





## PLANNING COMMITTEE

Tuesday, 21st July, 2015

**Present:-** Councillor Sophia Baker – in the Chair

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

### 1. APOLOGIES

Apologies were received from Councillor Welsh.

### 2. DECLARATIONS OF INTEREST

Councillor Mrs Hambleton declared an interest in application number 14/00767/FUL as a Member of the Aspire Board. During consideration of the item, Councillor Mrs Hambleton left the room.

### 3. MINUTES OF PREVIOUS MEETING(S)

**Resolved:** That the minutes of the meeting held on 23 June, 2015 be agreed as a correct record.

### 4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE; ASPIRE HOUSING. 14/00767/FUL

**Resolved:**

(i) That, subject to the applicant entering into a Section 106 obligation by 21st September 2015 securing the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission and contributions then being made to public open space and education on an equal proportion basis, if the scheme is evaluated at that time as able to support such contributions, the application be permitted subject to the undermentioned 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 enforced.

- (ii) That, should the matters referred to above not be secured by the 21st September 2015, Head of Planning given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate mechanism to allow for changed financial circumstances, and in such circumstances the potential provision of policy compliant contributions towards education and public open space; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

5. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF MUCKLESTONE ROAD; MULLER STRATEGIC; 15/00202/OUT**

**Resolved:**

- (i) That, subject to the applicant entering into a Section 106 obligation by 28th August 2015 securing the following:

- a. 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
- b. 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
- c. A contribution of £116,354 towards the provision of additional spaces in a two class base extension at Madeley High School (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
- d. In perpetuity, provision of 25% of the dwellings as affordable units
- e. A contribution of £6,300 towards travel plan monitoring

the application be permitted subject to the undermentioned conditions:

- Standard time limits for submission of applications for approval of reserved matters and commencement of development
  - Reserved matters submissions
  - Contaminated land
  - Construction hours
  - Construction management plan
  - Waste storage and collection arrangements
  - Further noise assessment
  - Internal and external noise levels
  - Arboricultural Impact Assessment
  - Arboricultural Method Statement
  - Boundary treatments
  - Details of Root Protection Areas
  - Landscaping scheme
  - Full details of accesses
  - Layout of site including disposition of buildings and provision of adequate parking and turning within the curtilage
  - Travel plan
  - Surface water drainage scheme
  - Details of the disposal of surface water and foul sewage
  - Approval of details of play facilities and timing of provision of open space and these facilities
  - Any reserved matters application to comply with the Design and Access Statement
  - The extent of the residential development to be limited to that indicated on the illustrative site layout plan submitted with the revised odour assessment.
- (ii) That, should the matters referred to in a) to e) above not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would 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

**6. APPLICATION FOR MAJOR DEVELOPMENT - AUDLEY WORKING MENS CLUB, NEW ROAD, BIGNALL END; WW PLANNING; 15/00279/FUL**

**Resolved:** That the application be refused for the following reasons:

- (i) 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;
- (ii) 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,
- (iii) 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;
- (iv) Without a secured and appropriate financial contribution for education places the development would be contrary to policies on the provision of education facilities, in particular school places, within the vicinity of the proposed development.

**7. APPLICATION FOR MAJOR DEVELOPMENT - LAND ON SOUTH EAST SIDE OF WEST AVENUE, BUTT LANE; REVELAN GROUP PLC; 15/00368/OUT**

**Resolved:**

- (i) That, subject to the applicant entering into a Section 106 obligation by agreement by 15th August 2015 to require:-
  - a. Affordable housing on-site provision;
  - b. A financial contribution for the enhancement and maintenance of the playground at Townfield Close of £2,943 per dwelling
  - c. A contribution of £99,279 (for a development of 44 dwellings) towards general teaching rooms at St. Saviour's CE Primary School

the application be permitted subject to the undermentioned conditions:

- Standard Time limit for commencement of development
- Approval of reserved matters
- Contaminated land
- Construction Method Statement
- Submission of a noise assessment and approval and

- implementation of appropriate noise mitigation measures
- Tree protection
- Highway matters
- Construction hours
- Surface water drainage system

(ii) That, failing completion by the date referred to in the above resolution, of the above planning obligation, that the Head of Planning given delegated authority to 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 .

8. **APPLICATION FOR MAJOR DEVELOPMENT - KEELE LEISURE CENTRE, KEELE UNIVERSITY, THREE MILE LANE, KEELE; KEELE UNIVERSITY; 15/00392/FUL**

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

- (i) Time limit for commencement
- (ii) Approved plans
- (iii) Lighting levels in accordance with submission
- (iv) Tree protection plan to BS
- (v) Arboricultural Method Statement
- (vi) Construction details
- (vii) Technical Specification of full size AGP
- (viii) Community use agreement.

9. **APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO HALCYON, TOWER ROAD, ASHLEY; MISS STAINER; 15/00353/FUL**

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

- (i) Standard time limit for commencement of development.
- (ii) Approved Plans.
- (iii) Materials.
- (iv) Boundary Treatments
- (v) Approval of recyclable materials and refuse storage.
- (vi) Tree protection.
- (vii) Arboricultural Method Statement.
- (viii) Landscaping Proposals
- (ix) Revised access details

- (x) Visibility splays
- (xi) Provision of access, parking and turning areas
- (xii) Garages to be retained for parking
- (xiii) Construction Method Statement
- (xiv) Construction hours
- (xv) Mitigation measures for protected species

10. **APPLICATION FOR MINOR DEVELOPMENT -OLD SPRINGS FARM;  
13/00245/FUL**

**Resolved:**

- (i) That, subject to the applicant entering into a Section 106 obligation by 31st July 2015 that secures a routeing 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 the agenda report, the application be permitted subject to the undermentioned conditions:-
  - a. That, 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 10m rear of the highway boundary and maintained as such; and
- (ii) 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.
- (iii) That unless the applicant enters into a Section 106 obligation by 31st July 2015 that secures such a routeing 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.



11. **PROGRESS MADE IN IMPLEMENTING THE ACTION PLAN AGREED BY THE COUNCIL IN RESPONSE TO THE PLANNING PEER REVIEW.**

Consideration was given to a report providing Members with a progress update on implementing the agreed Action Plan.

The same report would be presented to the Cabinet on 22 July, 2015 and this Committee's comments were sought on the progress.

**Resolved:** That, Cabinet to be advised that the Planning Committee had no comments to make on the report

12. **REVIEW OF THE LOCAL LIST VALIDATION REQUIREMENTS**

Consideration was given to a report seeking to identify amendments which were considered necessary to the List of Local Validation Requirements.

