposal is in line with this objective.

2.5 Paragraph 89 of the National Planning Policy Framework (NPPF) states that the construction of new buildings should be regarded as inappropriate development within the Green Belt unless it is, amongst other things, for the provision of “appropriate facilities for outdoor sport, outdoor recreation...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”.

2.6 The proposed shed whilst quite a bit bigger than the timber structures that it replaces has a clear and justifiable function and scale in relation to the maintenance of the adjacent outdoor sporting facilities given their size. As such it is considered to be for the provision of “appropriate facilities”, to assist in the maintenance of these outdoor sporting facilities and thus the continued openness of this part of the Green Belt. Although slightly removed from the much bigger Sports Centre building it is not visually isolated and on this basis it is not considered to be contrary to that purpose of including land within a Green Belt which refers to the safeguarding of the countryside from encroachment. The conclusion reached is that the proposed building is appropriate development in Green Belt terms. That element should accordingly be granted planning permission unless it causes demonstrable harm to an interest of acknowledged importance. The report below will consider whether this is so. Very special circumstances do not need to be demonstrated with respect to the building element of this proposal.

2.7 With respect to the construction of the pitches, fencing and floodlighting, Paragraph 90 of the NPPF indicates that certain limited other forms of development are also not inappropriate development (within Green Belts) – but none of those listed in this paragraph match the proposed works. Accordingly the conclusion has to be that these particular works have to be viewed as inappropriate development – at least in Green Belt terms. The question of whether the required very special circumstances exist to justify a grant of planning permission will be addressed later on in this report.

2.8 On the other issue of principle – that which concerns the promotion of healthy communities and the delivery of the recreational facilities the community needs, paragraph 73 of the NPPF positively encourages access to high quality open spaces for sport and recreation, and acknowledges its important contribution towards the health and wellbeing of communities. The proposal in this respect is clearly in line with that national policy, particularly if community use forms part of the proposal. The NPPF goes on, in paragraph 74, to support the retention of existing open space, sports and recreational buildings and land, unless the development is for alternative sports and recreational provision, the needs for which outweigh the loss.

2.9 Sport England initially issued a holding objection on the basis that they were not, at that point, satisfied that the proposal met one of their “exceptions” (to their policy of opposing the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playingfield, unless one of 5 such exceptions applies). Within their holding objection they provided the views of the National Governing bodies on the proposals for the sports affected – the Lawn Tennis Association (LTA), the Football Authority (FA) and the Rugby Football Union (RFU).

2.10 Having received an explanation of why the smaller AGP cannot be made larger so that it is what is termed a compliant facility – to do so would result in unacceptable impact on existing mature trees on the Keele Road frontage - and further and amended information of a technical nature about the specification of the larger AGP, and of the positive albeit currently informal approach taken by the university to community use, Sport England’s position is now that they are supportive of the proposal on the basis that whilst a grassed playingfield is to be lost it would be replaced by an equivalent or better playingfield in terms of quantity, quality and accessibility . They do however seek two

conditions, as detailed in the consultation responses section, including one requiring a community use agreement. It is assumed that such community use is likely to take place at non-peak times, for example during university holidays, and therefore issues of additional parking demand should not arise.

2.11 In terms of national planning policy on outdoor sport the proposal is both in accordance with and supported by that policy. CSS policy CSP5 seeks the enhancement of the area's sports assets and refers to additional sports and leisure facilities being developed to meet local needs identified in the Playing Pitch Strategy. There is no conflict between the proposal and the Playing Pitch Strategy, approved by Cabinet at its meeting in June, the scheme here under consideration being referred in that Strategy as an aspiration.

2.12 In conclusion for the principle of the works to the pitches with the associated fencing and floodlighting to be acceptable in planning terms the Local Planning Authority will need to conclude that very special circumstances exist to justify such development within the Green Belt, albeit that the proposal is fully in accordance and gains support from policies on outdoor recreation.

3.0 Impact upon residential amenity

3.1 The proposed sports pitch upgrades are a considerable distance from any neighbouring residential properties. The nearest dwellings outside the ownership or control of the University are probably those at Boggs Cottages on the northern opposite side of the A525 and separated from the site by a belt of mature trees. The intended hours of use of the pitches are between 0730 and 2200 hours on weekdays and bank holidays, and 0900 -1880 hrs on Saturdays and Sundays, reflecting the increased scope for use during hours of darkness as a result of the provision of floodlighting. The avoidance of any significant light spillage outside of the proposed playing surfaces is indicated, the required lighting footprint having been calculated. Similarly the distance of the site from residential properties suggests that noise associated with the use of the pitches should not be an issue here and in this context it is worth noting that a community use agreement is proposed - enabling greater and closer control and management of the use of the pitches, than would otherwise be the case. The Environmental Health Division have no objections to the proposals. In conclusion there are no grounds to consider that the proposal would materially adversely affect residential amenity in the area.

4.0 Landscape impact

4.1 The site is contained to the west by the Keele Road boundary wall with part of it being elevated by about 2 metres or so above Keele Road (where the new full size AGP would be) and the open countryside. The smaller new AGP is at roughly the same level as Keele Road. The proposed AGP pitches would be green in colour and would largely blend in with existing natural grass sports pitches and would not be visible from Keele Road because of the boundary wall.

4.2 There would however be some wider visual landscape impact arising from the fencing and the floodlighting.

4.3 With respect to the former both of the new pitches would be enclosed by weld mesh fences of up to 4.5m in height, including alongside and parallel to the above boundary wall. That around the larger and slightly elevated AGP pitch is likely to be the most prominent. However between the wall and the fence is a line of mature trees, and although these are well spaced their size is such that they would help break up the profile of the fencing, which would be colour coated green, thus reducing further its visual impact when viewed approaching along the A525 from the Madeley direction. The Landscape Development Section have satisfied themselves, that subject to appropriate tree protection measures being taken during construction these boundary trees should be able to be successfully retained.

4.4 Some 28 lighting columns are proposed arranged in approximately parallel lines at right angles to the boundary wall. This compares with the existing 8 (2 lines of 4) which currently light the existing astroturf pitch (and which are to be replaced in the proposal). They are largely hidden behind a somewhat line of conifer planting that could be considered more intrusive in the landscaping than the lighting columns it screens, from the A525. The height of these existing columns is being obtained to

assist Members' comparison of the impact of the proposal. 16 of the proposed lighting columns would be some 15 metres in height and the remaining 12 would be 10 metres in height.

4.5 The lighting columns combined with the fencing would be likely to be apparent in the day time in the wider landscape, at least when approaching Keele from the Madeley direction. However the enclosure of the site by not only the boundary wall, but also by the hedgerow along the opposite side of Keele Road, together with the lines of mature trees already referred to all would help reduce the starkness of such features. The overall view from this direction is still one dominated by background tree cover interspersed views of campus buildings and the lighting columns will be seen in this context. Driving along Keele Road itself, between the A525 and the village, views will be restricted by the boundary wall and lining up of the trees. At night when illuminated the site would of course be clearly be apparent, but, on the basis of the lighting calculations, this should be in the form of a sharply defined pool of light.

4.6 The storage building is located immediately adjacent to a significant wooded copse, and relatively close to the Sports Centre building. Its construction does involve the removal of one decayed tree of poor quality, but in landscape terms it is considered appropriately sited given the adjacent copse.

5.0 Impact upon the historic park and gardens, including impact of trees of amenity value

5.1 The site lies within the Grade 2 Historic Parkland and Garden of Keele. It forms part of a larger open parkland already used for pitches and courts that lies in the area between the estate boundary wall and the built campus. The proposals do not impact upon any specific aspects of the gardens at Keele which are included within the List description and insofar as the proposal relate largely to the upgrading of additional outdoor recreational facilities they are considered unlikely to cause any further harm to the overall character of the parkland in this location. The parkland trees – a key feature of this part of the park, are retained within the scheme

6.0 If the development is inappropriate development within the Green Belt do the required very special circumstances exist so as to justify approval

6.1 Given the conclusion above – that whilst the storage building constitutes appropriate development in Green Belt policy terms the formation of the pitches, fencing and floodlighting do not – the Committee must decide whether it considers the required “very special circumstances” exist. Member are reminded that inappropriate development is, by definition, considered to be harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF indicates that when considering any planning application, 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 considerations..

6.2 On the harm side, whilst the features proposed are not insignificant, by reason of their height, they have little volume or mass and the openness of the site is in effect maintained by the proposals – a fundamental aim of Green Belt policy. As discussed above in landscape and historic landscape terms there is not considered to be any material harm. That leaves the harm that by definition flows from inappropriate development itself. On the positive side, to be weighed against such harm, there are undoubted significant benefits in terms of the provision of improved outdoor sport facilities on a location that is already used for that purpose, and at a location that, by being accessible on foot from the campus is a sustainable one. The uniqueness of the proposal is its relationship to the University, and in that sense it is not capable of being located elsewhere beyond the Green Belt (the University being surrounded by Green Belt). Finally reference can be made to the fact that one of the stated objectives of Green Belt policy is to provide opportunities for outdoor sport and recreation.

6.3 On the above basis it is considered that the required very special circumstances do exist and that planning permission can be granted.

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

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP5: Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development – General Parking Requirements
Policy S3: Development in the Green Belt
Policy N12: Development and the protection of trees
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other material considerations include:

National policy and guidance

National Planning Policy Framework (March 2012)
Sport England's Planning Policy Statement : a Sporting Future for the playing fields of England

National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents

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

Planning for Landscape Change – SPG to the former Staffordshire and Stoke on Trent Structure Plan

Other Strategies

Playing Pitch Strategy – as approved by Cabinet June 2015

Relevant Planning History

94/00099/FUL Synthetic pitch with floodlighting- approved March 1994

11/00155/FUL – Erection of spectator barrier and two team shelters within that area enclosed by the former running track – approved 17th May 2011

Views of Consultees

Keele Parish Council considers the proposal to be a good thing for the parish and support the proposal

Environmental Health raise no objections to the proposed development and state that the submitted details with regard to lighting is acceptable

Landscape Development Section – having received additional information indicate that they have no objections subject to conditions requiring the submission, approval and implementation of a Tree Protection Plan, Arboricultural Method Statement and Construction details of any works within Root Protection Areas

Garden History Society – no comments received within the 21 day consultation period, and as such it is assumed that they have no comments to make regarding the proposed development

Sport England – having received additional information on certain queries which they had, SE supports the proposal, on the basis that it accords with their exception policy E5, subject to two conditions one of which refers to the construction details of the artificial grass pitch (to ensure that it is fit for purpose and sustainable) and the other requiring the submission and approval of a community use agreement referring to the various artificial and grass pitches, the tennis, basketball and volleyball courts (to secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport

Staffordshire Wildlife Trust – no comments received within the 21 day consultation period, and as such it is assumed that they have no comments to make regarding the proposed development

The **Conservation Officer** raises no objections to the proposed redevelopment of the playing fields and tennis courts, however raises concerns with regard to the floodlighting and whether this would become visually cluttered

Conservation Advisory Working Party - no objections

Representations

None received to date

Applicant/agent's submission

The application and its drawings are supported by

- Planning Statement
- Lighting Impact Assessment
- Tree Survey
- Bat Survey
- Statement of Community Involvement, and
- Design and Access Statement,

All of the application documents can be viewed at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/1500392FUL

The Planning Statement submits that the proposals should be viewed favourably for the following reasons

- the proposals accord fully with National and Local Policy – which supports the development of sports and recreation facilities of this type, in this location, and seeks to create a qualitative improvement to the recreational use and playing pitches currently on site, and enables the more efficient use of a currently under-used site;
- the development is sited, sensitively specified and will have an appropriate management and control structure in place during its operational use to ensure that the proposal does not detract from the residential amenity of neighbouring residential properties. As such, the proposal is considered to be wholly acceptable in relation to residential amenity;
- it is considered that the proposals will not have an adverse impact on the setting of the wider area or views into the site. The siting of the facilities and specification of the associated structures has been carefully and sensitively considered and proposed, having regard to the setting of the site and surroundings;
- it is considered that the proposals will have negligible impact on the local arboriculture and that the application should be considered in this context;
- it is considered that there would be no impact from the proposed development upon protected species and therefore the proposal fully accords with paragraph 118 of the NPPF by conserving and enhancing biodiversity; and
- the pitch construction is a fully porous design to ensure there is no adverse effect on the surrounding areas and to ensure that rainwater can be taken off the playing surface through the sub-base and into the positive drainage system. As such, the existing drainage conditions and performance in the immediate locality and surrounds will not be affected by the proposals.

The proposed development is fundamentally sound in principle and represents an appropriate and policy compliant scheme, which seeks to create a qualitative improvement to the sporting facilities currently on site, and enables the more efficient use of a currently under-used site.

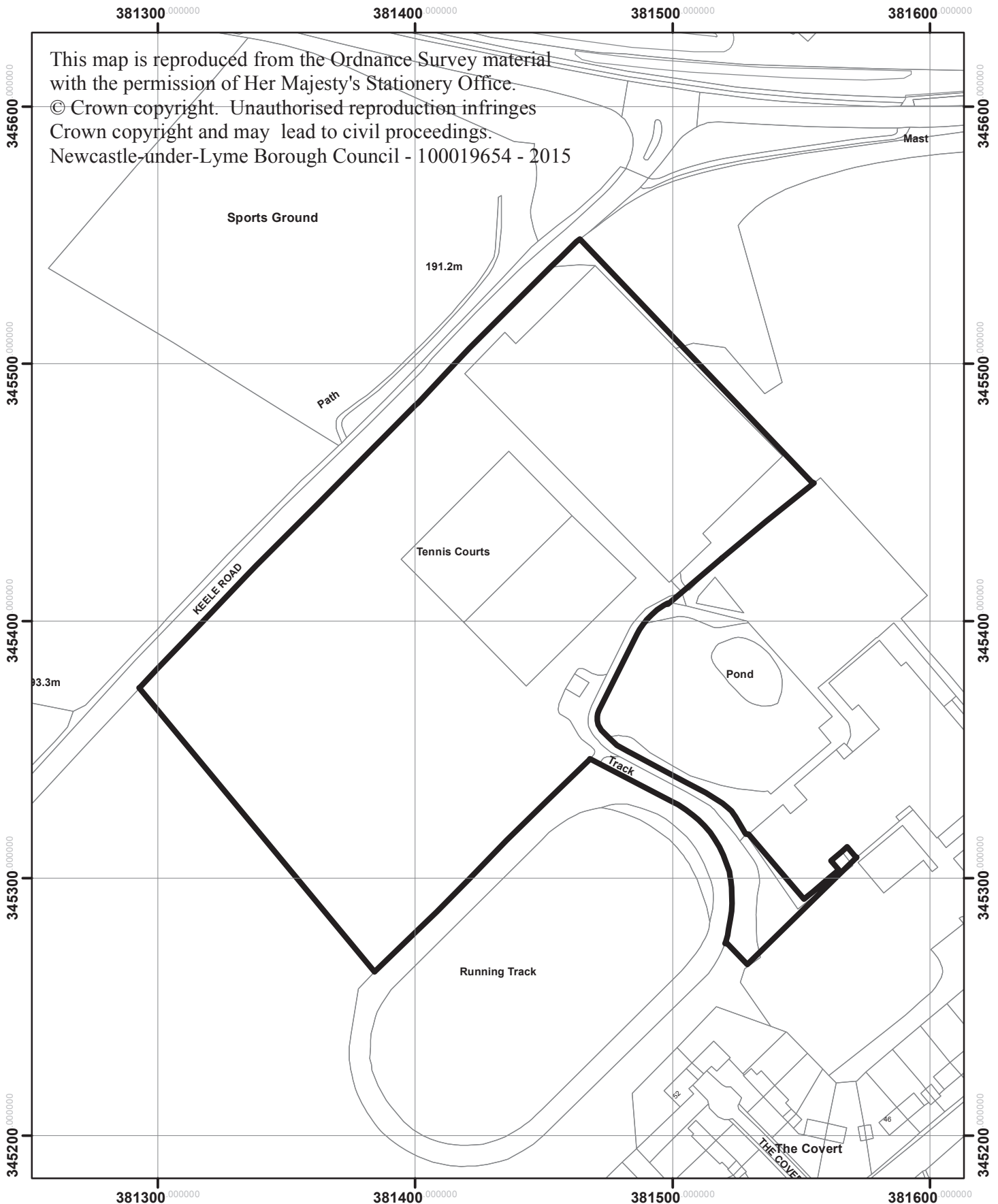
Background Papers

Planning File

Development Plan

Date report prepared

10th July 2015



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

15/00353/FUL

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

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

A decision on the application was deferred at the meeting of the Committee held on 23rd June 2015 to allow the submission and consideration of amended plans repositioning the accesses to limit the loss of trees.

The 8 week period for the determination of this application expired on 8th July 2015 but the applicant has agreed an extension to the statutory period until 24th July 2015.

RECOMMENDATION

Subject to no adverse comments being received from the Highway Authority, in response to additional information that has been received, which cannot be dealt with by appropriate condition(s),

Permit, subject to conditions relating to the following: -

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

Reason for Recommendation

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

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

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

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

Key Issues

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

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

Is the principle of residential development on the site acceptable?

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

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

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

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

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

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

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

The Local Planning Authority, in the opinion of your Officer, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full and objective assessment of need. The starting point therefore must be one of a presumption in

favour of residential development. As has already been stated the development is considered to represent sustainable development and the issue of whether this is an appropriate location for a new dwelling will be considered further at the end of the Key Issues section of this report.

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

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

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

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

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

Reference has been made by Loggerheads Parish Council to an appeal against the refusal of planning permission for a dwelling behind No. 5 Pinewood Drive, Ashley Heath (Ref. 14/00053/OUT). In that case, the Inspector dismissed the appeal on the grounds that the proposal would enclose an area of open land and result in the loss of a landscaped gap which would have a harmful effect on the character and appearance of the area and set a precedent for similar developments on other sites. That site differs from the application site in that it was a smaller area of land that currently provides a visual break between the adjacent residential properties. Due to the irregular shape of the land, the proposed development would have involved the development of a significant proportion of the plot. The application site is a larger site that is at the end of Tower Road. This particular part and north-west side of Tower Road comprises more ad-hoc development with space between some of the properties. As such your Officer's view is that it does not provide the same visual break between development that the appeal site does. It is not considered therefore that the development of this site would have any significant adverse impact upon the character and appearance of the area.

Would there be any adverse impact on residential amenity?

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

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

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

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

Is the proposal acceptable in terms of highway safety?

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

A revised Engineering Layout Plan has been submitted which the applicant's agent states illustrates the provision of appropriate visibility splays to each individual access. It is proposed to afford a pedestrian right of way inside the site adjacent to Tower Road which will allow the existing trees/hedgerow to remain but provide greater connectivity for pedestrians and cyclists to the public footpath network.

The Highway Authority had no objections to the original scheme subject to conditions. Their views have been sought on the amended plan and a further report will be given to Members on the matter.

Would there be any adverse impact on trees?

There are a number of trees on the boundaries of the site and the application is accompanied by a Tree Report. Further to initial concerns raised by the Landscape Development Section (LDS) additional information has been received indicating the loss of just one Category B tree and replacement planting of 12 native species trees. The LDS is satisfied that the layout as now proposed is acceptable subject to approval of tree protection and landscaping proposals. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of impact on trees.

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

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

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Views of Consultees

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

The **Landscape Development Section** considers that the amended layout is acceptable in respect of trees, subject to approval of tree protection and landscaping proposals. A 'no dig' detail will be required for the proposed surfacing within the RPA of T12.

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

Loggerheads Parish Council objects to the proposal on the following grounds:

- The Planning Committee considered an update on the five year housing supply on 3rd June which confirmed that the Borough has a 5 year supply of housing land in this area so existing policies and the CSS will apply to this application.
- The application is outside the Village Envelope in Loggerheads.
- Part of the Inspector's decision letter in dismissing an appeal against refusal of 14/00053/OUT was that allowing a development in this area would set a precedent for the construction of dwellings in large gardens and would have a detrimental effect on the character and appearance of the area.
- The surrounding properties are individually designed detached houses and a high proportion of bungalows in generous sized landscaped gardens. This development of four houses all of similar design in small plots would urbanise the area and completely change the appearance of it.
- The plots are small in comparison to other properties in the area and the footprints of the dwellings would involve the development of a significant proportion of the site.
- Three of the proposed houses would directly overlook bungalows.
- The land is extremely wet and buildings and hard surfacing of driveways will exacerbate this problem.

Representations

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

- The site is a greenfield site outside the village envelope.
- The Borough has a 5 year supply of housing land and as such development outside village envelopes is not in accordance with existing policies.
- The development is not included in the Loggerheads Parish Council 5 year plan.
- The infrastructure cannot cope with these developments with the roads, school, and doctors already to capacity.
- Adverse impact on character and appearance.
- The plots are small in comparison with the existing properties in the area and the footprints of the new dwellings would involve the development of a significant proportion of the sites.
- Four houses of similar design in small plots would urbanise the area and completely change its appearance.
- The land is very wet and buildings and driveways will exacerbate the problem.
- Impact on privacy.
- There is sufficient housing in Loggerheads.
- The development will set a precedent.
- Impact on wildlife.

- Tower Road is an unadopted, unmade road and is badly eroded. The additional traffic will further degrade the surface.

Applicant's/Agent's submission

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

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th July 2015

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OLD SPRINGS FARM, STONEYFORD
HLW FARMS

13/00245/FUL

The purpose of this report is to enable the Planning Committee to further consider whether the terms of a Section 106 (S106) obligation which the applicant is prepared to enter into and which involves the routing of vehicles are acceptable and grant planning permission for the retention of an agricultural building for the chopping and storage of miscanthus (application reference 13/00245/FUL), subject to the obligation being completed within an agreed period of time, or alternatively refuse that application.

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

RECOMMENDATION

(1) Subject to the applicant entering into a S106 obligation by 31st July 2015 that secures a routing agreement for vehicles transporting miscanthus to and from the building referred to in application 13/00245/FUL along the lines indicated in the discussion section of this report and subject to further consideration as to whether a condition can be imposed that restricts the routing of vehicles transporting miscanthus to and from an adjoining, unauthorised, building:

Permit that application subject to the following conditions:-

a) Within two months of the date of the planning permission details of the re-grading and landscaping of the excavated material or its distribution elsewhere in the site is to be submitted and approved, and implemented within four months of the date of that approval; and

(b) Existing site access to be resurfaced in a bound material for a minimum distance of 10 m rear of the highway boundary and maintained as such; and

(2) That, should the obligation referred to in (1) above not be secured in the specified period, the Head of Planning be authorised to refuse the application on the grounds that, in the absence of such an obligation, the development would have a detrimental impact upon highway safety and the amenity of the locality including the enjoyment of the national cycle route, and the character of the Conservation Area through which Tyrley Road passes; or, if he considers it appropriate, agree to extend the period of time within which the obligations can be secured.

3) Unless the applicant entering into a S106 obligation by 31st July 2015 that secures such a routing agreement for vehicles the Council's solicitor be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure removal of the building within 6 months.

Reason for recommendation and the taking of enforcement action

Whilst the applicant has indicated a willingness to enter into an obligation which restricts the routing of the vehicles associated with the use of the building that is the subject of application reference 13/00245/FUL the indication is that they would not be prepared to agree to restriction relating to vehicle movements between the building and land within the agricultural holding (identified by reference to a plan and involving a number of parcels of land to the south and south west of Market Drayton). It is acknowledged that there may be some difficulties in avoiding the restricted routes for some of the identified parcels of land within the holding and journeys would be considerably increased in length if such restrictions are imposed. However there are other parcels of land where alternative routes, avoiding the restricted routes, are possible. As such it is considered that there is justification that the routing restriction should not apply to all land within the holding. Provided that a suitably worded obligation is secured within a limited, specified period of time it is considered that planning

permission can still be issued and that any highway safety concerns arising from that development would be suitably addressed.

In the absence of an obligation restricting the vehicular movements associated with the building it is considered that the development has the potential to have an adverse impact upon highway safety and the amenity of the locality including the enjoyment of the national cycle route, and the character of the Conservation Area through which Tyrley Road passes. Enforcement action is therefore justified unless such an obligation is secured.

Whilst it has already been concluded that enforcement action could not be taken against another, unauthorised, building that is located adjacent to the building the subject of this application further consideration is being given as to whether a routeing restriction for vehicles to and from this building can be secured by condition.

Background Information

Application 13/00245/FUL for the retention of an agricultural building for chopping and storage of miscanthus was reported to the Planning Committee meeting of 4th June 2013 and reported back to Committee on 16th September 2014. The resolution of that Committee as set out within the minutes is as following:

- (i) Subject to the applicant entering into a Section 106 Agreement by 7 October 2014, to secure a routeing agreement, to permit 13/00245/FUL subject to the two conditions set out in the report. If a Section 106 Agreement is not secured by the due date, refuse for the reason set out in the report unless the Head of Planning has extended the period.*
- (ii) That, unless the applicant enters into a Section 106 Agreement by 7 October 2014 to secure a routeing agreement for vehicles transporting miscanthus to and from the unauthorised building, enforcement action should be taken to seek removal of the building referred to. If the building is immune from action, the matter should be reported back to the Planning Committee.*

The two conditions referred to relate to the re-grading and landscaping of excavated materials or its distribution elsewhere in the site; and surfacing at least the first 10m of the access from the highway boundary in a bound material

This application has been reported to Committee within the quarterly reports on extensions to time periods within which obligations under Section 106 can be entered into, most recently to the meeting of 23rd June. The latest report, in as far as it relates to this matter indicated that although a signed agreement was received in March, further alterations were being sought. The report indicated that the applicant had proposed the inclusion of a plan the effect of which your officers considered contrary to the position of Committee and upon being advised of this, the applicant's agent sought additional time to obtain instructions. The report stated at that time the period for the completion of the S106 had been extended until 25th June.

A revised draft S106 was forwarded to the planning service on 25th June 2015.

As indicated above the Planning Committee also resolved, on 16th September 2014, to take enforcement action against an unauthorised building that is located adjacent to the building which is the subject of this application unless the applicant entered into a S106 obligation to secured the routeing agreement for vehicles associated with its use. A further report on the unauthorised building was brought to the Planning Committee meeting of 28th April 2015. That report concluded that the breach of planning control related to operational development as there had been, in the opinion of your officer, no material change of use. As such the development became immune from enforcement action if no action was taken within four years of substantial completion. Members accepted the recommendation noting that evidence available to the Council suggested that the building in question was substantially completed more than 4 years before and as such was now immune from any enforcement action.

Discussion

In seeking to agree the wording of the S106 obligation your Officer has sought to ensure that the requirements of the obligation restrict the route of all HGVs transporting miscanthus to and from the building that is the subject of the application following the resolution of Planning Committee on 16th September 2014. The Solicitor acting on behalf of the applicant has indicated that the applicant is only prepared to enter into an obligation that restricts the routing of vehicles between the building and land other than that within the agricultural holding, identified by reference to a plan and involving a number of parcels of land to the south and south west of Market Drayton (defined as the Site in a draft S106 received from the applicant on 26th March 2015). This plan will be available for Members to see at the Committee meeting. Concern has been expressed by your officers to the applicant's Solicitor that this would undermine the purposes of the routing restrictions as a large number of vehicle movements would not be the subject to the restrictions. There has been no response from the applicant to that concern, but a draft S106 has subsequently been submitted which includes the plan referred to.

Given that an impasse has again been reached and in the interests of progressing this matter to a conclusion further consideration has been given to the terms of the S106. It is acknowledged that there may be some difficulties in avoiding the restricted routes for some of the identified parcels of land within the holding and journeys would be considerably increased in length if such restrictions are imposed. However there are other parcels of land where alternative routes, avoiding the restricted route, are possible. As such it is considered that there is justification for the view that the routing restriction should not apply to all land within the holding identified on the submitted plan. This has been put to the applicant and a response is awaited.

If the applicant is not prepared to enter into an obligation which defines the Site as suggested by your Officer (including some but not all of the parcels of land within the holding as identified on the submitted plan) it is considered that planning permission should be refused as the harm arising from the development would not be suitably mitigated. Enforcement action is therefore recommended in such circumstances.

The representation received, reported below, makes reference to another unauthorised building referred to in the final paragraph of the 'background information' section above. The representation argues that the building in question is not immune from enforcement action. However, as indicated above, consideration has been given to this issue within a report to Planning Committee at its meeting on 28th April and it has been concluded that enforcement action could not be taken against the building. The comments received do not raise anything new that should be considered further and could lead to a different conclusion.

The representation does, however, suggest that conditions could be imposed on any permission that may be granted to 13/00245/FUL (for a different building) that would secure a vehicle routing arrangement for that other building as well. It has previously been indicated to Committee (when recommending that enforcement action should be taken against this unauthorised building if the applicant was not prepared to enter into a S106 obligation in connection with this building) that the matter could not be addressed through the imposition of conditions. However it is considered that the use of conditions be further explored and as such it is proposed to provide an update on this issue before the meeting.

The other points raised within the representation on the draft obligation will be addressed by your officer as part of the process of agreeing the wording to secure an obligation that accords with the resolution of the Committee.

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

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

Policy ASP6: Rural area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character – General Considerations
Policy N18: Areas of Active Landscape Conservation

Other Material Considerations include:

National Planning Policy

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

Supplementary Planning Guidance/Documents

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

Relevant Planning History

Planning permission was granted in 2009 for a crop storage barn, specifically for the storage of crops that would be used at the Biomass Station at Eccleshall (reference 09/00137/FUL). A S106 obligation was entered into relating to the routeing of all heavy commercial and other vehicles travelling to and from the site and the Biomass Station.

Planning permission was granted for a building similar to that within the current, undetermined, application, 13/00245/FUL, but with a different orientation in 2012 (reference 12/00146/FUL).

An application for the retention of use of part of a farm office to an office for use associated with a renewable energy business was permitted in 2013 (reference 13/00244/FUL).

Representation

A letter of representation has been received regarding the planning application and the wording of the draft S106 which are summarised as follows:

- Seeking authority from Planning Committee to negotiate the terms of the S106 is an alternative to the refusal of planning permission.
- The purpose of the routeing restriction is to minimise the effect of vehicle movements on the cycle route and the Conservation Area and the absence of a routeing agreement would have a detrimental impact on highway safety and amenity of the locality. The consideration of amenity of the locality and conservation is of importance as they encompass 5 Grade II Listed Buildings and 11 residences with direct access out to Tyrley Road.
- The revision to the areas of land to which the routeing restrictions apply to that proposed by the applicant is welcomed.
- The definition of HGVs within the S106 does not include tractors or tractors and trailers and as such the problem is not addressed. There are currently enormous tractors, trailers and HGVs using the route. The definition should therefore include large tractors and tractors pulling trailers over a certain weight.
- The restrictions should apply to the building which is the subject to the application, and the adjoining larger building.
- The use of the building(s) should be carefully referred to and should be worded to ensure that it is clear that only miscanthus produced on the site may be stored in the buildings. There is objection to the inclusion of the words *'or any other activity relating to the operation of the site'* and the draft would be better amended to read *'or any other activity relating to the agricultural operation of the Site'*
- The routeing clause does not make sense as it presently deals with delivery of crops from outside the site (land in the agricultural holding defined by reference to a plan) but the definition of use is supposed to limit it to crops produced within the site.
- The Council can enforce against the large building and its non-agricultural use is not immune and steps should be taken because otherwise there is a risk of the building being used for the purposes of storage from the wider holding which would give rise to the same traffic problems the Council are seeking to limit. There is power to impose conditions or obligations on a

broader operation site when considering an application for a new use on part of the site. When a retrospective application was submitted for the unlawful construction of the large shed the applicant stated that there was no objection to a S106 specifying a route for all lorries coming to and from Old Springs.

- Enforcement action can be taken against the larger building as a material change of use of the land has taken place from a purely agricultural use to a use for storage of material grown outside the planning unit, and on the agricultural unit. In the case *Fuller* [1988] the Court of Appeal indicated that scattered parcels could not be regarded as within the same planning unit and it followed that a building for the storage of grain could not be used lawfully for storage of grain grown on another part of the holding. As the building was built without planning permission for a use which was itself a change of use from pure agricultural use, the period for the taking of enforcement action is 10 and not 5 years.
- In any event there would be no need to issue formal enforcement proceedings provided that appropriate conditions were imposed on the use of the building and that could be by imposing them on the building (the subject of this application) as the LPA are not bound to look at the building which is the subject of the application the LPA can and must look at the planning unit concerned.