**Resolved:**

- (i) That, the revised list of Local Validation Requirements as set out in Appendix B to the Report be approved for public consultation purposes.
- (ii) That, the Committee 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

13. **5 YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE**

Consideration was given to a report presenting the information and results of the latest calculation of the five year housing land supply.

**Resolved:**

- (i) That, the results of the 5 year housing supply report to 3<sup>rd</sup> June 2015 Planning Committee be noted.
- (ii) That, Officers give active consideration to the preparation of a revised supply statement following the publication of the Strategic Housing Market Assessment.
- (iii) That, the significance of the 5 year supply position in Development Management decision making as described in report to 3<sup>rd</sup> June 2015 Planning Committee be noted.

14. **TREE PRESERVATION ORDER 165 - LAND AT THE FORMER STOP INN, LIVERPOOL ROAD, CROSS HEATH, NEWCASTLE.**

Members considered a report seeking Members' approval for a Tree Preservation Order to be confirmed, with amendments, at the above address.

**Resolved:** 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.

15. **TREE PRESERVATION ORDER 167 - 5A KING STREET, NEWCASTLE**

Members considered a report seeking Members' approval for a Tree Preservation Order to be confirmed at the above address.

**Resolved:** That Tree Preservation Order No 167 (2015), Land at North West side of King Street (number 5a), Newcastle be confirmed as made and that the owners of the site be informed accordingly.

16. **TREE PRESERVATION ORDER 168 - THE HOLLIES, BRAMPTON ROAD, MAY BANK**

Members considered a report seeking Members' approval for a Tree Preservation Order to be confirmed at the above address.

**Resolved:** 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.

17. **URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR SOPHIA BAKER**  
**Chair**

# Agenda Item 3

**LAND TO THE NORTH EAST OF ECCLESHALL ROAD, SOUTH EAST OF PINWOOD ROAD  
AND NORTH WEST OF LOWER ROAD, HOOK GATE  
DESIGN CONSTRUCTION MANAGEMENT SERVICES LTD 15/00448/OUT**

The Application is for outline planning permission for the erection of up to 16 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 application site lies within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. It comprises three fields and is approximately 1.13 hectares in total.

**The 13 week period for the determination of this application expires on 2<sup>nd</sup> September 2015.**

## **RECOMMENDATION**

**A). Subject to your Officer confirming that the submitted Unilateral Undertaking secures the required planning obligations, or if that is not so, subject to applicant entering into a further appropriately worded Section 106 obligation by 28<sup>th</sup> August 2015 securing the following:**

- i. A contribution of £2,943 per dwelling for the improvement and development of the Burntwood View/Hugo Way play area and open space**
- ii. A contribution of £33,244 (on the basis that the development as built is for the full 16 dwellings and of the type indicated) towards the provision of education places at Madeley High School**
- iii. In perpetuity, provision of 25% of the dwellings as affordable units**

**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. Implementation of recommendations of noise assessment**
- 5. Construction hours**
- 6. Construction management plan**
- 7. Waste storage and collection arrangements**
- 8. Arboricultural Impact Assessment**
- 9. Arboricultural Method Statement**
- 10. Tree Protection Plan**
- 11. Boundary treatments**
- 12. Landscaping scheme to include retention of existing trees and hedgerows**
- 13. Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the curtilage**
- 14. Completion of accesses**
- 15. Provision of visibility splays**
- 16. Widening of the carriageway on Pinewood Road and provision of 2m wide footway on both Pinewood Rd and Lower Road**
- 17. Provision of dropped kerb pedestrian crossings**
- 18. Closure of existing access crossings made redundant**
- 19. Surface water drainage scheme**
- 20. Dwellings to be a maximum of 2 storeys**
- 21. Retention of hedgerows that currently divide the site into 3**

**B) Should the matters referred to in (i), (ii), and (iii) above not be secured by 28<sup>th</sup> August 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 the provision of adequately maintained public open space, appropriate provision for required education facilities, and an appropriate level of affordable housing; 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. The adverse impact of the development - principally some limited local impact on the character and appearance of the area – do not significantly and demonstrably outweigh the benefits of this relatively sustainable development which would make a contribution towards addressing the undersupply of housing in the Borough and the provision of some 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 16 dwellings. Access from the highway network (but not the internal access within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 1.13 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads. Contrary to the view expressed in many representations, the site is not within the Green Belt.

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 best and most versatile agricultural land lost as a result of the proposal?
- 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 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?

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

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 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 seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 As indicated above this site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in 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 as a whole, or specific policies in the Framework indicate development should be restricted.

2.8 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.

2.9 The site lies approximately 790m from the village envelope of Loggerheads which 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.

2.10 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 a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.11 Although this site lies outside the village envelope, it would still be relatively close to existing facilities. The village centre of Loggerheads, i.e. the food store, post office and library, would be approximately 900m walking distance from the site, and the primary school – often a key destination for pedestrians – is quite a bit closer. The nearest bus stop is located on Eccleshall Road adjacent to the site frontage which provides a limited service to such locations as Stafford and Market Drayton. The bus stops in Loggerheads which provide an hourly service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury, are located on the A53 in the vicinity of the double mini roundabouts. These bus stops would be approximately 950m from the site and therefore fall outside of the 400m national recommended distance for a suitable walking distance from a property to a bus stop). However, 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 some 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.

2.12 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.

2.13 In terms of the implications of the development on the economy, 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 issue of the environmental impact of the scheme will be considered fully below.

2.14 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.

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

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 16 dwellings are proposed, and it is suggested within the Design and Access Statement that the dwellings would comprise a mix of two and three storey houses. The density of the proposed scheme would be approximately 17.7 dwellings per hectare.

3.4 There is a mix of dwelling size and style in the area. There are primarily detached bungalows to the north on Heathcote Avenue and Birch Rise, relatively modern detached two-storey properties to the south-west on the opposite side of Eccleshall Road as well as some more traditional two-storey cottages in the vicinity.

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. Although objections have been raised on the grounds that the density of 17.7 dwellings per hectare would be approaching three times the existing densities in the area, it is the case that there is a variety of density currently in the village. In allowing the appeal at land off Gateway Avenue (Ref. 13/00426/OUT), the Inspector stated that density alone is not a good indicator of the character and appearance of a development. He went on to acknowledge that "*The Council would have control over the detailed design, form and materials of the development at reserved matters stage...*" and that he had no reason to doubt that a development of suitably high design quality could be achieved. In this case, it is considered that the layout of the proposed scheme, as shown on the indicative layout drawing respects local character and that the density proposed would strike an acceptable balance between reflecting the character of the village housing and optimising the potential of the site to accommodate development. Although the applicant suggests that the development could comprise both 2 and 3 storey dwellings, given the style of dwellings in the vicinity, it is considered that 3-storey houses would be unacceptable. On this basis a condition limiting the dwellings to a maximum of 2 storeys is considered necessary.