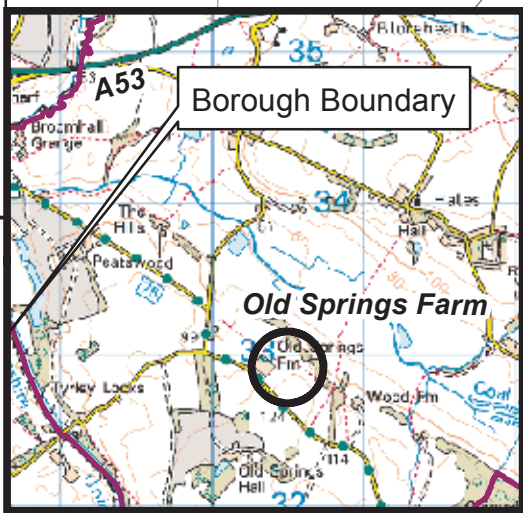
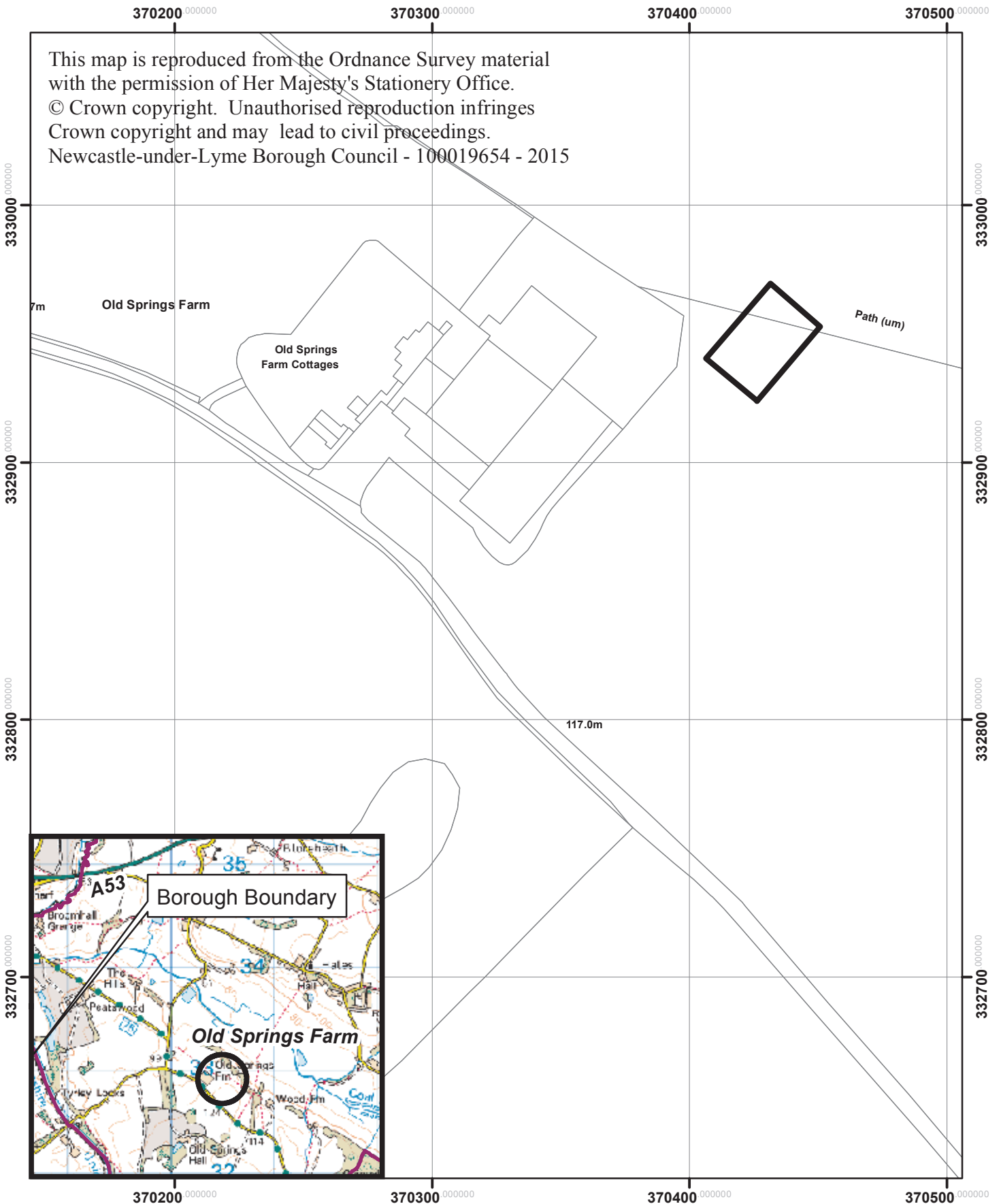
Background Papers

Planning File referred to
Planning Documents referred to

Date report prepared

8th July 2015

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PROGRESS MADE IN IMPLEMENTING THE ACTION PLAN AGREED BY THE COUNCIL IN RESPONSE TO THE REPORT OF THE PLANING PEER REVIEW TEAM

Purpose of the Report

To provide a progress report on the progress made in implementing the agreed Action Plan.

Recommendation

That should the Planning Committee wish to make any comments to Cabinet on the report and the proposals that it contains that it does so now, so that they can be taken into account by Cabinet when it considers the progress report at its meeting on the 22nd July

Reasons

To provide the Planning Committee with the same report on progress made in implementing the agreed Actions as is being submitted to Cabinet on the 22nd July

The Council commissioned in 2014 the national Planning Advisory Service to review its Planning Service with the aim of addressing perceived concerns about facets of the service to ensure that this important service is both effective and efficient.

The review process was undertaken in accordance with a nationally-agreed approach. This involved an assessment around a number of key themes.

The review team spent three days on site during which they interviewed a wide range of Members, officers and other stakeholders.

The Council in mid-August 2014 received a final report/letter from the Peer Review Team (PRT), a copy of which was subsequently circulated to all Members. Two workshops were held for members of the Planning Committee to provide input into an Action Plan

At its meeting on the 12th November 2014 Cabinet

- a) Agreed to the Action Plan which officers had drawn up in conjunction with Members and stakeholders;
- b) Agreed to receive in 6 months' time a report back on progress made in implementing the agreed Actions; and
- c) Agreed that the Planning Committee similarly receives the same report

A report for Cabinet has now been prepared and is due to be considered by Cabinet at its meeting on the 22nd July. A copy of this Cabinet report and its 3 appendices are attached.

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Review of the List of Local Validation Requirements

Purpose of the Report

The purpose of this report is to:

- Identify amendments that are considered necessary to the List of Local Validation Requirements taking into account any changes to statutory requirements, policies in the National Planning Policy Framework and the development plan, or published guidance following the publication of the current List.
- Seek approval to undertake consultation on the revised list

Recommendation

1. That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix B to this Report for public consultation purposes
2. That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of the revised list of Local Validation requirements is considered

1.0 BACKGROUND

- 1.1 Since 1st October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LVR). The LVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2013. Unless the Council before 1st October 2015 reviews and publishes a new list or announces on its website that no changes are necessary, the information requirements set out in the current list will have no bearing on whether a planning application is valid after from 1st October this year. In addition to being specified on an up-to-date List of LVRs information requested with a particular planning application must now be
- Reasonable, having regard, in particular, to the nature and scale of the proposed development
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application

- 1.2 Action 8(a) of the agreed Planning Peer Review Action Plan is to review local validation requirements to determine whether more applications should require to be accompanied by 'Heads of terms' (of possible legal agreements that might be required) or whether actual draft agreements should be required, as a precondition of validation.

2.0 THE REVIEW PROCESS

- 2.1 Guidance on the review process for LPAs is set out in the national Planning Practice Guidance (PPG). It sets out 3 steps

Step 1 – Reviewing the existing list by identifying the drivers for each item on their existing Lists of LVRs. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Step 2 – Consulting on the proposed change.

Step 3 – Finalising and publishing the revised local list – consultation responses should be taken into account when preparing the final revised list.

- 2.2 The review that has now been undertaken has only identified limited change as being necessary as there has been limited change to statutory requirements and no material change to policies. It is important to note that it remains the Government's policy on LVRs that LPAs should take a proportionate approach to the information requested in support of planning applications. LPAs should only request supporting information that is relevant, necessary and material to the application in question.
- 2.3 The main change proposed is the removal of information item 16 (Planning Obligations/Draft Heads of Terms) from the List of LVRs. Published guidance on LVRs, set out in the PPG states that the purpose of planning obligations is to make development acceptable in planning terms. The guidance states that this is about mitigation, rather than just identification of impact (that being the purpose of LVRs). While it can be good practice to submit information about planning obligations or heads of terms alongside an application it should not, according to the Guidance, normally be a requirement for validation of a planning application. If such a requirement is to be included in a List of LVR the guidance states that the local planning authority should be able to justify their inclusion in relation to any particular development. It has not been possible to identify any particular type of development where this requirement is justified in light of such Government Guidance.
- 2.4 Other changes proposed are removal of references to Local Plan policies which are no longer saved, and of references to planning practice guidance that was superseded by the publication of the Planning Practice Guidance in March 2014. In addition the threshold in rural areas where an Affordable housing statement is required has been amended at information item 1 - to reflect the Government policy changes set out in the Ministerial Statement of 28th November 2014 (as reported to the Planning Committee at its meeting on 31st March 2015).
- 2.5 The proposed changes are identified on the draft revised List of LVRs attached at Appendix B. To assist in the identification of the changes, the parts of the current List of LVR that are considered should be removed are struck through by a line and amendments are highlighted in grey.
- 2.6 Further consideration is being given to the information contained within the column titled 'where to look for further assistance' to ensure that all the information referred is the most up to date guidance available and is correct.
- 2.7 A consultation period of 6 weeks is considered appropriate. The following organisations and individuals will be contacted directly by letter or e-mail.
- statutory and key non-statutory consultees
 - Top 40 agents (ranked by number of applications submitted) who have submitted a planning application since the 2013 LVR was published

Comments from the local community will be sought by means of a notice in the Sentinel, and through notices in all the Service Centres within the Borough.

- 2.8 At the end of the consultation, the responses received to it, if any, will be assessed and a report then submitted to the Planning Committee, who will make the final decision on whether to adopt the new List.

APPENDIX A - List of Local Validation Requirements 2013

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1 Affordable Housing Statement	<p>NPPF - paragraphs 47, 50, 54, 89, 159, 173, 174 and 177. To view click here</p> <p>CSS Policy CSP6. To view click here</p> <p>LP Policy H12. To view click here</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments of five dwellings or more as designated in the CSS.</p> <p>To view interactive proposals map for the above click here</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable Housing SPD. To view click here</p>
2. Agricultural Land Quality Assessment	<p>NPPF - paragraph 112. To view click here</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. <p>This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - <i>Agricultural Land Classification: protecting the best and most versatile</i></p>	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
			<p><i>agricultural land</i> also contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provided details of how any adverse impacts on soils can be minimised. Further guidance is contained in the <i>Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites</i>. 	
3 Air Quality Assessment	<p>NPPF – paragraphs 109, 120 and 124. To view click here</p> <p>CSS Policy SP1, SP3 and CSP1. To view click here</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development that may its own bring about on new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; and small to medium sized development proposed for an area already with an existing air quality problem. 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p> <p>Ultimately the planning authority has to use this information to decide the “significance” of the air quality impacts,</p>	<p>The Newcastle Under Lyme Air Quality Management areas, Action Plan and AQS. (To be added when confirmed)</p> <p>IAQM construction dust guidance (and mitigation guidance) – To view click here.</p> <p>Chimney Height Approval Form. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those falling under PCC registration thresholds); • Proposals that include quarrying/extraction of minerals or landfill; <p>In addition, if the following planning</p>	<p>including cumulative impacts in the locality, and thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the existing levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>Planning Circular 15/97: Air Quality. To access click here</p> <p>Development Control: Planning for Air Quality (2010 update).</p> <p>Environment Act 1995. To access click here</p> <p>The Air Quality Strategy 2007. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>application is within an Air Quality Management Area the following developments also require an air quality assessment:</p> <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4 Biodiversity survey and report	<p>NPPF – paragraphs 109, 117, 118, 119 and 192. To view click here</p> <p>LP Policies N2, N3 & N4. To view click here</p>	<p>If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> • All agricultural buildings particularly of traditional timber framed building (e.g. barn) or traditional farm building. • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air 	<p>Where survey information is required, the application should be accompanied by:</p> <ul style="list-style-type: none"> • An initial ecological assessment of the site • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. <p>Reports should include reference to international statutory sites subject to The Habitats Regulations (ie Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features.</p>	<p>The Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation (Natural Habitats etc) Regulations 1994</p> <p>The Protection of Badgers Act 1992</p> <p>To access the above legislation click here</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system. To view click here</p> <p>Planning for Biodiversity and Geological Conservation: A Guide to</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>raid shelters, cellars and similar underground ducts and structures;</p> <ul style="list-style-type: none"> All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> mature and veteran trees that are older than 100 years; trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at chest height; <p>Proposals affecting quarries and natural cliff faces and rock outcrops with crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p>	<p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, 	<p>Good Practice. To view click here</p> <p>The Conservation of Habitats and Species Regulations 2010. To view click here</p> <p>The UK Biodiversity Action Plan. To view click here</p> <p>The Staffordshire Biodiversity Action Plan. To view click here</p> <p>Guidance on Survey Methodology published by the Institute of Ecology and Environmental Management. To view click here</p> <p><i>Bat surveys – Good Practice Guidelines</i> Bat Conservation Trust 2007. To view click here</p> <p>Natural England's <i>Experience in Bat Mitigation: Guidance for Ecologists (2013)</i>. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>Where there are no existing great crested newt records: ponds within 500 m of Major proposals; ponds within 250 m of or Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A Major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines/farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p>	<p>including relevant plans, diagrams and schedules;</p> <ul style="list-style-type: none"> • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>For the Staffordshire Ecological Record click here</p>	<p>Natural England's Bat Mitigation Guidelines 2006. To view click here</p> <p>Natural England's <i>Great crested newt mitigation guidelines</i> 2001. To view click here</p> <p>Natural England's guidance on wind turbine/farms. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
5 Coal Mining Risk Assessment	NPPF – paragraphs 120 and 121. To view click here	All applications (excluding householder) which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person (see PPG14 for definition). It should contain:</p> <ul style="list-style-type: none"> • Site specific coal mining information including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area. • Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development. • Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development. • Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority. 	<p>The Coal Authority website:- www.coal.gov.uk/services/planning</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by: Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
6. Design Review	NPPF paragraphs 14, 56, 57, and 63-66. To view click here	<p>All major applications</p> <p>Development significantly affecting Newcastle Town Centre</p> <p>Development in a historically or environmentally sensitive area</p> <p>Development with special architectural or environmental qualities.</p>	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application..	<p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p> <p>Design Council Document, Design Review – Principles and Practice (2013). To view click here</p>
7 Flood Risk Assessment and Sustainable Drainage	<p>NPPF – paragraphs 99-104 and 192. To view click here</p> <p>CSS Policy CSP3. To view click here</p>	<p>a) Flood Risk Assessment Planning applications on sites of 1 hectare or more in Flood Zone 1 and all proposals for new developments located in Flood Zones 2 and 3.</p> <p>b) Sustainable Drainage All Major applications (10 or more dwellings or 1000 sq.m. or more of new floorspace)</p>	<p>a) A Flood Risk Assessment must demonstrate:</p> <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with these effects and risks. • designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. 	<p>PPS25: Practice Guide (December 2009). To view click here</p> <p>The Environment Agency's Flood Maps can be viewed by clicking here</p> <p>The Environment Agency's new development and flood risk standing advice. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
7 Flood Risk Assessment and Sustainable Drainage (continued)			<ul style="list-style-type: none"> Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. <p>b) Details must also accompany all Major planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>The eleven minimum requirements for the content of a FRA are set out in Annex E to PPS25 (at paragraph E3).</p>	
8 Heritage Asset Statement	<p>NPPF – paragraphs 128-141. To view click here</p> <p>CSS Strategic Aim 13 & Policy CSP2. To view click here</p> <p>LP Policies B2, B3, B4, B5, B6,</p>	<p>All development affecting heritage assets which includes;</p> <ul style="list-style-type: none"> proposals in or adjacent to a designated Conservation Area. proposals directly or indirectly affecting a statutorily Listed Building (Grade I, II* or II). directly or indirectly affecting an archaeological asset or scheduled ancient monument. proposals affecting historic parks and gardens. proposals affecting buildings/structures 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. The statutory list description or historic environment record. How the proposal contributes positively to the special interest, character and appearance of the heritage asset. Impact of the loss or alteration of property or feature e.g. wall, which 	<p>PPS5 – Historic Environment Planning Practice Guide (March 2010). To view click here</p> <p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans. To view click here</p> <p>Listed Buildings in</p>

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8 Heritage Asset Statement (continued)	B7, B9, B10, B11, B12, B13 & B14 To view click here	identified on the register of locally important buildings and structures.	<p>makes a positive contribution to the special interest, character and appearance of the heritage asset.</p> <ul style="list-style-type: none"> • Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. • Justification for demolition of all or part of the historic asset. • Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. • Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. • A schedule of works for new or restored features of architectural and historic importance. • Mitigation for loss of all or part of a historic asset such as preservation by record or relocation elsewhere. <p>Where the development may affect archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> • Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. 	<p>Newcastle. To view click here</p> <p>List of scheduled ancient monuments. To view click here</p> <p>Register of Locally Important Buildings and Structures in Newcastle under Lyme. To view click here</p>

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8 Heritage Asset Statement (continued)			<ul style="list-style-type: none"> • The historic development of the site and surrounding area. • The nature and extent of the above- and below-ground remains known/ likely to be present. • The impact that the proposed development is likely to have on surviving assets. <p>In some cases the developer may need to submit a proposed written scheme of investigation (see paragraphs 130-138 of PPS5 – Historic Environment Planning Practice Guide).</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p>	
9 Land Contamination Assessment – Preliminary Risk Assessment	<p>NPPF – paragraphs 109 and 120-122. To view click here</p> <p>LP Policies E4, E5, E11, and H9. To view click</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, coal seams under</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable</p>	<p>The Environment Agency's guidance on land contamination. To view click here</p> <p>DoE Industry Profiles. To view click here</p>

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9 Land Contamination Assessment – Preliminary Risk Assessment (continued).	here	<p>the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>Contact the Environmental Health Division for further advice.</p>	<p>validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To view click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire. To view click here</p> <p>Newcastle Borough Council's Contaminated Land Strategy. To view click here</p> <p>Newcastle Borough Council's contaminated land web pages. To view click here</p>
10 Landscape/ Visual Impact Assessment	<p>NPPF – paragraphs 58, 59 and 109 To view click here</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 &</p>	<p>Applications involving Major development in the rural area.</p> <p>To view interactive proposals map click here</p>	<p>Having regard to the 'Planning for Landscape Change', the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with 	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view</p>

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10 Landscape/ Visual Impact Assessment (continued).	CSP4. To view click here LP Policies N14, N16, N17, N18, N19, N20, N21& N22. To view click here		<p>the existing landscape.</p> <ul style="list-style-type: none"> • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>click here</p> <p>Best practice. To view click here</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (2002, 2nd Edition): Guidelines for Landscape and Visual Impact Assessment 0 Guidance for England and Scotland.</p>
11 Landscape Master Plan	<p>NPPF – paragraphs 58 and 59 To view click here</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4. To view click here</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21& N22. To view click here</p>	<p>Applications involving Major development.</p> <p>Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area. To view interactive proposals map click here</p>	<p>Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement.</p> <p>Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.</p>	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>

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12 Noise and Vibration Assessment	<p>NPPF – paragraph 123. To view click here</p> <p>CSS Policy SP3. To view click here</p>	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p> <p>All applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.</p>	<p>Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council’s Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.</p> <p>Guidance, procedures, recommendations and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>Noise Policy Statement for England (March 2010). To view click here</p> <p>WHO ‘Guidelines for Community Noise Exposure (For external recreational areas and night time LAMax levels). To view click here</p> <p>BS 4142: 1997 “Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.” To view click here</p> <p>BS8233: 1999 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To view click here</p> <p>BS5228 – 1:2009 – Noise and vibration control on construction and open sites. Noise. To view click here</p> <p>BS5228-2:2009 Noise and vibration control on construction and open sites. Vibration. To view</p>

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12 Noise and Vibration Assessment (continued).				click here BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To view click here
13 Open Space Assessment	<p>NPPF – paragraphs 73, 74 and 77. To view click here</p> <p>CS Policy CSP5. To view click here</p> <p>LP Policy C4. To view click here</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more dwellings.</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the 	<p>Assessing Needs and Opportunities: A Companion Guide to PPG17. To view click here</p> <p>Sport England’s “Active Places” and “Active Places Power”. To access click here</p> <p>North Staffordshire Green Space Audit and Green Space Strategy To view the above click here</p>

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13 Open Space Assessment (continued)			<p>submitted specification for at least 10 years</p> <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p>	
14 Parking Provision Details	<p>NPPF – paragraphs 32, 35, 39 and 40. To view click here</p> <p>LP Policies H4 & T16. To view click here</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases details of the parking layout and access must be providing on the site/block plan.</p>	<p>Car parking: What works where by English Partnerships (now Homes and Communities Agency). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>
15 Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPF paragraphs 17, 56, 57, 64, and 128 To view click here</p> <p>CS Strategic Aim 16 & Policies ASP4, ASP6 &</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all Major development • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene anaid good design.</p>	<p>By Design: Urban Design in the Planning System - Towards Better Practice (May 2000). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-</p>

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15 Photographs/ Photomontages and/or Computer Generated Images and 3D models (continued)	CSP1. To view click here	of the site justify it.		on-Trent Urban Design Guidance SPD. To view click here
16 Planning Obligations/ Draft Heads of terms	<p>NPPF – paragraphs 173, and 203. To view click here</p> <p>CS Policy CSP10. To view click here</p> <p>LP Policy IM1. To view click here</p>	Where Development Plan policies give details of likely S106 requirements.	<p>A draft agreement under section 106 should accompany planning applications of a certain type/scale. It is important that you discuss with the Council what obligations are likely to be required for the development you propose.</p> <p>The most common obligations are as follows;</p> <ul style="list-style-type: none"> • Contribution to the Newcastle (urban) Transport and Development Strategy (NTADS) – where the development results in an increase in trips on the highway network at the pm peak hour. • The securing of a Travel Plan or Travel Plan Framework involving targets, monitoring regime and remedies. • Green Travel Plan monitoring. • Provision of affordable housing in perpetuity for developments of 15 or more dwellings in the urban area or 5 or more dwellings in the rural area. • Education contribution for developments of 7 or more dwellings in catchment areas where the schools 	<p>Section 106 of the Town and Country Planning Act 1990 as amended by Planning and Compensation Act 1991 Section 12. To view click here</p> <p>Circular 05/2005: Planning Obligations. To view click here</p> <p>SPD on Developer Contributions. To view click here</p> <p>Newcastle (urban) Transport and Development Strategy. To view click here</p>

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16 Planning Obligations/ Draft Heads of terms (continued)			<p>have insufficient capacity to accommodate additional children.</p> <ul style="list-style-type: none"> • Open space contribution for developments of 10 or more dwellings. <p>This list is not exhaustive and any other relevant and necessary matter may be included within a Planning Obligation that cannot be secured through a condition on a planning permission but is required in order for the development to be deemed acceptable in planning terms.</p> <p>(Please note that whilst it is normal practice to require a S106 Agreement to be entered into if a financial contribution is required, when a contribution to NTADS is required a unilateral undertaking may be appropriate).</p> <p>The draft heads of terms will need to be accompanied by:</p> <ul style="list-style-type: none"> • Proof of Ownership – Land Registry office copies – these need to be up to date and assurances given that there have been no subsequent changes. Where land is not registered up to date evidence and similar assurances need to be given. • Copies of Site plan, red edged, of the land in question. • The names of all interested parties in the land – all owners, mortgagee, occupiers, tenants, etc. 	

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16 Planning Obligations/ Draft Heads of terms (continued)			<ul style="list-style-type: none"> • Mortgagees consent /acceptance, if applicable, to the obligation • An undertaking that the Council's reasonable Legal costs will be paid, even if the planning permission is refused. • Agreement by any other bodies/parties to the agreement • Contact details – e.g. your client's legal representative 	
17 Statement of Agricultural Need	NPPF – paragraphs 28, 112 and 120. To view click here	All new agricultural workers dwellings.	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece of land). • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, 	

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17 Statement of Agricultural Need (continued)			<p>and whether this is on a full or part time basis and their only source of income.</p> <ul style="list-style-type: none"> • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
18 Statement of Community Involvement	<p>NPPF – paragraphs 188 and 189. To view click here</p> <p>LPA's Statement of Community Involvement. To view click here</p>	All Major applications, major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.	
19 Structural Survey	LP Policies H9 & E12. To view click here	<p>Development involving the reuse of rural buildings</p> <p>All applications for the demolition of listed buildings and unlisted buildings within the</p>	The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate	

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19 Structural Survey (continued).		Conservation Area	<p>the conversion.</p> <p>Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate;</p> <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. <p>A marketing report where the demolition of a designated asset is proposed on economic grounds.</p>	
20 Tele-communications Developments – supplementary Information	<p>NPPF – paragraphs 45 and 46. To view click here</p> <p>LP Policy T20. To view click here</p>	All applications.	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. 	Code of Practice on Mobile Network Development (2002). To view click here

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20 Tele-communications Developments – supplementary Information (continued).			<ul style="list-style-type: none"> Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	
21 Town Centre Uses – Evidence to accompany applications	<p>NPPF – paragraphs 23-27. To view click here</p> <p>CS Policy ASP5. To view click here</p> <p>LP Policy R12. To view click here</p>	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses..</p> <p>An impact assessment for any application for retail, leisure and office development which is over 2,500sqm. Of floorspace or any threshold that is set in the Development Plan.</p>	Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009) To view click here

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22 Transport Assessment	NPPF – paragraph 32. To view click here	All applications likely to generate significant traffic movements.	<p>The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <p>Applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Highway Authority or the Highways Agency at an early stage in the design process.</p>	<p>Guidance on Transport Assessment, published by the Department for Transport (March 2007) – to view click here</p> <p>Manual for Streets. To view click here</p> <p>Manual for Streets 2 (not available electronically)</p>
23 Travel Plan	NPPF – paragraph 36. To view click here	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Highway Authority or the Highways Agency at an early stage in the design process.	<p>DfT The Essential Guide to Travel Planning (March 2008) To view click here</p> <p>DfT Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (2000). To view click here</p>

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24 Tree Survey/ Arboricultural Implications Assessment	<p>NPPF – paragraph 118. To view click here</p> <p>LP Policies N12, N14 & B15. To view click here</p>	<p>Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site</p> <p>Any site within a Conservation Area where there are trees either on or overhanging the application site</p> <p>Any site where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule.</p> <p>A schedule to the survey must include:</p> <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current</p>	<p>BS5837:2012 Trees in Relation to Construction. To view click here</p>

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24 Tree Survey/ Arboricultural Implications Assessment (continued)			BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.	
25 Ventilation/ Extraction Statement	NPPF – paragraphs 109, 120, 123 and 124. To view click here	Restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment) and A5 (i.e. Hot food takeaways - use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.	<p>Proposals for fume extraction equipment would be expected to include the following details</p> <ul style="list-style-type: none"> • Efflux velocity of extraction system • Type of flue terminal • Location of discharge point relative to the eaves and ridge height of the property and any immediately adjoining • Method of odour control • Noise specification including Sound Power Levels (SWL) and frequency analysis for the equipment to be installed • Method of attaching the ventilation system to the fabric of the building • The external appearance of the flue and any enclosing structure <p>Proposals for air extraction equipment should include the following</p> <ul style="list-style-type: none"> • Full noise specification including sound power levels and frequency for the equipment to be installed 	<p>Noise Policy Statement for England (March 2010). To view click here</p> <p>Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>

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25 Ventilation/ Extraction Statement (continued)			<ul style="list-style-type: none"> • A detailed noise assessment (to BS 4142) indicating the effects of the proposed scheme on the occupiers both within and adjoining the premises • Details of noise mitigation measures to be utilized to prevent the proposed system from causing disturbance to occupiers both within and adjoining the premises 	
26 Site Waste Management Plan (SWMP)	<p>PPS10: Planning for Sustainable Waste Management. To view click here</p> <p>SSJWLP Policies 1.2 and 4.1 To view click here</p>	<p>A SWMP is required for all applications where estimated construction costs are higher than £300,000 (for 4 or more additional dwellings or 250m² or more of new floorspace).</p>	<p>It is a legal requirement for a SWMP to be prepared for any project involving construction work* with an estimated cost greater than £300,000. To be valid, an application should include a copy of the latest version of each SWMP prepared for the application site, or failing that, there should be a statement explaining why copies of the SWMP(s) cannot be provided.</p> <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you click here and http://www.smartwaste.co.uk/swmp.jsp)</p> <p>* As defined in the SWMP Regulations 2008.</p>	<p>Site Waste Management Plans Regulations 2008. To view click here</p> <p>Site Waste Management Plans: guidance for construction contractors and clients. To view click here</p> <p>Waste Management and Recycling Planning Practice Guidance Note. To view click here</p>

List of Abbreviations

AADT - annual average daily traffic
AQMA – Air Quality Management Areas
BRE – Building Research Establishment
CSS - Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment
DfT – Department for Transport
HGV – Heavy Goods Vehicle
LP - Newcastle-under-Lyme Local Plan 2011
NPPF – National Planning Policy Framework (March 2012)
PPS – Planning Policy Statement
SPD – Supplementary Planning Document
SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026
SWMP – Site Waste Management Plan
TA – Transport Assessment
WHO – World Health Organisation

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APPENDIX B – Revised draft List of Local Validation Requirements

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1 Affordable Housing Statement	<p>NPPF - paragraphs 47, 50, 54, 89, 159, 173, 174 and 177. To view click here</p> <p>CSS Policy CSP6. To view click here</p> <p>LP Policy H12. To view click here</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments for 10 dwellings or more or those that have a combined gross floorspace of more than 1000 square metres</p> <p>To view interactive proposals map for the above click here</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable Housing SPD. To view click here</p>
2. Agricultural Land Quality Assessment	<p>NPPF - paragraph 112. To view click here</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. <p>This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - <i>Agricultural Land Classification: protecting the best and most versatile</i></p>	

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			<p><i>agricultural land</i> also contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the <i>Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites</i>. 	
3 Air Quality Assessment	<p>NPPF – paragraphs 109, 120 and 124. To view click here</p> <p>CSS Policy SP1, SP3 and CSP1. To view click here</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development that may its own bring about on new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; and small to medium sized development proposed for an area already with an existing air quality problem. 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p> <p>Ultimately the planning authority has to use this information to decide the “significance” of the air quality impacts,</p>	<p>The Newcastle Under Lyme Air Quality Management areas, Action Plan and AQS. (To be added when confirmed)</p> <p>IAQM construction dust guidance (and mitigation guidance) – To view click here.</p> <p>Chimney Height Approval Form. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those falling under PCC registration thresholds); • Proposals that include quarrying/extraction of minerals or landfill; <p>In addition, if the following planning</p>	<p>including cumulative impacts in the locality, and thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the existing levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>Planning Circular 15/97: Air Quality. To access click here</p> <p>Development Control: Planning for Air Quality (2010 update).</p> <p>Environment Act 1995. To access click here</p> <p>The Air Quality Strategy 2007. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>application is within an Air Quality Management Area the following developments also require an air quality assessment:</p> <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4 Biodiversity survey and report	<p>NPPF – paragraphs 109, 117, 118, 119 and 192. To view click here</p> <p>LP Policies N2, N3 & N4. To view click here</p>	<p>If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> • All agricultural buildings particularly of traditional timber framed building (e.g. barn) or traditional farm building. • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air 	<p>Where survey information is required, the application should be accompanied by:</p> <ul style="list-style-type: none"> • An initial ecological assessment of the site • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. <p>Reports should include reference to international statutory sites subject to The Habitats Regulations (ie Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features.</p>	<p>The Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation (Natural Habitats etc) Regulations 1994</p> <p>The Protection of Badgers Act 1992</p> <p>To access the above legislation click here</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system. To view click here</p> <p>Planning for Biodiversity and Geological Conservation: A Guide to</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>raid shelters, cellars and similar underground ducts and structures;</p> <ul style="list-style-type: none"> All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> mature and veteran trees that are older than 100 years; trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at chest height; <p>Proposals affecting quarries and natural cliff faces and rock outcrops with crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p>	<p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, 	<p>Good Practice. To view click here</p> <p>The Conservation of Habitats and Species Regulations 2010. To view click here</p> <p>The UK Biodiversity Action Plan. To view click here</p> <p>The Staffordshire Biodiversity Action Plan. To view click here</p> <p>Guidance on Survey Methodology published by the Institute of Ecology and Environmental Management. To view click here</p> <p><i>Bat surveys – Good Practice Guidelines</i> Bat Conservation Trust 2007. To view click here</p> <p>Natural England's <i>Experience in Bat Mitigation: Guidance for Ecologists (2013)</i>. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>Where there are no existing great crested newt records: ponds within 500 m of Major proposals; ponds within 250 m of or Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A Major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines/farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p>	<p>including relevant plans, diagrams and schedules;</p> <ul style="list-style-type: none"> • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>For the Staffordshire Ecological Record click here</p>	<p>Natural England's Bat Mitigation Guidelines 2006. To view click here</p> <p>Natural England's <i>Great crested newt mitigation guidelines</i> 2001. To view click here</p> <p>Natural England's guidance on wind turbine/farms. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
5 Coal Mining Risk Assessment	NPPF – paragraphs 120 and 121. To view click here	All applications (excluding householder) which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person (see PPG14 for definition). It should contain:</p> <ul style="list-style-type: none"> • Site specific coal mining information including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area. • Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development. • Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development. • Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority. 	<p>The Coal Authority website:- www.coal.gov.uk/services/planning</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by: Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
6. Design Review	NPPF paragraphs 14, 56, 57, and 63-66. To view click here	<p>All major applications</p> <p>Development significantly affecting Newcastle Town Centre</p> <p>Development in a historically or environmentally sensitive area</p> <p>Development with special architectural or environmental qualities.</p>	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application..	<p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p> <p>Design Council Document, Design Review – Principles and Practice (2013). To view click here</p>
7 Flood Risk Assessment and Sustainable Drainage	<p>NPPF – paragraphs 99-104 and 192. To view click here</p> <p>CSS Policy CSP3. To view click here</p>	<p>a) Flood Risk Assessment Planning applications on sites of 1 hectare or more in Flood Zone 1 and all proposals for new developments located in Flood Zones 2 and 3.</p> <p>b) Sustainable Drainage All Major applications (10 or more dwellings or 1000 sq.m. or more of new floorspace)</p>	<p>a) A Flood Risk Assessment must demonstrate:</p> <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with these effects and risks. • designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. 	<p>Planning Practice Guidance (March 2014). To view click here</p> <p>The Environment Agency's Flood Maps can be viewed by clicking here</p> <p>The Environment Agency's new development and flood risk standing advice. To view click here</p>