3.8 A scheme for 14 dwellings with a very different layout to the illustrative layout now submitted was commented on by MADE Design Review Panel at the pre-application stage. In commenting on that layout, MADE recommended that the houses be arranged in three small cul-de-sacs with houses facing each other in a horse-shoe arrangement. It was considered that this would create small communities of neighbours and a sense of arrival into each of these cul-de-sacs. The comments of MADE have been taken on board by the applicant and it is considered that the scheme as now shown on the indicative layout drawing would respect local character and create a sense of place.

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 This site is within an Area of Active Landscape Conservation and NLP Policy N18 states that development that will harm the quality and character of the landscape will not be permitted. Within



these areas particular consideration will be given to the siting, design, scale, materials and landscaping of all development to ensure that it is appropriate to the character of the area.

3.11 The site is bounded by hedgerows and trees. Loggerheads Parish Council has objected on the grounds that the applicant intends to destroy most of the hedge on the Eccleshall Road frontage. This is not the case however and other than the removal of a small section of the frontage hedge to increase the width of the vehicular access, the hedgerow could be retained if the indicative layout were adopted. There is a substantial grass verge and a footway to the front of the hedge and therefore it would not be necessary to remove any of the hedge to provide the required visibility splay. Although not clear on the indicative layout, the applicant has confirmed that the hedgerows that currently divide the site into 3 would be retained. The retention of these hedgerows could be secured via a condition.

3.12 -Due to the topography of the surrounding area, and the existing hedgerows, views of the site would be limited to those gained in the short distance. Although the development would encroach into the open countryside, it would not extend beyond the built development that currently exists on the opposite side of Eccleshall Road. Subject to a good quality layout and design and subject to conditions, 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.

#### 4.0 Is best and most versatile agricultural land lost as a result of the proposal?

4.1 The applicant has advised that the application site comprises some 1.13ha of 'horsicultural' land which is land that has been developed for pasturing or exercising horses. The land was purchased in 1977 and has been used since that date for the keeping of horses. It is the case that if horses are given supplemental feed and kept in a field for exercise and accommodation, then the use of the land is not regarded as agricultural. No planning permission has been granted for the change of use of the land for the purposes of keeping horses but there is a field shelter on the site that is evident on an Ordnance Survey plan of 2002. The applicant's claim that the land has been used for many years for the keeping of horses has not been disputed in any representations and indeed, reference has been made in at least one objection letter to the land being used for the grazing of Shetland ponies. It does appear that the land has not comprised agricultural land for many years and on this basis, no assessment of whether it comprises best and most versatile agricultural land is required.

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

5.1 The site is bounded by Lower Road to the south-east, Pinewood Road to the north-west and the B5026 Eccleshall Road to the south-west. Vehicular access to the development would be provided at three points: from Eccleshall Road to serve six dwellings, via a private driveway off Pinewood Road approximately 40m east of the junction with Eccleshall Road to serve a maximum of five dwellings and a further private driveway onto Lower Road approximately 30m east of the junction with Eccleshall Road to serve a maximum of a further five dwellings. A 2m wide footway would be provided on the southern side of Pinewood Road which would provide a link between the private driveway and the existing footway on Eccleshall Road. In addition Pinewood Road would be widened to a minimum of 4.8m along the site frontage to accommodate 2-way traffic movement.

5.2 Concerns have been raised by residents on the grounds that the locations of the proposed entrances are dangerous. It is stated that Pinewood Road and Lower Road are both narrow resulting in cars having difficulties passing and the location of the access on Lower Road is on a bend. Although Eccleshall Road recently had the speed limit reduced to 30mph, it is suggested that the majority of vehicles still speed and evidence to this effect has been provided.

5.3 The application is accompanied by a Transport Statement (TS) which states that visibility requirements have been assessed and are achievable and that the increase in traffic from 16 dwellings would be imperceptible when having regard to the daily fluctuations in traffic and will not have a material impact on the operation or safety of the local highway network. It concludes that there is no highway-related reason to withhold planning permission for the scheme.

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.

#### 6.0 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. Particular reference is made to the location of the site adjacent to the Turner Hodgkiss nature reserve, although the agent casts doubt upon the status of that reserve. Your officer considers the possible implications of the development on the SWT affiliated reserve to be an appropriate material consideration notwithstanding the comments received.

6.2 An Ecological Survey submitted to accompany the application has assessed the site for bats, breeding birds, mammals and amphibians. In relation to bats, foraging habitat could be provided by hedgerows and the woodland edge could hold some importance for colonies of roosting bats in close proximity to the site. Mitigation is therefore recommended in the landscape proposals and the proposed buildings. It states that the potential of the site for bird species is relatively low but because of the possible presence of nesting birds, it is recommended that any necessary removal of vegetation takes place outside of the bird-breeding season. No badger activity was recorded and therefore it is considered that direct impact on badgers is unlikely. In relation to Great Crested Newts (GCNs), two ponds within 250m of the site were subject to amphibian surveys and a small population of GCNs was recorded in one of the ponds. Mitigation is therefore considered necessary.

6.3 Subject to the imposition of a condition requiring the agreement of mitigation measures, it is not considered that a refusal could be sustained on the grounds of adverse impact on protected species.

#### 7.0 Would there be any issue of flood risk?

7.1 Concerns have been expressed by objectors referring to groundwater problems which manifests as poor drainage and water run off onto local roads. A Flood Risk Assessment (FRA) has been submitted to accompany the application which concludes that there will be a low risk of groundwater flooding across the site and a very low surface water/sewage flooding risk across the site. It proposes that surface water is infiltrated using permeable paving and soakaways.

7.2 Staffordshire County Council as Lead Local Flood Authority (LLFA) has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

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

#### 8.0 What planning obligations are considered necessary and lawful?

8.1 A signed Unilateral Undertaking has been submitted by the applicant that provides for 25% affordable housing and for financial contributions towards education and the provision and maintenance of public open space. 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 5<sup>th</sup> 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. Affordable housing provision is not subject to this restriction

8.2 No obligations have been entered into since April 2010 providing for improvements to Burntwood View/Hugo Way play area as requested by the Landscape Development Section. Staffordshire County Council has requested an education contribution towards the provision of spaces at Madeley High School. Including the Unilateral Undertaking now received no more than 5 obligations have

been entered into since April 2010 providing for a contribution to places at Madeley High School. On this basis, it is considered that the education and public open space obligations would comply with CIL Regulation 123 and are lawful considerations.

8.3 As already indicated the applicant has submitted a signed Unilateral Undertaking that is accordingly "on the table" and must be taken into account by the authority in its decision. The Unilateral Undertaking is being considered by your officers and those of the County Council and it may be possible to advise on its substance – i.e. whether it achieves the contributions referred to above and which are required by policy. If this is not possible your Officer would seek a delegated authority to secure these obligations in an appropriately worded manner prior to the end of the 13 week period.