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INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
7 Flood Risk Assessment and Sustainable Drainage (continued)			<ul style="list-style-type: none"> • Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. <p>b) Details must also accompany all Major planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>The eleven minimum requirements for the content of a FRA are set out in Planning Practice Guidance (March 2014)</p>	
8 Heritage Asset Statement	<p>NPPF – paragraphs 128-141. To view click here</p> <p>CSS Strategic Aim 13 & Policy CSP2. To view click here</p> <p>LP Policies B2, B3, B4, B5, B6,</p>	<p>All development affecting heritage assets which includes;</p> <ul style="list-style-type: none"> • proposals in or adjacent to a designated Conservation Area. • proposals directly or indirectly affecting a statutorily Listed Building (Grade I, II* or II). • directly or indirectly affecting an archaeological asset or scheduled ancient monument. • proposals affecting historic parks and gardens. • proposals affecting buildings/structures 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> • A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. • The statutory list description or historic environment record. • How the proposal contributes positively to the special interest, character and appearance of the heritage asset. • Impact of the loss or alteration of property or feature e.g. wall, which 	<p>Planning Practice Guidance (March 2014). To view click here</p> <p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans. To view click here</p> <p>Listed Buildings in Newcastle. To view click</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
8 Heritage Asset Statement (continued)	B7, B9, B10, B11, B12, B13 & B14 To view click here	identified on the register of locally important buildings and structures.	<p>makes a positive contribution to the special interest, character and appearance of the heritage asset.</p> <ul style="list-style-type: none"> • Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. • Justification for demolition of all or part of the historic asset. • Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. • Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. • A schedule of works for new or restored features of architectural and historic importance. • Mitigation for loss of all or part of a historic asset such as preservation by record or relocation elsewhere. <p>Where the development may affect archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> • Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. 	<p>here</p> <p>List of scheduled ancient monuments. To view click here</p> <p>Register of Locally Important Buildings and Structures in Newcastle under Lyme. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
8 Heritage Asset Statement (continued)			<ul style="list-style-type: none"> • The historic development of the site and surrounding area. • The nature and extent of the above- and below-ground remains known/ likely to be present. • The impact that the proposed development is likely to have on surviving assets. <p>In some cases the developer may need to submit a proposed written scheme of investigation (see paragraphs 130-138 of PPS5 – Historic Environment Planning Practice Guide).</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p>	
9 Land Contamination Assessment – Preliminary Risk Assessment	<p>NPPF – paragraphs 109 and 120-122. To view click here</p> <p>LP Policies E4, E5, E11, and H9. To view click</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, coal seams under</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable</p>	<p>The Environment Agency’s guidance on land contamination. To view click here</p> <p>DoE Industry Profiles. To view click here</p>

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9 Land Contamination Assessment – Preliminary Risk Assessment (continued).	here	<p>the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>Contact the Environmental Health Division for further advice.</p>	<p>validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To view click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire. To view click here</p> <p>Newcastle Borough Council's Contaminated Land Strategy. To view click here</p> <p>Newcastle Borough Council's contaminated land web pages. To view click here</p>
10 Landscape/ Visual Impact Assessment	<p>NPPF – paragraphs 58, 59 and 109 To view click here</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 &</p>	<p>Applications involving Major development in the rural area.</p> <p>To view interactive proposals map click here</p>	<p>Having regard to the 'Planning for Landscape Change', the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with 	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view</p>

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INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
10 Landscape/ Visual Impact Assessment (continued).	CSP4. To view click here LP Policies N14, N16, N17, N18, N19, N20, N21& N22. To view click here		<p>the existing landscape.</p> <ul style="list-style-type: none"> • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>click here</p> <p>Best practice. To view click here</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (2002, 2nd Edition): Guidelines for Landscape and Visual Impact Assessment 0 Guidance for England and Scotland.</p>
11 Landscape Master Plan	<p>NPPF – paragraphs 58 and 59 To view click here</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4. To view click here</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21& N22. To view click here</p>	<p>Applications involving Major development.</p> <p>Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area. To view interactive proposals map click here</p>	<p>Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement.</p> <p>Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.</p>	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
12 Noise and Vibration Assessment	<p>NPPF – paragraph 123. To view click here</p> <p>CSS Policy SP3. To view click here</p>	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p> <p>All applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.</p>	<p>Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council’s Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.</p> <p>Guidance, procedures, recommendations and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>Noise Policy Statement for England (March 2010). To view click here</p> <p>WHO ‘Guidelines for Community Noise Exposure (For external recreational areas and night time LAMax levels). To view click here</p> <p>BS 4142: 1997 “Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.” To view click here</p> <p>BS8233: 1999 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To view click here</p> <p>BS5228 – 1:2009 – Noise and vibration control on construction and open sites. Noise. To view click here</p> <p>BS5228-2:2009 Noise and vibration control on construction and open sites. Vibration. To view</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
12 Noise and Vibration Assessment (continued).				click here BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To view click here
13 Open Space Assessment	<p>NPPF – paragraphs 73, 74 and 77. To view click here</p> <p>CS Policy CSP5. To view click here</p> <p>LP Policy C4. To view click here</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more dwellings.</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the 	<p>Assessing Needs and Opportunities: A Companion Guide to PPG17. To view click here</p> <p>Sport England’s “Active Places” and “Active Places Power”. To access click here</p> <p>North Staffordshire Green Space Audit and Green Space Strategy To view the above click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
13 Open Space Assessment (continued)			<p>submitted specification for at least 10 years</p> <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p>	
14 Parking Provision Details	<p>NPPF – paragraphs 32, 35, 39 and 40. To view click here</p> <p>LP Policies H4 & T16. To view click here</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases details of the parking layout and access must be providing on the site/block plan.</p>	<p>Car parking: What works where by English Partnerships (now Homes and Communities Agency). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>
15 Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPF paragraphs 17, 56, 57, 64, and 128 To view click here</p> <p>CS Strategic Aim 16 & Policies ASP4, ASP6 &</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all Major development • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene anaid good design.</p>	<p>By Design: Urban Design in the Planning System - Towards Better Practice (May 2000). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-</p>

Development Management, Regeneration and Development Directorate, Newcastle-under-Lyme BC., Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffs, ST5 2AG

Website: www.newcastle-staffs.gov.uk e-mail: planningapplications@newcastle-staffs.gov.uk Telephone: (01782) 742408

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
15 Photographs/ Photomontages and/or Computer Generated Images and 3D models (continued)	CSP1. To view click here	of the site justify it.		on-Trent Urban Design Guidance SPD. To view click here
16 Planning Obligations/ Draft Heads of terms	<p>NPPF— paragraphs 173, and 203. To view click here</p> <p>CS Policy CSP10. To view click here</p> <p>LP Policy IM1. To view click here</p>	Where Development Plan policies give details of likely S106 requirements.	<p>A draft agreement under section 106 should accompany planning applications of a certain type/scale. It is important that you discuss with the Council what obligations are likely to be required for the development you propose.</p> <p>The most common obligations are as follows;</p> <ul style="list-style-type: none"> ● Contribution to the Newcastle (urban) Transport and Development Strategy (NTADS) where the development results in an increase in trips on the highway network at the pm peak hour. ● The securing of a Travel Plan or Travel Plan Framework involving targets, monitoring regime and remedies. ● Green Travel Plan monitoring. ● Provision of affordable housing in perpetuity for developments of 15 or more dwellings in the urban area or 5 or more dwellings in the rural area. ● Education contribution for developments of 7 or more dwellings in catchment areas where the schools 	<p>Section 106 of the Town and Country Planning Act 1990 as amended by Planning and Compensation Act 1991 Section 12. To view click here</p> <p>Circular 05/2005: Planning Obligations. To view click here</p> <p>SPD on Developer Contributions. To view click here</p> <p>Newcastle (urban) Transport and Development Strategy. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
<p>16-Planning Obligations/ Draft Heads of terms (continued)</p>			<p>have insufficient capacity to accommodate additional children.</p> <ul style="list-style-type: none"> • Open space contribution for developments of 10 or more dwellings. <p>This list is not exhaustive and any other relevant and necessary matter may be included within a Planning Obligation that cannot be secured through a condition on a planning permission but is required in order for the development to be deemed acceptable in planning terms.</p> <p>(Please note that whilst it is normal practice to require a S106 Agreement to be entered into if a financial contribution is required, when a contribution to NTADS is required a unilateral undertaking may be appropriate).</p> <p>The draft heads of terms will need to be accompanied by:</p> <ul style="list-style-type: none"> • Proof of Ownership — Land Registry office copies — these need to be up to date and assurances given that there have been no subsequent changes. Where land is not registered up to date evidence and similar assurances need to be given. • Copies of Site plan, red edged, of the land in question. • The names of all interested parties in the land — all owners, mortgagee, occupiers, tenants, etc. 	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
16-Planning Obligations/ Draft Heads of terms (continued)			<ul style="list-style-type: none"> • Mortgagees consent /acceptance, if applicable, to the obligation • An undertaking that the Council's reasonable Legal costs will be paid, even if the planning permission is refused. • Agreement by any other bodies/parties to the agreement • Contact details – e.g. your client's legal representative 	
16. Statement of Agricultural Need	NPPF – paragraphs 28, 112 and 120. To view click here	All new agricultural workers dwellings.	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece of land). • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, 	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
16 Statement of Agricultural Need (continued)			<p>and whether this is on a full or part time basis and their only source of income.</p> <ul style="list-style-type: none"> • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
17 Statement of Community Involvement	<p>NPPF – paragraphs 188 and 189. To view click here</p> <p>LPA's Statement of Community Involvement. To view click here</p>	All Major applications, major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.	
18 Structural Survey	LP Policies H9 & E12. To view click here	<p>Development involving the reuse of rural buildings</p> <p>All applications for the demolition of listed buildings and unlisted buildings within the</p>	The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate	

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19 Structural Survey (continued).		Conservation Area	<p>the conversion.</p> <p>Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate;</p> <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. <p>A marketing report where the demolition of a designated asset is proposed on economic grounds.</p>	
19. Tele-communications Developments – supplementary Information	<p>NPPF – paragraphs 45 and 46. To view click here</p> <p>LP Policy T20. To view click here</p>	All applications.	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. 	Code of Practice on Mobile Network Development (2002). To view click here

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19 Tele-communications Developments – supplementary Information (continued).			<ul style="list-style-type: none"> Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	
20 Town Centre Uses – Evidence to accompany applications	<p>NPPF – paragraphs 23-27. To view click here</p> <p>CS Policy ASP5. To view click here</p> <p>LP Policy R12. To view click here</p>	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses..</p> <p>An impact assessment for any application for retail, leisure and office development which is over 2,500sqm. Of floorspace or any threshold that is set in the Development Plan.</p>	Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009) To view click here

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21 Transport Assessment	NPPF – paragraph 32. To view click here	All applications likely to generate significant traffic movements.	<p>The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <p>Applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Highway Authority or the Highways Agency at an early stage in the design process.</p>	<p>Guidance on Transport Assessment, published by the Department for Transport (March 2007) – to view click here</p> <p>Manual for Streets. To view click here</p> <p>Manual for Streets 2 (not available electronically)</p>
22 Travel Plan	NPPF – paragraph 36. To view click here	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with Staffordshire County Council's Highway Authority or the Highways Agency at an early stage in the design process.	<p>DfT The Essential Guide to Travel Planning (March 2008) To view click here</p> <p>DfT Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (2000). To view click here</p>

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23 Tree Survey/ Arboricultural Implications Assessment	<p>NPPF – paragraph 118. To view click here</p> <p>LP Policies N12, N14 & B15. To view click here</p>	<p>Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site</p> <p>Any site within a Conservation Area where there are trees either on or overhanging the application site</p> <p>Any site where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule.</p> <p>A schedule to the survey must include:</p> <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current</p>	<p>BS5837:2012 Trees in Relation to Construction. To view click here</p>

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23 Tree Survey/ Arboricultural Implications Assessment (continued)			BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.	
24 Ventilation/ Extraction Statement	NPPF – paragraphs 109, 120, 123 and 124. To view click here	Restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. Drinking establishments – use as a public house, wine-bar or other drinking establishment) and A5 (i.e. Hot food takeaways - use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.	<p>Proposals for fume extraction equipment would be expected to include the following details</p> <ul style="list-style-type: none"> • Efflux velocity of extraction system • Type of flue terminal • Location of discharge point relative to the eaves and ridge height of the property and any immediately adjoining • Method of odour control • Noise specification including Sound Power Levels (SWL) and frequency analysis for the equipment to be installed • Method of attaching the ventilation system to the fabric of the building • The external appearance of the flue and any enclosing structure <p>Proposals for air extraction equipment should include the following</p> <ul style="list-style-type: none"> • Full noise specification including sound power levels and frequency for the equipment to be installed 	<p>Noise Policy Statement for England (March 2010). To view click here</p> <p>Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
24 Ventilation/ Extraction Statement (continued)			<ul style="list-style-type: none"> • A detailed noise assessment (to BS 4142) indicating the effects of the proposed scheme on the occupiers both within and adjoining the premises • Details of noise mitigation measures to be utilized to prevent the proposed system from causing disturbance to occupiers both within and adjoining the premises 	
25 Site Waste Management Plan (SWMP)	<p>PPS10: Planning for Sustainable Waste Management. To view click here</p> <p>SSJWLP Policies 1.2 and 4.1 To view click here</p>	<p>A SWMP is required for all applications where estimated construction costs are higher than £300,000 (for 4 or more additional dwellings or 250m² or more of new floorspace).</p>	<p>It is a legal requirement for a SWMP to be prepared for any project involving construction work* with an estimated cost greater than £300,000. To be valid, an application should include a copy of the latest version of each SWMP prepared for the application site, or failing that, there should be a statement explaining why copies of the SWMP(s) cannot be provided.</p> <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you click here and http://www.smartwaste.co.uk/swmp.jsp)</p> <p>* As defined in the SWMP Regulations 2008.</p>	<p>Site Waste Management Plans Regulations 2008. To view click here</p> <p>Site Waste Management Plans: guidance for construction contractors and clients. To view click here</p> <p>Waste Management and Recycling Planning Practice Guidance Note. To view click here</p>

List of Abbreviations

AADT - annual average daily traffic
AQMA – Air Quality Management Areas
BRE – Building Research Establishment
CSS - Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment
DfT – Department for Transport
HGV – Heavy Goods Vehicle
LP - Newcastle-under-Lyme Local Plan 2011
NPPF – National Planning Policy Framework (March 2012)
SPD – Supplementary Planning Document
SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026
SWMP – Site Waste Management Plan
TA – Transport Assessment
WHO – World Health Organisation

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5 Year Housing Land Supply Statement for the Borough of Newcastle-under-Lyme 1st April 2015 to 31st March 2020

Purpose of the Report

To again present the information and results of the latest calculation of the 5 year housing land supply, as contained in the Statement that was attached to the report to the 3rd June Planning Committee.

Recommendations

- 1) That members note the results of the 5 year supply report as detailed in the report to the 3rd June Planning Committee (copies of this report are available upon request from Democratic Services).**
- 2) That officers give active consideration to the preparation of a revised supply statement following the publication of the Strategic Housing Market Assessment**
- 3) That members note the significance of the 5 year supply position in Development Management decision making as described in the report to the 3rd June Planning Committee.**

Reasons

To ensure the Council makes decisions in line with up-to-date planning policy and its latest 5 year housing land supply Statement.