8.4 Concerns have been expressed by residents that the local doctor's surgery and schools are full and that there are no community centre or sports facilities locally. Similar concerns were expressed by Loggerheads Parish Council regarding application Ref. 15/00202/OUT (for the site off Mucklestone Road) and in relation to that application your Officer sought the views of Staffordshire Public Health and the Council's Leisure Strategy Section. Whilst Public Health confirmed that there is an ageing population in Loggerheads and Whitmore Ward, they did not provide any evidence of a need for improvement of the existing health facilities in the area and Leisure Strategy did not provide any evidence of a need for sports or community facilities to be improved. On this basis, it is not considered that the contributions requested by Loggerheads Parish Council would comply with Section 122 of the CIL Regulations.

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

9.1 In consideration of the above points, the development would result in some limited local impact on the character and appearance of the area. However, the proposal represents sustainable development and would make a not insignificant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area, albeit relatively few in number. 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 and affordable housing 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 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 N18: | Areas of Active Landscape Conservation   |

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) (2012)

Planning Practice Guidance (PPG) (2014) – as amended following the West Berks and Reading BC v SoS High Court judgement on 31<sup>st</sup> July 2015

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** has no objections subject to conditions regarding noise levels, hours of construction, construction method statement, protection of highway from mud and debris, dust mitigation during construction, waste storage and collection arrangements and contaminated land.

The **Landscape Development Section** has no objections subject to conditions regarding retention of trees and hedgerows, provision of a layout specific Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, agreement of a landscaping scheme and a financial contribution of £2,943 per dwelling for improvement and development of the Burntwood View/Hugo Way play area and open space.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 16 dwellings could add 3 primary-aged pupils and 2 of secondary age. Madeley High School is projected to be full for the foreseeable future and therefore a contribution of £33,244 (2 x £16,622) is requested towards Secondary provision. Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request is made towards Primary School provision.

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 types of properties sought will be based on the principle that the affordable housing should be proportionately

reflective of the development as a whole and the design and standard of construction should as a minimum be the same as the open market dwellings.

The **Crime Prevention Design Advisor** has no objections to the outline proposals. Although only illustrative, the layout indicates that crime prevention principles have been considered and a development built accordingly would incorporate elements aimed at 'designing out crime'.

The **Lead Local Flood Authority** having received further information during the course of the applications has no objection subject to a condition requiring a detailed surface water drainage scheme for the site.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of details of layout, surface water drainage and surfacing materials, completion of access from Eccleshall Road and provision of visibility splays at that access, completion of access from Pinewood Road, widening of the carriageway on Pinewood Road frontage and provision of a 2m wide footway and provision of visibility splays at that access, completion of access from Lower Road, provision of a 2m wide footway and provision of visibility splays at that access, submission of details of off-site highway works, closure of existing site accesses on Lower Road and Pinewood Road and submission of a Construction Method Statement.

The views of the **Waste Management Division** are being sought, and if received will be reported to the Committee

**Stafford Borough Council** neither objects to nor supports the proposal. They comments as follows:

- The development appears to score poorly in terms of sustainability but only Newcastle can assess whether there are other factors such as housing need/supply that outweigh such concerns.
- Their records indicate protected species and BAP species within 100m of the site.
- Any land contamination and drainage could affect the nearby land drain.
- Neighbours within Stafford Borough as well as those within Newcastle may require safeguards in terms of noise/dust arising during any development.

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

- Three-storey houses are totally out of keeping with the surrounding area.
- The Borough Council has recently demonstrated that it has a 5 year supply of land for housing and this should be used to refuse this application as the Saved Local Plan Policies and the Core Spatial Strategy now still apply under paragraph 49 of the NPPF.
- The applicant has overlooked the fact that there are up to 100 properties for sale within 2 miles of this site.
- The applicant intends to destroy most of the hedge on the Eccleshall Road frontage.
- The visibility splays may have to be enlarged as the Community Speed Watch has recorded 50% of drivers exceeding 30mph, 37mph was the average speed with a maximum of 74mph recorded.
- In a recent refusal of a scheme in Baldwin's Gate it was stated that the bus service is inadequate. This is the same bus service that operates once an hour on weekdays through Loggerheads. The bus service to Stafford only operates on 2 days each week. There is no effective bus route to the north or south. This will result in even more unsustainable single-occupancy car trips than there is at present.
- The reference to a housing density of 17.7 dwellings per hectare is approaching three times the existing densities in the area.
- It is considered that some of the proposed planning conditions should actually be matters to be resolved before any consideration of the application by the Planning Authority.
- The Ecological Report raises a number of issues when read in conjunction with the other documents. Most of the hedgerow will be destroyed yet there is no reference to mitigation measures for birds.
- The Parish Council agrees with the comments of MADE that the layout appears very contrived and confusing. It is not considered that the proposal reflects the character of rural

development in this area. The Council is pleased to note that MADE agree with its view that even 14 units is too many for the site and the layout is poor.

- It is considered that a detailed application should have been submitted.
- The application should be refused for the many reasons set out above as it is totally out of keeping with this rural area, it does not comply with the policies in force following confirmation of a robust 5 year housing land supply and above all it is a wholly unsustainable proposal due to its major dependency on the car as the only reliable means of transport available.

### Representations

Approximately 70 letters of objection have been received. Objection is made on the following grounds:

- The site is outside the development zone for Loggerheads.
- Impact on wildlife – the site is adjacent to the Turner Hodgkiss nature reserve
- Precedent for further development
- No infrastructure to support the development – doctors and school are full
- There is no bus service and the nearest bus stop is half a mile away in Loggerheads along a narrow dimly lit pavement or at the other end of Pinewood Road along which there is no lighting or pavement. The service is infrequent and only serves Newcastle or Market Drayton.
- There are no community centre or sports facilities.
- There is no main drainage (many houses are served by septic tanks).
- This is Green Belt and so should be protected from development.
- Extending the outer edge of the village
- There are no opportunities for employment in the village.
- There is no demand for housing in this bracket and there are many houses in the area already on the market.
- The locations of the proposed entrances are dangerous. Pinewood Road and Lower Road are both narrow resulting in cars having difficulties passing. The location of the access on Lower Road is on a bend. Eccleshall Road recently had the speed limit reduced to 30mph but the majority of vehicles still speed. The volume of traffic is already too much for this road.
- Impact on the character of the area.
- Impact on privacy
- Light pollution
- Contrary to the suggestion in the Tree Report, the hedgerow along Pinewood Road is not in poor condition. It is an ancient hedge and should be preserved.
- The area suffers from groundwater problems which manifests as poor drainage and water run off onto local roads. The envirocheck report is not considered to be accurate.
- Three storey houses are not in keeping with the local housing.
- The proposed development is not in accordance with the Parish Council's Development Plan.