A report was submitted to the Planning Committee on the 3rd June 2015 presenting the information and results of the latest calculation by officers of the Council's 5 year housing land supply position. A copy of the latest 5 year housing land supply Statement accompanied that report. Members are asked to refer to that report and the accompanying Statement, as contained within the agenda for the 3rd June meeting and to bring that agenda to the Committee on the 21st July.

Members of the Committee considered that additional information and advice was required before an informed decision could be made regarding the report. The Committee resolved that a decision be deferred to the earliest possible meeting and asked that information be distributed as soon as possible to Members of the Committee

A Table has been prepared of just some of the appeal decisions determined recently at which an area's 5 year housing land supply has been a critical factor and in particular where an authority was relying upon household projections to demonstrate their housing requirements. This Table is attached as Appendix 1. Inevitably each Council's position will vary.

The Planning Advisory Service on the 30th June 2015 published what it terms a list of 5 year Housing Land Supply Frequently Asked Questions. This is attached as Appendix 2. Members may find particularly useful the "answers" to questions 1, 5, 6, 9 and 16 in particular. Members can access the relevant PAS web page directly by clicking [here](#).

Appendix A

The following are some of the recent appeal decisions, the determination of which has rested upon an area's 5 year housing land supply position

Many of the following appeal decisions refer to the Hunston case (which underlines that the Objectively Assessed Need (OAN) should be applied in the absence on an up to date plan target).

Nearly all of them state that it is not up to a Planning appeal to determine what the OAN (OAN) figure is – but Council do need to identify whether or not a 5 year supply exists.

Appeal Reference:	Location:	Summary:	Decision:	Decision Issued:
2213318	Land South of Cirencester Road, Fairford	<ul style="list-style-type: none"> • Pre-NPPF Local Plan that only covered period up to 2011 • The Council contested that it had a 5 year supply when measured against the old RSS target • Council didn't have an up to date OAN, and therefore 'a clear understanding of housing needs in their area' • Council's view was that the 2008 household projections presented the top of what the OAN range might be. 2011 projection were lower. • This top range figure pushed the council below a 5 year supply (incl. 20% buffer). • Both sides agreed that 2008 and 2011 projections need to be considered. • Appellants used POPGROUP model to take in to account economic trends – this suggested growth towards top level required. • The Inspector agreed that the higher level more likely reflected the OAN and therefore identified that the Council could not demonstrate a 5 year supply. 	Allowed	22/09/2014
3003534	28 and 32 Oval Way, Gerrards Cross	<ul style="list-style-type: none"> • Council contended an 8.4 to 9.9 year's supply when measured against the Core Strategy target – adopted in 2011 but based on RSS figures. • The Inspector took the view that the Council was unable to demonstrate a 5 year supply, simply because it didn't have an OAN. 	Dismissed	04/06/2015

Appeal Reference:	Location:	Summary:	Decision:	Decision Issued:
		<ul style="list-style-type: none"> The appeal was for C2 accommodation – there was no evidence of need for this type of accommodation presented, however the Inspector attached great weight to the contribution that it could make to local housing supply. The reason for dismissal was the significant harm caused to a conservation area and adjacent residents. The Inspector ruled that these adverse impacts outweighed the benefits of the proposal to housing land supply. 		
2218863	Land to the north of Skegby Lane, Mansfield	<ul style="list-style-type: none"> Council had pre-NPPF local plan, but had commissioned modelling work in 2011 which took account of the 2008 household projections. The Council opted for a mid-point between the lower end ‘natural change’ and the higher end ‘employment-led’ scenarios of this modelling work – this mid-range figure was broadly in line with the core (unmodelled) 2008-household projection figures. The Inspector ruled that as this modelling work had not been undertaken as part of a SHMA and had not been independently tested, then it could not constitute an OAN. Despite this, the Inspector was obliged to use this figure in the absence of any other evidence to suggest what the OAN might be. With a 20% buffer applied, the Council could not demonstrate enough supply to meet this requirement and therefore the Inspector ruled that a 5 year supply could not be demonstrated. 	Allowed	05/02/2015
2210864	Land off Chapel Drive, Aston Clinton, Buckinghamshire	<ul style="list-style-type: none"> No up to date plan target or OAN. The Council adopted the 2011-based interim household projections to calculate its requirement. The appellants argued that the 2008-based household projections should also be included in the calculation to take account of a future upturn in household formation rates. The Inspector dismissed this as “largely speculation”, deeming that the “2011-based projections are the latest available” and that there is no certainty as to which direction demographic trends will take in the future. The Council maintained that significant weight should be given to the 2011-based household projections “simply because no more 	Allowed	21/10/2014

Appeal Reference:	Location:	Summary:	Decision:	Decision Issued:
		<p>authoritative figures are currently available”.</p> <ul style="list-style-type: none"> • The Inspector’s view was that “a calculation which measures the supply against anything other than the FOAN (or against a policy requirement derived from FOAN), will not serve that purpose”. • Also; “It follows that, even if the Council’s calculations succeeded in proving a 5-year land supply against the requirement figure in the Position Statement, that would not demonstrate that a satisfactory supply exists in terms of the NPPF’s aims”. • “Consequently, irrespective of any view that I might take on the matters that now follow, I conclude that the Council’s 5-year supply calculations should carry only limited weight” • On balance, he ruled that the benefits of the proposal outweighed any adverse impacts. 		
2213924	Land to the east of Little Horwood Road, Winslow, Buckinghamshire	<ul style="list-style-type: none"> • There was no OAN, but a slightly adjusted household projection figure was used and this demonstrated 5.6 year’s supply. • The appellants presented their own analysis of 2008 and 2011 based household projections, supplemented by Census data, mid-year population estimates, Experian and Oxford economic forecasting. They also took account of market signals and the needs of adjoining areas (in effect they undertook a mini-OAN). Their work identified that there wasn’t a 5 year supply. • The Inspector viewed the Council’s calculation as a material consideration and should carry some weight. However, even though this demonstrates a 5 year supply, it “would not demonstrate that a satisfactory supply exists”. He concludes that the Council’s calculation should carry only limited weight. • The Inspector declined to give a view on the appellants evidence, as “issues of this kind should be debated in the context of a local plan, rather than in an appeal situation”. 	Dismissed (SoS decision)	25/02/2015

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Five Year Land Supply FAQ

Following our events on the 5 Year Land Supply we have produced some FAQ. The popular questions posed at the events are illustrated with recent case examples to aid you.

This page will be updated as and when new information comes to light. If you have any questions on this topic, please email: pas@local.gov.uk.

Questions (Click the question to jump down to the answer)

1. If you do not have an adopted Local Plan what housing figure should be used to assess your 5 year land supply? Would using the projections on their own be sufficient? Is it legitimate to do this for a single District within an HMA?
2. What figure do you use to assess your 5 year land supply if you are advancing your Local Plan part 2 but working on a joint SHMA/OAN figure to inform future plan reviews? Is it ok to continue to bring forward allocations on the previous target? Can you base your figure on previous evidence in the interim?
3. If OAN is reduced to a level below the target growth in a Local Plan, can the reduced OAN be used for 5 year supply purposes if the Local Plan has a higher figure and due to low levels of completion the 5 year supply cannot be met at the higher level?
4. When a local authority struggles to demonstrate a five year housing supply against constrained RSS figures, how should it go about trying to demonstrate a five year supply against (unconstrained) objectively assessed need?
5. How are PINS applying the 5 year land supply requirement? Are they allowing development where the Borough cannot identify the 5 year supply? How relevant are Local Plans if 5 year supply can't be demonstrated?
6. We are being challenged on using ONS figures to assess our 5 year housing land supply as we have yet to establish our Objectively Assessed Needs. Is this a reasonable approach? If not then what should we do?
7. If two separate LPAs are preparing a joint local plan, what if, on submission, one LPA can demonstrate a 5 YLS whereas the other LPA cannot? Does unmet need from a neighbouring authority form part of the 5 year assessment?
8. Should we continue to monitor/ publish data on our Core Strategy for the 5YLS/ trajectory when it is not the most up to date OAN but our emerging plan is still pre-submission?

PAS Bulletin

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9. Where an LPA cannot demonstrate a 5YLS, what approach should it take to best protect policy non-complaint areas from housing development under pressure from developers?
10. In rural areas, where a LPA does not have a 5 YHLS, does this fact override adopted local plan policies? For example, applications being submitted for open market housing in settlements where the policy position will only permit local needs housing?
11. What weight does the PAS approach carry at the examination of a Local Plan?
12. It can be difficult to engage the public at large in conversations about need, and why a 5YLS is so important. How can the presentation of the process be best presented for the widest understanding?

Shortfall, backlog and buffer

13. How can we prevent the 5 year supply becoming a 'moveable feast'?
14. When does a 5% buffer become 20%? Is it based upon cumulative totals against the requirement or on a purely annual basis? How far into the past do you go? Is it 5 years, or Plan period, or as far back as possible?
15. How should the backlog from previous plans (e.g. RSS) be considered through the Local Plan process when using demographic models as a starting point and would Sedgefield be the only applicable approach to making up shortfall?
16. Do "persistent under delivery", and the 20% trigger relate specifically to delivery against adopted housing targets (even based on Regional Strategy) or is it appropriate to use the latest household projections, in advance of submission of a new local plan?
17. Where an authority has persistently under-delivered in recent years, at what point in the calculation should the extra 20% be added? Should it be added to the backlog or not?
18. If a plan was to be dated to run for 15+ years starting in 2014 (with an acknowledged persistent undersupply over recent years), how would the 5YLS be calculated? Would there be a backlog to address, and if so, how would this be calculated?
19. If RSS is still relevant, then will LPAs be in a position of having to plan and develop for a 5% or 20% buffer?

Answers

1. If you do not have an adopted Local Plan what housing figure should be used to assess your 5 year land supply? Would using the projections on their own be sufficient? Is it legitimate to do this for a single District within an HMA?

The most recent figures available will be used to assess five year supply. These might be your SHMA figures which set out OAN, or could be the most recent household projections, or ideally an emerging new plan figure, which will have the constraints and duty issues factored in. However, it is important to note that all these are untested and will therefore have limited weight. The figure to use will vary according to your own local circumstances and what is considered to be the most up to date and robust figure available.

In the absence of a SHMA for the whole housing market area a pragmatic approach for individual districts may need to be taken. Conversely where a SHMA covers more than one area who are working jointly and have set their figures together it may be that a combined target approach is taken. This approach has been endorsed by the Inspector in the Christchurch and East Dorset Core Strategy examination. In Wiltshire there are three housing market areas each with their own individual disaggregated five year land supply target which are used and being tested at appeal.

2. What figure do you use to assess your 5 year land supply if you are advancing your Local Plan part 2 working on a joint SHMA/OAN figure to inform future plan reviews? Is it ok to continue

to bring forward allocations on the previous target? Can you base your figure on previous evidence in the interim?

This issue has been addressed differently by Inspectors in the last 18 months. In Harrogate the Inspector expressed concern in April 2014 that 'the submitted DPD falls considerably short of meeting the objectively assessed need' and as a consequence the plan was withdrawn. In the case of Wokingham the high court dismissed a challenge by Gladman (Gladman Developments Limited v Wokingham Borough Council [2014] EWHC 2320 (Admin) 11 July 2014).

The judge stated that 'the inspector in the present case was not required by reason of the Framework to consider an objective assessment of housing need in order to assess whether this development plan document was sound'. However, as a precedent this should be treated with great care, because the circumstances may have seemed to the Inspector to justify the approach in that case and those circumstances may or may not be transferable.

Perhaps the key difference in these decisions relates to whether or not there is an up to date OAN (in Harrogate there was, in Wokingham there wasn't). In principle it is considered that if the allocations plan is bringing forward sites which fulfil a target which is out of date and does not represent the full OAN/SHMA plan figure there is a real danger of progressing this because it does not represent the most up to date position. As such this approach is fraught with difficulties as well as being clearly at odds with the underlying thrust of the Framework.

3. If OAN is reduced to a level below the target growth in a Local Plan, can the reduced OAN be used for 5 year supply purposes if the Local Plan has a higher figure and due to low levels of completion the 5 year supply cannot be met at the higher level?

This might be the case for an area which is seeking to grow either for economic ambitions or the delivery of affordable housing, where the plan target has been increased above the OAN to achieve delivery objectives. The Plan target should be the one used for calculating five year supply, however, this obviously gives a higher annual target required to achieve that delivery. In defending an argument based on 5YLS the Council may be able to argue that the current rate is easily meeting the OAN!

4. When a local authority struggles to demonstrate a five year housing supply against constrained RSS figures, how should it go about trying to demonstrate a five year supply against (unconstrained) objectively assessed need?

The objective is to get a plan in place and that the plan target is then used as the starting point for the five year supply figure. This plan target will consider all the constraints that exist and take account of whether any neighbours within the housing market area can take any of your unmet need. Work on the SHMA and OAN should go hand in hand with constraints to enable the plan figure to be properly developed and tested so that the five year supply can be established on a robust basis.

5. How are PINS applying the 5 year land supply requirement? Are they allowing development where the Borough cannot identify the 5 year supply? How relevant are Local Plans if 5 year supply can't be demonstrated?

Local Plan policies are vulnerable where there is no five year supply because the NPPF Paragraph 14 makes very clear that there is a presumption in favour of sustainable development. This is set out in paragraph 49 which clearly says that the relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

This should also be read in conjunction with paragraph 47 which seeks a significant boost in the supply of housing. Where policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

considered against the policies of the NPPF as a whole. There are numerous examples where sustainable development has been allowed overruling settlement boundaries, landscape value, employment use, affordable housing policies etc.

There are a considerable number of appeal decisions available with more emerging each month which all confirm that where an Authority 'cannot demonstrate a 5 year housing land supply, its housing supply policies should be considered out of date in accordance with paragraph 49 of the Framework'.

There have been some interesting High Court decisions about what constitutes housing supply policies, which has been applied quite widely, as shown by the Hopkins Homes v Suffolk Coastal Judgement in January 2015 (CO/3971/2014). However, the Cheshire East v Richborough Estates Judgement in Feb 2015 (CO/4217/2014) held that in this case the Green Gaps policy could not be considered a housing supply policy.

There have also been two decisions issued on 20th May which consider very differently the issue of disaggregation; whether the five year supply should be considered at a lower than district level. IN BANES (APP/F/114/A/14/2215930) the Inspector concluded that despite the lack of five year supply in the district as a whole there was an excess of supply in some areas, and further development in these rural areas would dilute the adopted plan strategy. However, in South Oxford (APPQ3115/A/14/2217931) the Inspector gave considerable weight to the need to boost supply. Concluding that despite some areas having an excess supply, there was a district wide shortage and therefore the housing supply policies were out of date.

6. We are being challenged on using ONS figures to assess our 5 year housing land supply as we have yet to establish our Objectively Assessed Needs. Is this a reasonable approach? If not then what should we do?

The NPPF is clear that a local plan should meet the full objectively assessed need for market and affordable housingas far as is consistent with the policies in the NPPF. The starting point for establishing OAN is the ONS and DCLG projections. However, if they are used for five year supply calculations it is important to understand that they do not represent the full OAN and are untested. The most up to date figures should and will be used and these are likely to be challenged by developers, who may seek to establish their own OAN.

This has been the case in the North of Hospital Lane, Blaby decision reference S62A/2014/0001 (22 July 2014) in which the Inspector expressed considerable concern that 2 different independent SHMAs come to radically different conclusions: with the applicants figure twice as much as the Councils figure. 'The very substantial difference amply serves to illustrate the statement in the PPG that establishing future need is not an exact science; and that no single approach will provide a definitive answer. It also emphasises how essential it is that evidence such as SHMAs must be rigorously tested in order to establish that it is robust'.

More recently in Darlington (Appeal Ref: APP/N1350/A/14/2217552) the Inspector was faced with up to date evidence, and an assessment of OAN, from the appellant, but not from the council. Some update had been done, but it was based on 2008 projections and subsequently caused concern around over-optimistic employment forecasts. Whilst acknowledging that a S78 appeal is not the place for determining OAN, he did have to conclude that, on the balance of evidence before him, the core strategy figure was no longer likely to represent the current OAN. As a result, the council must be falling short of a 5YLS, and so the appeal was allowed.

However, in a recent (June 2015) appeal in South Gloucestershire (APP/P0119/A/14/2220291) the Inspector considered the SHMA that had been prepared by the appellant and while considering it significant new evidence also said it was 'untested and as such cannot be considered robust,' concluding that the figure within the core Strategy provides the only credible housing requirement at the present time.

The Inspector on 22 June at an appeal in Telford and Wrekin (APP/C3240/W/15/3003907) has found that the Council's OAN study is a material consideration of significant weight.

7. If two separate LPAs are preparing a joint local plan, what if, on submission, one LPA can demonstrate a 5 YLS whereas the other LPA cannot? Does unmet need from a neighbouring authority form part of the 5 year assessment?

There are only a few different examples of joint local plans dealing with the five year land supply issue differently. In relation to the West Northamptonshire Joint Core Strategy the Inspector found the joint plan sound with each constituent Council individually responsible for its own 5 year housing land requirement. However in Christchurch and East Dorset the five year land supply is being dealt with together.

If you are taking additional development to meet another authorities' OAN, this should be included within the five year supply. If this is agreed to be on specific sites for example adjacent to their main town, then this could be shown in a separate trajectory although this is unlikely to be practicable in all cases.

8. Should we continue to monitor/ publish data on our Core Strategy for the 5YLS/ trajectory when it is not the most up to date OAN but our emerging plan is still pre-submission?

You should still monitor your supply and set out your trajectory even if your plan is at the pre submission stage. Where there is no up to date adopted plan target to use as a basis for five year supply you should be establishing your current OAN through an up to date SHMA for your housing market area. In the absence of this you will have to use projections as a starting point, however these are untested and may be subject to challenge. Since the publication of the 2012 household projections on 27th Feb 2015 the practice guide has been amended to say that "The 2012-2037 Household Projections are the most up-to-date estimate of future household growth". There is recognition that while plan should be kept up to date this does not automatically mean that housing assessments are rendered outdated every time new projections are issued.

9. Where an LPA cannot demonstrate a 5YLS, what approach should it take to best protect policy non-complaint areas from housing development under pressure from developers?

Where there is no five year land supply policies are vulnerable. While the objective should be to get an up to date Local Plan in place, in some cases, such as green belt areas it is clear that these are not being overruled. The Practice Guidance has been updated and now states at Para 34 that 'unmet housing need is unlikely to outweigh the harm to the green belt and other harm to constitute 'very special circumstances' justifying inappropriate development on a site within the green belt'.

It may be appropriate to acknowledge the lack of five year supply and seek to bring forward or encourage applications on sites which are considered preferable in sustainability and strategic terms to bolster the short term supply which will help an authority resist less sustainable locations.

However, development that is not sustainable can still be resisted, and this is being upheld on appeal.

10. In rural areas, where a LPA does not have a 5 YHLS, does this fact override adopted local plan policies? For example, applications being submitted for open market housing in settlements where the policy position will only permit local needs housing?

It may do, but not necessarily. The key issue would be whether the affordable housing policies are out of date and also whether the proposal would represent sustainable development. These issues would be considered on their individual merits.

11. What weight does the PAS approach carry at the examination of a Local Plan?

It is technical advice which has no formal weight. Numerous Council's and developers are using it to assist them in the process of establishing OAN and housing targets and Inspectors are also finding it useful. There have been S78 appeal decisions and core strategy examination reports which refer to PAS technical advice note.

12. It can be difficult to engage the public at large in conversations about need, and why a 5YLS is so important. How can the presentation of the process be best presented for the widest understanding?

This is a challenge but the advice is to keep it simple and seek to educate members in the key issues and also engage with the communities affected. Explain what housing is needed – why, where and how will this be met and delivered, how it links to employment policies and economic objectives as well as affordability issues.

Cotswold Council have run successful working sessions with members explaining the key principles and five year supply calculations.

13. How can we prevent the 5 year supply becoming a 'moveable feast'?

It is by its very nature an issue which changes with each permission given and every house built. Once the plan target has been established and tested this provides the consistent basis for the five year land supply requirement. However, this too will alter depending on the level of shortfall to be accommodated each year or surplus to be included and the buffer applied. In addition the supply side is constantly changing and needs to be robustly monitored to ensure it is as accurate and up to date as possible at all times.

14. When does a 5% buffer become 20%? Is it based upon cumulative totals against the requirement or on a purely annual basis? How far into the past do you go? Is it 5 years, or Plan period, or as far back as possible?

There is no universally applicable test and no consistency about what length of time should be considered and no exact definition of persistent under-delivery. This is epitomised by the situation in East Cheshire where 5 different Inspectors applied different buffers. However, this has now been clarified by the Local Plan Strategy Inspectors interim views (6 Nov 2014) Inspectors are considering 'under-delivery' differently and there are examples of many different approaches. In principle it is about understanding your track record by comparing your completions against your requirement over a reasonable time period as evidenced in your AMR. Something is persistent when it has continued over time. The South Worcestershire Core Strategy Inspector said that this is a matter of degree and the Judge Lewis in the Cotswold judgement ([2013] EWHC 3719 (Admin) 27 November 2013) said that 'it should not be a 'temporary or short lived fluctuation'.

The Rother Inspector said that despite low levels of completions there had not been persistent under- delivery. However, in many other cases where delivery has fallen short on a continuous basis, a 20% buffer is being applied. The Parsons Brinkerhoff housing supply research for CPRE August 2014 notes that of all appeals for residential development on greenfield land since the publication of the NPPF two thirds of the time a 20% buffer has been applied.

While some Inspectors say five years is appropriate in a S78 appeal situation, local plan inspectors are mindful that a longer period is more appropriate when considering a 15 year plan period. The Practice Guidance recognises that the local delivery record is likely to be more robust if a longer term view is taken since this has regard to the economic cycles and market conditions. While the recession should not be used as an excuse for low delivery, it is suggested that it is useful and appropriate to take a longer term view, which would probably be at least 10 years.

There are two methods which can be used, either using a straight comparison of annual rates and measuring the frequency of under delivery over a number of years, or alternatively considering the cumulative completions. The Inspector in the Broughton Appeal in Kettering (APP/L2820/A/13/2204628) agreed with the Council that 'since 2001 cumulative completions have exceeded the cumulative requirement in all but the last few years since 2010', agreeing that this was due to the economic recession rather than a failing by the Council. However the Inspector in the Tetbury appeal rightly recognised that economic circumstances form no part of national policy under paragraph 47 of the NPPF.

It is possible to have a 5% buffer and a shortfall and is the circumstance in which both Kettering and Rother are in. They have been able to successfully argue that their under delivery is not 'persistent'.

15. How should the backlog from previous plans (e.g. RSS) be considered through the Local Plan process when using demographic models as a starting point and would Sedgfield be the only applicable approach to making up shortfall?

The shortfall is the amount of units that have not been completed compared to what has been required in terms of the plan target. Any shortfall represents unmet housing need. This should be calculated from the start of the plan period. Any unmet need before that time is called backlog and should be calculated on the same basis. However, the up to date housing requirement paper or SHMA should properly take account of backlog as part of the calculation of OAN, and is therefore already factored in up to the point that the figures used run from. The projections effectively start from scratch and so give a new and up to date full assessment of need. The Zurich v Winchester High Court Judgement (2014) EWHC 758 (Admin) 18th March 2014 is clear about this and says that it would be highly contrived to add this in on top would 'mix apples and pears in a unjustified way'. For more information see paragraph 8.6 of the PAS Objectively Assessed need and Housing Targets Technical Advice Note (June 2014).

16. Do "persistent under delivery", and the 20% "trigger" relate specifically to delivery against adopted housing targets (even based on Regional Strategy) or is it appropriate to use the latest household projections, in advance of submission of a new local plan?

This is a very interesting point and has not been tested. So far old housing targets have been used as the measure for the buffer and shortfall because it is about measuring what has been delivered against what the target was. If alternative requirements are devised from the projections these would be rebased and retrospective and would not represent the policy position in place at the time. For example in areas of growth or restraint these figures would provide a different basis for the calculation which had not been tested. While it may be very interesting and useful to do the calculation and make the comparison, and to argue perhaps why the additional ambition growth had not been achieved, and this has been done in North Northamptonshire, caution is advised if this approach is being relied upon to reduce the buffer without adequate and justifiable evidence.

16. Do persistent under delivery, and the 20% trigger relate specifically to delivery against adopted housing targets (even based on Regional Strategy) or is it appropriate to use the latest household projections, in advance of submission of a new local plan?

This is a very interesting point and has not been tested. So far old housing targets have been used as the measure for the buffer and shortfall because it is about measuring what has been delivered against what the target was. If alternative requirements are devised from the projections these would be rebased and retrospective and would not represent the policy position in place at the time. For example in areas of growth or restraint these figures would provide a different basis for the calculation which had not been tested. While it may be very interesting and useful to do the calculation and make the comparison, and to argue perhaps why the additional ambition growth had not been achieved, and this has been done in North Northamptonshire, caution is advised if this approach is being relied upon to reduce the buffer without adequate and justifiable evidence.

17. Where an authority has persistently under-delivered in recent years, at what point in the calculation should the extra 20% be added? Should it be added to the backlog or not?

We believe the preferred approach is for the buffer to be applied to both the requirement and shortfall. This is the most appropriate order because it ensures the buffer is applied to the full requirement which represents all the need that exists. The idea is that for every year you underprovide the amount adds onto the requirement to be met in the next five years. In reverse any over provision which would count as completions and could be taken off the requirement, to which the buffer is then applied. The idea of the buffer is to ensure that there is flexibility to provide sites and meet the needs that exist.

The buffer is not an additional amount added on, rather it is bought forward from later in the plan period. The idea of it is to provide choice and flexibility. The five year supply is best thought of as a 7-8 year supply as only having 5 years' worth of sites will render you vulnerable within a very short period.

The Knowsley Inspector's conclusion http://www.knowsley.gov.uk/pdf/EX26_Knowsley%20CS%20Inspector's%20Interim%20findings.pdf is not consistent with the Practice Guidance issued on 6th March 2014 after his interim findings had been issued. The Practice Guidance clearly seeks to frontload any shortfall and apply a buffer. There is no consideration within the guidance of double counting and it is not posed as a choice.

There are decisions both ways in relation to the order of the calculation in terms of shortfall then buffer or vice versa. For example in February 2015 the Inspector at the Oadby and Wigston appeal (APP/L2440/A/14/2216085) considered the buffer then the backlog. However, the most recent 22nd May decision in Test Valley (APP/C1760/A/14/2222867) to address this states clearly that "But even assuming the Council's position of adding the buffer before the shortfall is correct (and it seems to me that it is not)....."

Caution should be applied to Inspectors decisions because the exact circumstances of the case may not be transferable and in some cases if the discussion about alternative approaches was not undertaken the Inspector may not have actually concluded on the issue, rather accepting what was proposed. Inspectors will expect to see evidence for the approach taken in the current and local circumstances.

18. If a plan was to be dated to run for 15+ years starting in 2014 (with an acknowledged persistent undersupply over recent years), how would the 5YLS be calculated? Would there be a backlog to address, and if so, how would this be calculated?

The current five year supply would run 2014/15 – 2019/20 and predate the plan period. The question here is what requirement figure should be used for this year. Given that the plan will be based on an up to date SHMA it should have baseline figures in it grounded in the recent past. The question is when does the SHMA start from and not when is it being applied from. It would be appropriate to take these most up to date figures as a starting point.

19. If RSS is still relevant, then will LPAs be in a position of having to plan and develop for a 5% or 20% buffer?

The RSS is no longer relevant. There are clear Inspectorate and High Court decisions on this point. The St Albans Hunston High Court judgement (2013 EWCA Civ 1610, 12 Dec 2013) effectively dismisses the status of the RSS figure which importantly was a constrained figure and not one which considered the full objectively assessed need. This was then supported by the Solihull High Court ruling (2014] EWHC 1283 (Admin) 30 April 2014), which emphasised 'extreme

caution' and concluded that it was essential to 'acknowledge the new, NPPF world, with its greater policy emphasis on housing provision; and its approach to start with full objectively assessed housing need and then proceed to determine whether other NPPF policies require that, in a particular area, less than the housing needed be provided.'

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6 July 2015

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Confirmation of Tree Preservation Order

LAND AT THE FORMER STOP INN, LIVERPOOL ROAD, CROSS HEATH. ST5 9DX.

Tree Preservation Order No.165 (2015)

Town & Country Planning Act 1990

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

The Order protects trees are on the site of the former Stop Inn located northwest of the junction between Liverpool Road and Brymbo Road. The Order was made to safeguard the longer term visual amenity that the trees provide arising from concern as to the uncertainty of the future of the trees after a planning application was received by the Borough Council.

The Order was made using delegated powers on 12th February 2015. Approval is sought for the Order to be confirmed with amendments.

The 6 month period for this Order expires on 12th August 2015

RECOMMENDATION

That Tree Preservation Order No 165 (2015), Land at the former Stop Inn, Liverpool Road, Cross Heath, be confirmed as amended and that the owners of the site be informed accordingly.

Reasons for Recommendation

There is uncertainty as to the future of valuable trees on the site. Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees nor progressing plans to develop the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated in the grounds to the south of the former Stop Inn. They are individuals and groups of mainly deciduous trees with some conifers, located mostly around the periphery of the plot. They are mature and clearly visible from the adjacent Liverpool Road, Brymbo Road and Spencroft Road.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

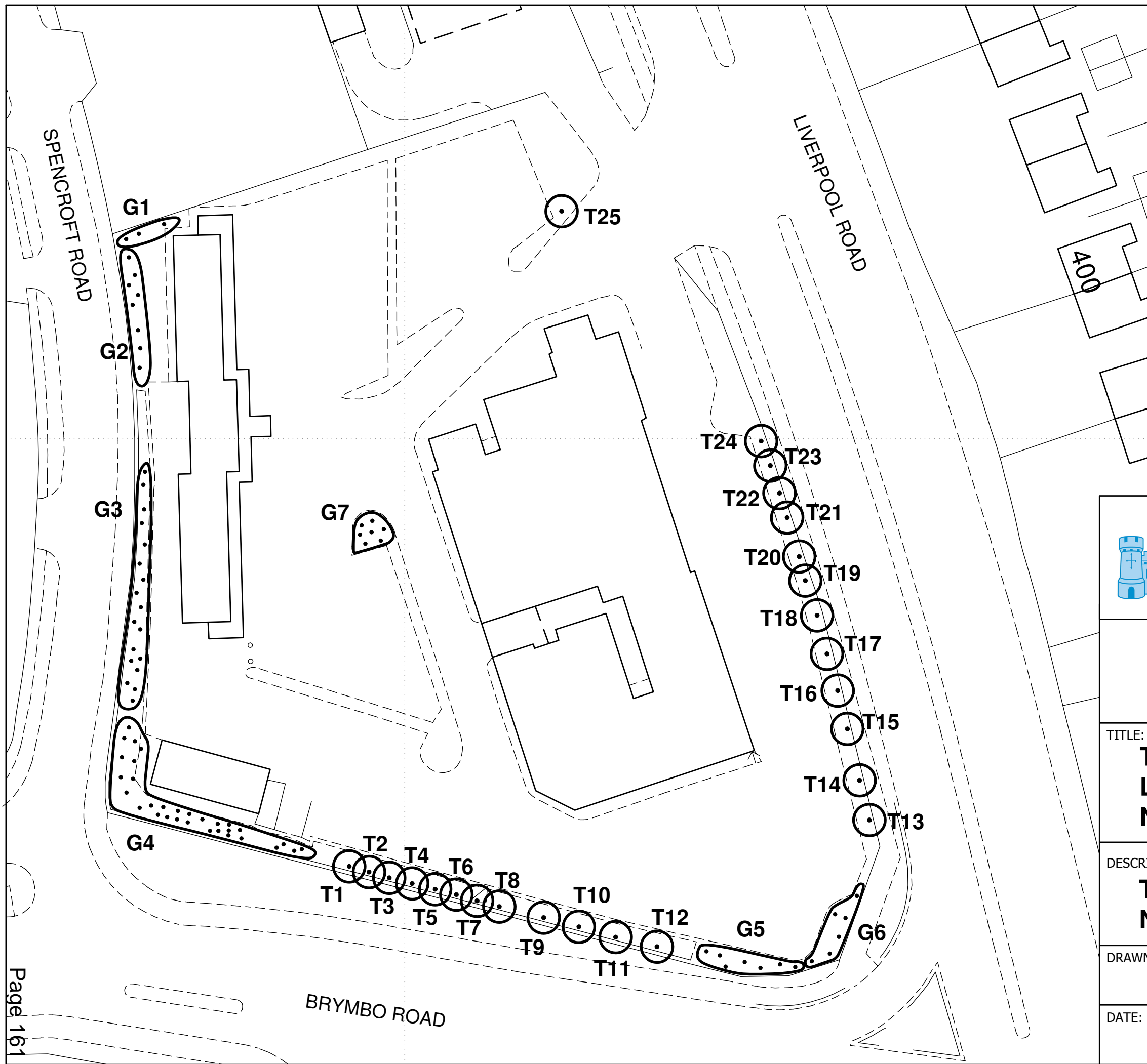
A planning application was received in December 2014, reference 14/00978/FUL, to refurbish and develop the existing hotel premises which raised doubt as to how the trees would be incorporated within the development, giving rise to concern as to the future of the trees. The concern has remained that trees could be removed as an obstacle to development.