**Sir Bill Cash M.P.** objects to the proposal for the following reasons:-

- The proposals, in particular the three-storey houses, are out of keeping with this rural area.
- The Borough Council has recently demonstrated that it has a 5 year supply of land for housing and therefore Saved Local Plan Policies, in particular H1 and the Core Spatial Strategy now still apply.
- There are up to 100 properties for sale within 2 miles of this site providing a choice of accommodation and tenure. The "one market segment" referred to is already adequately catered for by existing properties for sale. This concept seems to preclude the 25% affordable housing content required.
- The proposals will destroy most of the hedge on the Eccleshall Road frontage. There is reference to a replacement hedge but this will take many years to establish.
- There is no effective bus service.
- The additional traffic will add to the congestion on all local roads
- The proposed density is approaching 3 times higher than the densities that apply in most of the area, particularly to the north of the site.
- There is a history of foul drainage problems.

- There is a need for a Protected Species License to deal with Great Crested Newts but no evidence that Natural England will actually approve a license.
- There are likely to be surface water problems given the type of soil.
- There is a Nature Reserve bordering the site which would be significantly affected.
- Fourteen units is too many for the site.

Approximately 14 letters of support have been received stating the following:

- The development would help the Council in its 5 year housing targets.
- The development would benefit the locality in providing affordable housing in a rural area.
- The area will benefit from the widening of the end of Pinewood Road which has been required for a long time.
- The hedges will remain intact thus reducing the aesthetic impact.
- The houses will not be highly visible due to topography and landscaping.
- Traffic flow will be split into three so should not be a significant factor.
- The development will contribute to the local economy.
- Many of those submitting objections are doing so from properties that have been built on green fields.
- It is ideal infill development and will complete a run of properties along Eccleshall Road on both sides.

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

The application is accompanied by the following documents:

- Design & Access Statement
- Tree Survey
- Transport Statement
- Contaminated Land Risk Assessment
- Ecological Report
- Noise Survey
- Flood Risk Assessment
- MADE Design Review Report

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500488OUT](http://www.newcastle-staffs.gov.uk/planning/1500488OUT)

#### Background papers

Planning files referred to  
 Planning Documents referred to

#### Date report prepared

5th August 2015

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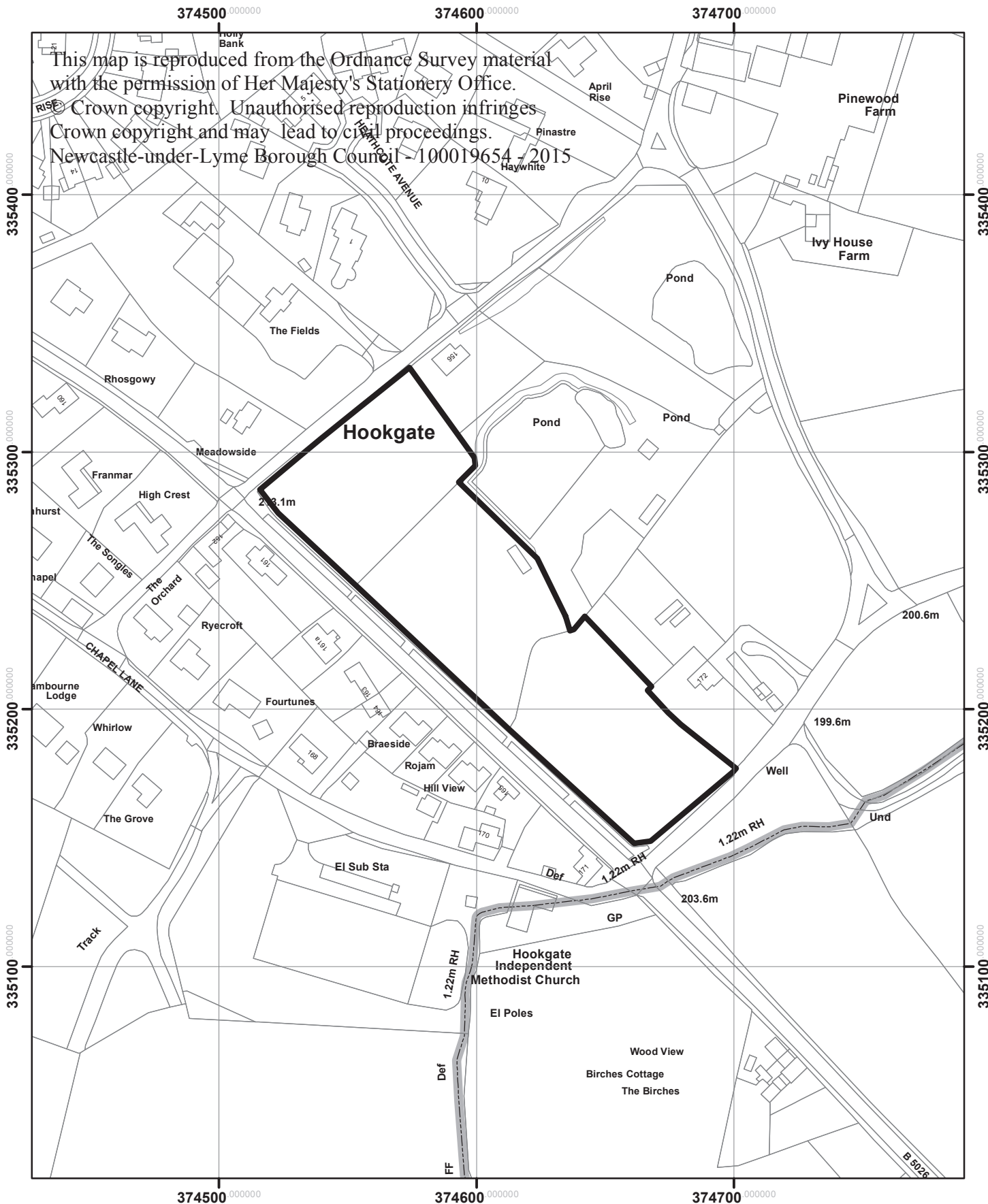


Land to NE of Eccleshall Road, SE  
of Pinewood Drive and NW of  
Lower Road, Hookgate  
15/00448/OUT



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**LAND AT DODDLEPOOL, MAIN ROAD, BETLEY  
MR. M OULTON**

**15/00521/FUL**

The application is to vary condition 3 of planning permission 14/00610/FUL to enable topsoil removal until December 2019. Condition 3 states that "All activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas shall cease by the 1st June 2015." The reason for the condition was "To safeguard the residential amenity levels of neighbouring residential properties and to meet the guidance and requirements of the National Planning Policy Framework 2012."

The site lies within the North Staffordshire Green Belt, within the Rural Area, and within an Area of Active Landscape Conservation, as indicated on the Local Development Framework Proposals Map.

**The 13 week period for the determination of this application expires on 2<sup>nd</sup> October 2015.**

## **RECOMMENDATION**

**A. Subject to Natural England removing their objection, approve the following variation of condition 3:-**

- 1. The removal of soil from the site shall cease within 9 months from the date of the decision notice,**
- 2. All conditions of planning permission 14/00610/FUL and previously agreed details shall continue to apply other than condition 3 as varied by the grant of this permission.**

**B. Should Natural England not remove their objection then refuse the application due to the application resulting in material being extracted that is not in accordance with paragraph 144 of the NPPF.**

## **Reason for Recommendation**

The operations and activities at the site have resulted in significant and detrimental harm to the residential amenity levels of neighbouring occupiers. The applicant has shown very minimal endeavour to export the existing soil since planning permission was granted in 2014 and an extension from the 1<sup>st</sup> June 2015 until December 2019 is not justified. Therefore to further minimise the impact on the residential amenity levels of neighbouring properties and to encourage the removal of the soil from the land it is considered on balance, from the submitted information, that only a 9 month extension is justified. Should any soil remain on the site at the end of the 9 month period then this would not result in a harmful impact on the character and appearance of the landscape or Green Belt due to its location and appearance. The extraction of peat would be contrary to the NPPF and until the objection from Natural England is removed the 9 month extension should not be agreed.

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

During the determination of the planning application the LPA has been in dialogue with the applicant's representatives and additional information has been submitted. The applied for time extension is not in accordance with the requirements of the National Planning Policy Framework however a nine month extension is considered appropriate and in accordance with national policy.

## **Key Issues**

The application is to vary condition no.3 of planning application 14/00610/FUL for the retention of water reservoir, formation of hardstandings and repairs to the existing track, which was permitted in December 2014. Condition 3 required that:

*"All activity associated with the engineering works, including the vehicle movements, the removal of soil from the site, and the re-contouring of the site areas shall cease by the 1st June 2015.*

*Reason: To safeguard the residential amenity levels of neighbouring residential properties and to meet the guidance and requirements of the National Planning Policy Framework 2012.”*

The 1<sup>st</sup> June 2015 deadline has now passed and due to there being a large amount of material still remaining on the site the applicant seeks to vary the condition to extend the period to December 2019.

Since the original planning permission was granted in December 2014 the Local Planning Authority served a Temporary Stop Notice (TSN) on the land owner (applicant) on the 2<sup>nd</sup> April 2015 due to the applicant not complying with the conditions/ restrictions imposed by the planning permission. The TSN was served due to the activities causing a severe and detrimental impact to the residential amenity levels of neighbouring occupiers. A subsequent Stop Notice (SN) and Enforcement Notice (EN) were then served on the owner which came into effect on the 30<sup>th</sup> April 2015 and the 27<sup>th</sup> May respectively.

A breach of condition 3 had not occurred at this point because the date that the works identified in the condition had to cease was after the Notices were served. Therefore condition 3 was not covered by the SN and EN.

The key issue for consideration by the committee is;

- The impact on neighbouring residential amenity levels and the appearance of the landscape.

#### The impact on neighbouring residential amenity levels and the appearance of the landscape

The activities at the site have been having a detrimental impact on the residential amenity levels of neighbouring occupiers for a number of years. The activities carried out have resulted in a continuous and high volume of complaints from nearby residents. A number of objections have also been received in response to this planning application with the primary concern expressed being that the proposed 4 plus years timescale is excessive and would have a significant additional impact to their residential amenity levels.

The application details that some 30,000 tonnes of ‘non-integrable’ soils needs to be removed from the land and the intention is to do this over a period of 4 years. They state that this would equate to some 7,500 tonnes per annum or approximately 600-700 tonnes per month. They also state that the proposed extension to the end-date proposed would facilitate the removal of the soil/ material whilst also enabling productive arable and pastoral agriculture on the site as per ‘best and most versatile guidelines’.

Alternative schemes, as identified by the applicant, which include removing 50% (15,000 tonnes) over a lesser period and integrating 50% (15,000 tonnes) within the land have been explored and discounted by the applicant due to the engineering operations involved and the amount of time it could take. The ‘do nothing approach’ was also considered but this would leave the site in an unfinished state with a significant area sterilized from productive agriculture and a restricted flood-plain surrounding the reservoir. A shorter timescale than the 4 plus years proposed has not been considered by the applicant, however.

Natural England has objected to the application due to concerns about Peat extraction. Peat extraction is contrary to the NPPF as advised in paragraph 144. In order to satisfy NE further surveys are required.

The applicant has been advised of the concerns raised by NE and has reiterated that 15,000 tonnes of material has been identified as peat and is proposed to be retained and re-spread within the approved site boundary. The area identified for the spreading of peat has been agreed by your officers and would result in a slight change in ground levels. This information will be forwarded to NE for further comment. A condition of the original permission prevented peat extraction and the applicant has detailed that it will not be extracted. Any additional comments received from NE will be reported to members prior to the meeting.

In terms of the volume of soil on site the applicant has stated that the figure of 30,000 tonnes was calculated by T.W.Frizell Haulage and Plant Hire Ltd's using a standard surveyors wheel. They also advise that Betley Parish Council independently calculated the combined tonnage of topsoils and peat stored on site as 45,000 tonnes, (15,000 tonnes peat and 30,000 tonnes topsoil).

A 20 tonne vehicle is likely to be used to export the soil. The applicant states that a time extension to December 2019 would allow them to remove 600-700 tonnes per month. This equates to 30 vehicle movements per month. However, condition 9 of 14/00610/FUL allows up to 10 vehicle movements per day (10 lorries in and 10 lorries out) and theoretically this amounts to approximately 200 vehicle movements per month and 2400 per annum as opposed to the 30 per month and 360 per annum.

Your officers have calculated that a 20 tonne vehicle operating 10 times a day, every weekday between the allowed hours of operation for a 9 month period could export 36,000 tonnes of material. Therefore on this basis an extension to December 2019 is not appropriate.

The original permission allowed 6 months and a limited amount of soil has been exported in this period which your officers consider shows reluctance by the applicant/ owner to remove the soil. However, following the information provided within the applicants submission and the above calculations by officers it is considered appropriate to vary the condition and allow the applicant a further 9 months from the date of the decision but only if the concerns of NE have been addressed.