Your officers inspected all of the trees on the site in January 2015 and carried out a TPO assessment, and found the trees worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 12th February 2015 in order to protect the long term well-being of the trees.

The current Order to be confirmed has been amended from the provisional Order. Due to the large number and distribution of the trees on the site and the time available for making the provisional Order, the trees were categorised in the form of an area covering the entire site so as to temporarily protect all of the trees. Since this was served a more detail survey has been carried out and the trees of poor quality and low amenity value have been omitted. The trees are now categorised as individuals and groups.

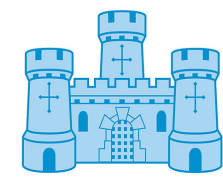
Date report prepared

1 June 2015



Confirmed _____

Date _____



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

Dave Adams
Executive Director Operational Services
Civic Offices, Merrial Street
Newcastle, Staffordshire. ST5 2AG

TITLE:
**The former Stop Inn
Liverpool Road
Newcastle**

DESCRIPTION:
**Tree Preservation Order
No 165 (2015) as amended**

DRAWN BY:
PJS

SCALE:
1:1000

DATE:
May 2015

DRAWING NO.
TPO 165

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Confirmation of Tree Preservation Order

Land at North West side of King Street, Newcastle under Lyme

Tree Preservation Order No.167 (2015)

Town & Country Planning Act 1990

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

The Provisional Order protects a Beech tree situated on Land at North West side of King Street, Newcastle under Lyme.

The Order was made to safeguard the longer term visual amenity that the tree provides after a section 211 notice was submitted informing the council of the applicants intention to fell the tree.

On 23rd March 2015 the Tree Preservation Order was made to safeguard the longer term visual amenity that the tree provides.

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

NB: Section 211 notice

Where an applicant wishes to carry out works to trees that are in a Conservation Area, written notice is required, by letter or email (known as a section 211 notice) describing the works that the applicant wants to do. This is to give the local authority an opportunity to consider protecting the tree with a Tree Preservation Order

The 6 month period for this Order expires on 23rd September 2015

RECOMMENDATION

That Tree Preservation Order No 167 (2015), Land at North West side of King Street, Newcastle under Lyme be confirmed as made and that the owners of the site are informed accordingly.

Reasons for Recommendation

The Beech tree is clearly visible from a considerable length of King Street and from the busy Nelson Place roundabout. The tree is a prominent feature in the landscape when travelling along one of the busiest routes out of the town and is clearly visible from junctions with Borough Road and Hanover Street. The tree makes an important present and future contribution to the locality, and to the setting of Newcastle and Brampton Conservation Areas.

There are no other trees of this stature in such a visually prominent position in the nearby locality. The recent removal of an adjacent Lime tree (following a Section 211 notice in September 2014) has increased the value and visual prominence of this remaining tree.

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

The tree is a significant feature in the locality and makes an important visual contribution to the town centre. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality and Newcastle and Brampton Conservation Areas.

The tree meets the visual criteria for protection under a Tree Preservation Order, and it is felt that issues of concern that were identified by the applicant could be dealt by appropriate arboricultural management, and that they are not sufficient to warrant a Tree Preservation Order not to be made.

Representations

Following the publicity period two letters of objection were received

The first objection made the following points:

- Concerns about the effect of extreme weather patterns.
- Concern about public health and safety given the proximity of the tree to the busy footpath and road.
- Concern that the tree has shed branches following severe winds and rain.
- Concern that pruning the tree would not take away the risk factor that the tree poses.
- The financial burden of tree work.
- Reference was made to a Tree Survey (which was not submitted).

The second objection made the following points:

- The tree is pushing the wall outside 5a King Street onto the pavement.
- Proximity to adjacent property which could cause damage to the structure of the building and the drainage system.

Issues

At the time that the Tree Preservation Order was made, your officer identified and acknowledged the proximity of the tree to the neighbouring property, its slightly one sided shape, along with some evidence of minor branch loss and some minor structural defects (fork over footpath and an occluded wound) however they were not considered to be sufficient to warrant tree preservation order not to be made.

It is felt that matters concerning branch loss could be addressed by appropriate regular inspection and management, which may include: the removal of dead and defective branches along with some minor re-shaping of the crown to balance the canopy and lessen wind loading.

Whilst weather patterns may change, this cannot be accepted as sufficient reason in itself for removing or not protecting trees.

It is felt that the Beech tree can easily be managed in its current position by minor pruning of branches that are growing towards the adjacent property.

No evidence has been submitted to support the concern that the tree could cause damage to drains or is pushing the wall over. Should such damage be alleged then appropriate supporting evidence and repair proposals would be required with any application for removal.

The Tree Preservation Order would not prevent appropriate arboricultural management works from taking place subject to an application.

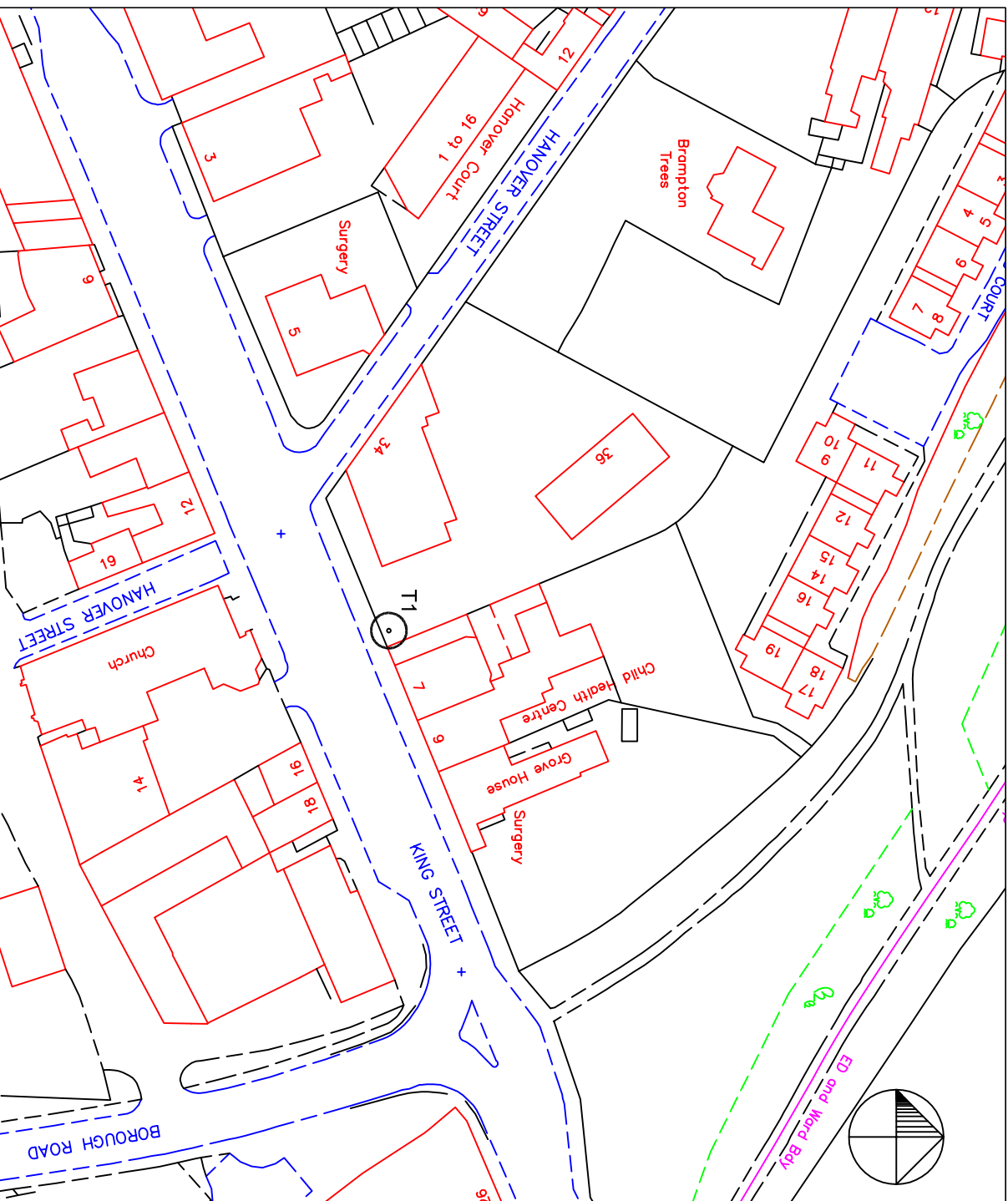
Your officers do not consider that reasons given by the developer to fell this tree are sufficient, and there isn't sufficient justification for this order not to be confirmed.

Your officers consider that the tree does have sufficient safe, useful life expectancy warrant the confirmation of the Tree Preservation Order.

Date report prepared

29th May 2015

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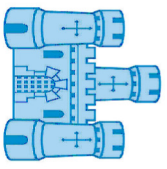


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NOTES:

Signed: _____

Dated: 23rd March 2015



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL

DAVE ADAMS EXECUTIVE DIRECTOR
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL STREET
NEWCASTLE, STAFFORDSHIRE. ST5 2AG

TITLE:
Land at North West side of King Street
Newcastle under Lyme, ST5 1EH

DESCRIPTION:
Tree Preservation Order
Number 167 (2015)

DRAWN BY:
J.H

SCALE:
1:1000

DATE:
March 2015

DRAWING NO.:
TPO 167 (2015)

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Confirmation of Tree Preservation Order

Land to the west of 32 to 49 The Hollies, Brampton Road, May Bank

Tree Preservation Order No 168 (2015)

Town & Country Planning Act 1990

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

The Provisional Order

This Provisional Tree Preservation Order protects a group of nine mature trees situated in a visually prominent and elevated position adjacent to flats between the Hollies and Tulip Grove.

The 6 month period for this Order expires on 23rd September 2015

RECOMMENDATION

That Tree Preservation Order No 168 (2015), Land to the west of 32 to 49 The Hollies, Brampton Road, May Bank, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Provisional Tree Preservation Order after an enquiry was made as to the status of the trees, which then gave rise to concern that they could be in danger of being felled to remove them as an obstacle to the development of the site.

The trees are clearly visible from Tulip Grove, with glimpse views from Larkspur Grove and the Hollies. As a group these mature trees have considerable visual stature and make a contribution towards the tree'd character of the Brampton Conservation Area when viewed from the wider landscapes setting. The trees are aesthetically pleasing when viewed from the surrounding landscape.

The trees are considered visually significant, and make an important contribution to the character of the surrounding area. The loss of any of these trees would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations.

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

Representations

Following the consultation period one representation was received raising the following matters:

- The garages adjacent to the trees attract anti-social behaviour due to their dark and secluded position.
- The owner of the site would like to replace the garages with a development of 6 flats with adjacent car parking bays to prevent the antisocial behaviour and to provide additional accommodation within the Borough. The owner considers that two protected Lime trees to the south of the group (numbered by the site owner as T17 and T18) would cast significant shade on new properties during the summer.
- The owner requested that protection be removed from T17 and T18 and that should a new development proceed, the affected trees will be removed and replaced with three young lime trees.
- The representation suggests the remaining trees are permanently protected and thereby continue to benefit the landscape.

Issues

The provisional Tree Preservation Order 168 (TPO168) was served to prevent the premature or needless removal of nine mature trees prior to the development of this site.

The site owner has requested that TPO168 be varied; thereby allowing T17 and T18 to be felled, which they indicate would ensue, should plans to develop the site proceed.

Your officer considers that future plans for site may alter between now and such time when a planning application is made and that it would be inappropriate to protect only seven of the nine affected trees upon this basis.

At the time of writing this report no planning application for the site has been submitted.

Should a planning application be forthcoming then appropriate arboricultural information to support the application would be required (in accordance with BS5837:2012 (Trees in Relation to Design Demolition and Construction- Recommendations)) At the time of writing this report no planning application for the site has been submitted.

The British Standard recommends that a Tree Survey with appropriate site constraints be made available to designers prior to specific proposals being drawn up. Recommendations also cover the impact of trees on daylight (of concern to the developer in this case).

The confirmation of the Tree Preservation Order would not prevent the development of the site, and the outcome of the tree information and subsequent design would not necessarily be the retention of all of the trees on the site; however by following the logical sequence of events that are outlined in the British Standard, the future of all nine trees that form a part of this important group can be fully and properly assessed.

In the absence of this process it would be wrong to assume that there is no alternative solution to the loss of T17 and T18 and as such your officer considers it inappropriate to vary the TPO 168 to exclude these trees.

The making of the Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

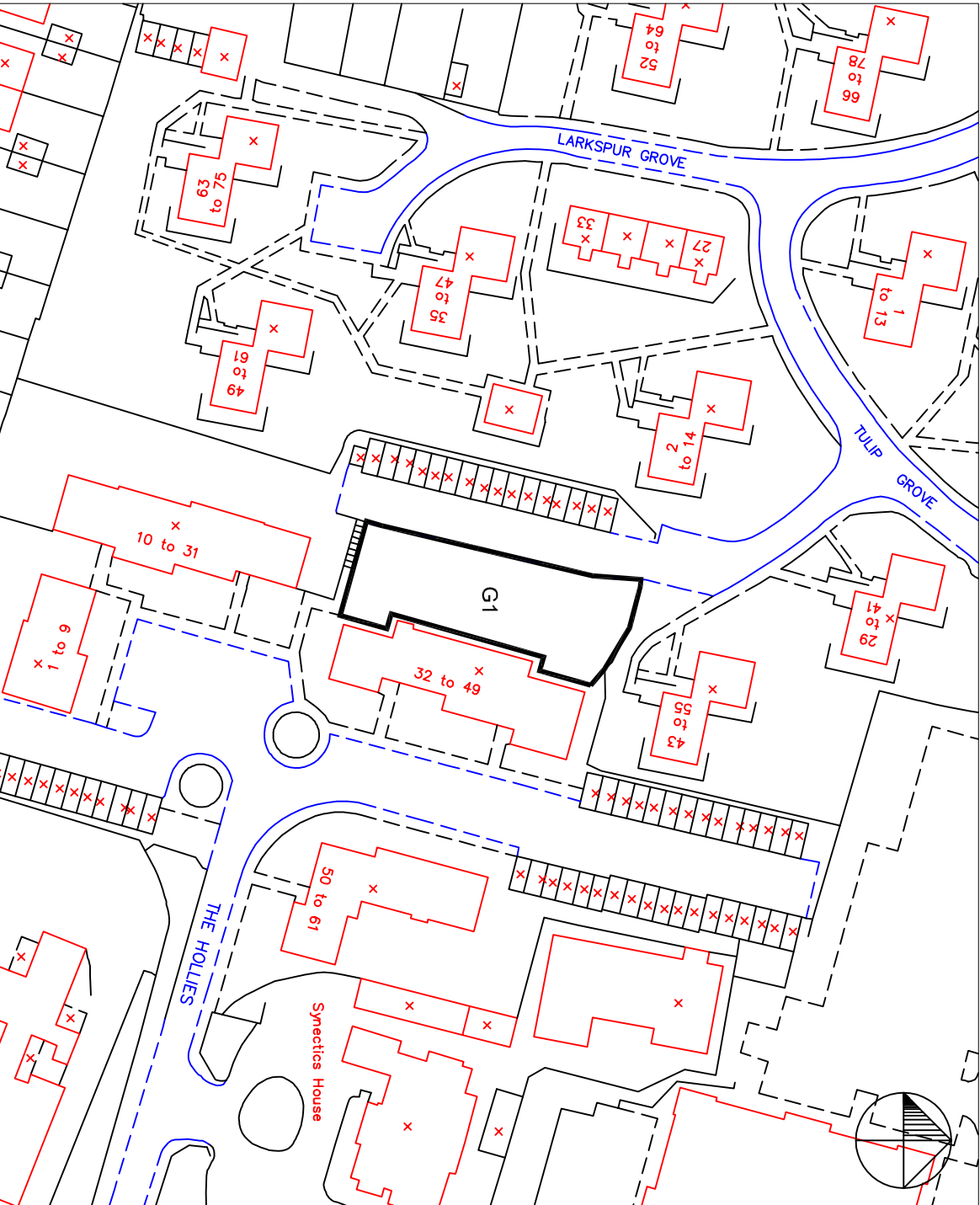
The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Your officer recommends that all nine trees are permanently protected and that TPO168 be confirmed as made.

Date report prepared

2nd June 2015

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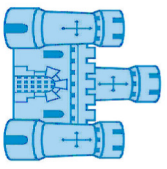


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Dated: 23rd March 2015 _____



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