Furthermore, whilst the soil serves no purpose on the land it is not causing a significant adverse impact on the landscape due to its location and minimal views from the wider landscape. The matter needs to be brought to a close due to the impact that the operations have been having on residential amenity levels which have only been controlled by the serving of the SN and EN. Therefore a 9 month extension is considered a challenging but realistic and appropriate timescale for the applicant whilst also enabling the applicant to remove soil so that it does not sterilize the land from productive agriculture and further restrict the flood-plain surrounding the reservoir.

#### **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  
Policy CSP4: Natural Assets

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

Policy S3: Development in the Green Belt  
Policy T16: Development – General Parking Requirements  
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)  
National Planning Practice Guidance (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

10/00704/AGR          Erection of a building for storage of machinery          Deemed Permitted

14/00610/FUL Retention of water reservoir, formation of hardstandings and repairs to the existing track Permitted

### Views of Consultees

The **Environmental Health Division** raises no objections due to the distance, and screening provided by the topography at the site, the activity is unlikely to have any adverse effects upon surrounding premises and the restrictions upon the operating hours and the number of vehicles which were imposed previously, in relation to application 14/00610/FUL.

**Betley, Balterley and Wrinehill Parish Council** objects to the application a) the hazard created by increased heavy vehicle movements onto a section of road known to be dangerous particularly under wet conditions; b) the adverse impact on the residential amenity of nearby residents.

If the Local Planning Authority is however minded to grant the variation then it must satisfy itself that the removal of topsoil as proposed is essential, and must impose appropriate conditions to ensure highway safety and to minimise any adverse impact on local residents.

**Environment Agency** has raised no objections

**National Grid** has advised that due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure their apparatus is not affected by any of the proposed works.

**County Council Planning** has expressed a wish to comment on the application and their views will be reported prior to the planning committee if they are received in time.

**The Highways Authority** raises no objections.

**Natural England** objects to the application due to the lack of information regarding peat extraction. Further information is needed to clarify what type of soil is the 'excess topsoil'. It is recommended that a survey of the various soils on the site to evaluate the quantity, quality and suitability of soil resources (topsoil and subsoil) for the intended uses. Surveys should be undertaken by a suitably qualified and experienced soil scientist or practitioner to investigate the characteristics of the soil layers or soil stockpiles (see Defra Code for further details). A soil resources survey of this type can also be used to identify the volumes of different types of soil material present so that any surpluses can be more clearly identified.

**The County Council Footpaths** have not responded within the deadline for comments and it has to be assumed at this stage that they have no comments to make upon the application

### Representations

Ten letters of representation have been received, including one from **Paul Farrelly MP**, making the following objections;

- Residents have suffered enough from adverse noise, dust and loss of privacy,
- To permit the application would not safeguard the residential amenity levels of neighbouring residents, which is contrary to the NPPF,
- The Borough Council has already served Stop Notices and an Enforcement Notice for the activities on the site due to harm caused to residents,
- The time period is excessive and the soil could be removed in 7 and a half months,
- The 6 months previously allowed was suffice,
- The application contradicts the original reasons and their calculations,
- The soil should be removed to another appropriate and licenced site as soon as possible,
- The site should be farmed more appropriately,
- Lorries have been dumping material on the site,
- The application provides no justification,

- No proper independent assessment has ever been carried out to quantify the amount and origin of material,
- The entry and exit of lorries here causes a significant traffic hazard,
- Approximately 5,000 additional tonnes of material has been imported onto the site,
- The importation of waste material has occurred on the site along with other waste activities,
- Ownership of the stockpiled soil has already been transferred to Frizell. Therefore the site is currently being used as a Frizell storage depot,
- The issue of supply and demand from Frizell's customers is the real reason a 4 year timescale has been applied for,
- The Applicant has registered a new exemption with the Environment Agency on 21 April 2015 to carry out waste treatment to existing waste on the site to produce aggregate or soil until 20 April 2018,
- Treatment of waste on the site will presumably require the use of heavy machinery which is not mentioned at all in the Planning Application,
- No specifics are mentioned in the current Application regarding continuing engineering works on the site,
- This site could become a waste processing facility in the Green Belt,
- No application can be considered until the exact scale of activities is made clear,

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

The applicant has submitted a supporting statement and key points have been referred to in relevant sections of this report. This document is available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/1500521FUL](http://www.newcastle-staffs.gov.uk/planning/1500521FUL)

#### Background papers

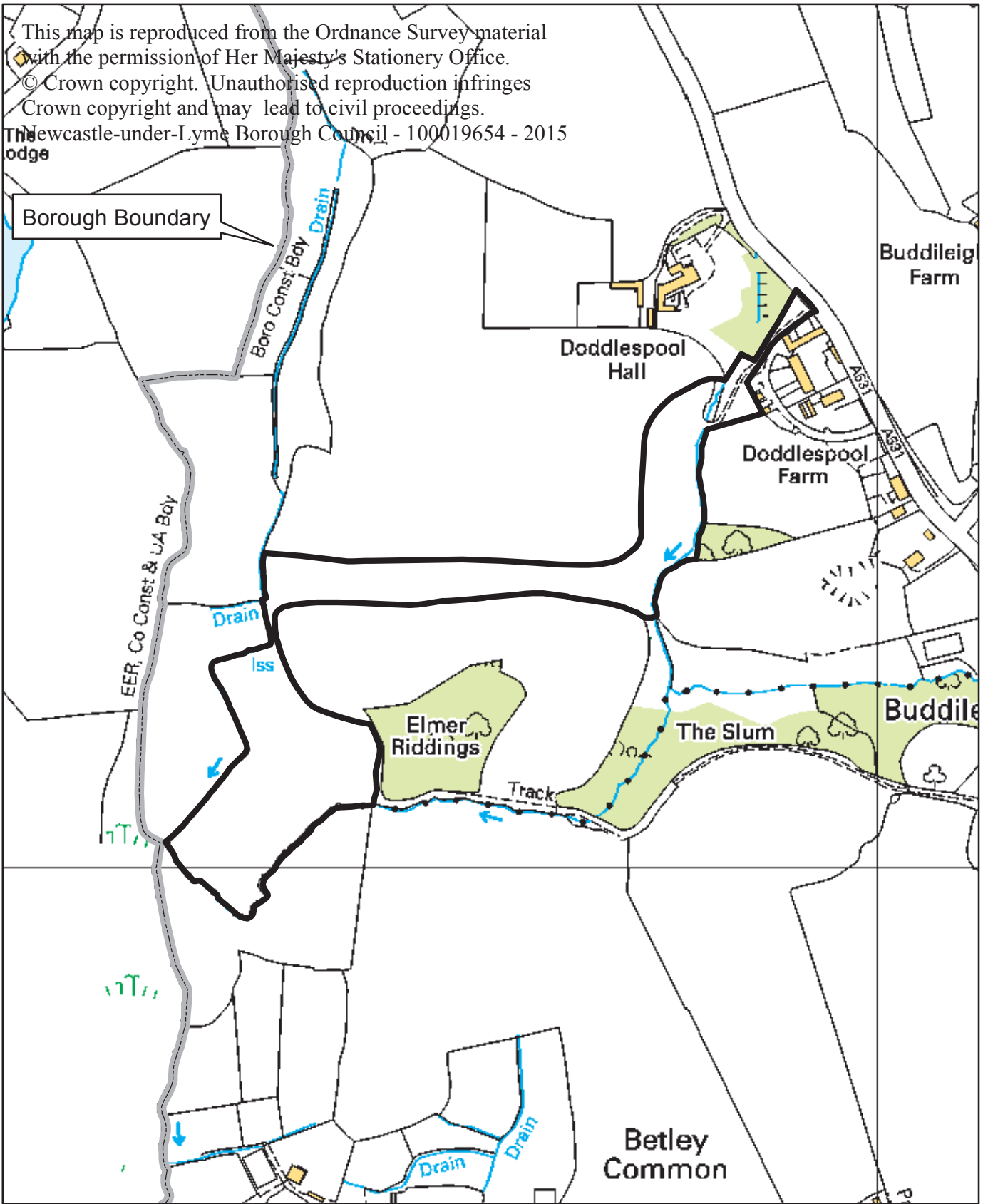
Planning files referred to  
 Planning Documents referred to

#### Date report prepared

4<sup>th</sup> August 2015

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**DAVID WEATHERALL BUILDING, KEELE UNIVERSITY**  
**KEELE UNIVERSITY**

**15/00583/FUL**

The application seeks full planning permission for the erection of a 2 storey extension with basement level to the David Weatherall Building. The building is used for medical research and teaching purposes.

A total of 1047 square metres of new floor space is proposed.

The extension is needed to provide additional office space to accommodate around 80-90 extra staff members arising from a planned expansion of the existing medical research facility.

It is indicated by the applicant that an existing temporary 50 space car park to the north of the Stephenson building is to be made permanent as part of the proposals.

This part of the University campus lies within a Policy E8 area which is anticipated for academic, staff/student residences, business and employment opportunities linked to the University but is outside of any other specific landscape designation, although within the Rural Area, all as shown on the Local Development Framework Proposals Map.

The site of the building lies outside of, but near to, the Grade II Registered Parkland whilst that of car park lies within the Registered parkland.

**The 13 week period for the determination of this application expires on 5<sup>th</sup> October 2015.**

**RECOMMENDATION**

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

- 1. Time limit**
- 2. Approved drawings**
- 3. Materials**
- 4. Implementation of landscaping**
- 5. Car parking provision plus permeable areas**
- 6. Glazing transition details**

**Reason for Recommendation**

The extension is required to expand the existing medical research facilities offered by the University. The design of the extension is in keeping with the architecture of the existing building which occupies a very prominent position adjacent to the main entrance point of the University campus. Substantial landscaping is to be introduced around the periphery of the building. This will provide further enhancement and reduce the dominance of retaining walling needed on the roadside foreground due to significant level changes. The making of a remote but within reasonable walking distance existing "temporary" car park permanent, does not in practice add any additional parking to the campus, although it "secures" it. However surveys have indicated some spare capacity at the 3 car parks in question and this alongside other campus parking availability is considered sufficient to accommodate additional staff without detriment to public safety.

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

Following on from pre-application negotiations 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 are considered necessary.

## **Key Issues**

The application is for extension of the David Weatherall Building which is used for medical research. The building sits adjacent to the northernmost entrance to the University Campus off Keele Road (A525). An expansion of the research facility is required to accommodate, a further, 80-90 staff members. The extension proposed has a maximum height of 8.6 metres. The extension is to provide primarily open office areas with some support facilities such as a staff room and printing room.

The David Weatherall Building benefits from 153 parking spaces and that immediate parking area is not proposed to be increased. The application instead seeks approval to form a permanent car park located to the north east of the Stephenson Building elsewhere within the Campus to provide 50 parking spaces. The key issues to consider are:-

1. Is the design of the development and impact on the visual appearance of the landscape as a whole acceptable?
2. Is the impact to the local road network inclusive of the amount of additional car parking to be provided acceptable?

### 1. Is the design of the development and impact on the visual appearance of the landscape as a whole acceptable?

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

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

The Council's Urban Design Supplementary Planning Document provides further detailed advice as to how design should be assessed in complement to Policy CSP1.

The David Weatherhall building has a curved and segmented footprint with a series of stepped sloping roofs, and partly cantilevered elements facing onto Keele Road on its northern side. The building occupies an extremely prominent location at the main entrance point to the University campus.

The proposed extension continues the curved footprint of the host building and is to have matching external facing materials comprising of reconstituted stone at ground floor level with smooth sliver cladding to the first floor elevations and roof. The roof of the proposed extension is flat rather than sloping – although the dominant roof form of the existing building is sloping there are already flat roofed elements on the opposite, southern side of the building. The window proportions and cladding have been designed to be in keeping with the existing building as has the integration of the new roof.

Independent Design Review comments (from Urban Vision) have been obtained by the applicant prior to submitting the planning application. The comments received toward the design approach proposed – which is to match the existing building – are largely favourable however there was some concern that a significant change in level is required to be maintained to the rear of the building supported by an approximate 3 metre high retaining wall. Due to the level difference and prominence of the retaining wall, Urban Vision have advised that soft landscaping around the proposed extension be carefully considered.

In response to this specific concern a landscaping scheme has been developed by the applicant. It includes climbing plants to be introduced on the gabion wall feature (curved to reflect the shape of the

building) as well as the removal of an existing exterior drainage ditch – replacing it with a landscaped swale/wetland channel adjacent to the internal campus road. The scheme also includes the planting of Cherry trees along the corner of the main entrance road facing the A525 roundabout to create an Avenue effect along with flower planting, the regrading of slopes surrounding the building, and a hedge on the southern side of the building.

With respect to other points raised at Design Review the applicant has also submitted details of how the proposed roof areas will successfully integrate together and the size of window proportions for the extension have been kept as large as possible alongside the specific configuration of internal floor space arrangements in order to maximise natural light levels received internally.

Overall Officers agree that the right design approach had been adopted. The architecture and form of the extension fits appropriately with the existing building. In view of the complexity and constraints of the existing building due to its curvature and stepped roof, the proposal offers a good solution for the expansion required. The submitted landscaping details accompanying the scheme reflect the important gateway nature of the location and would provide visual enhancement.

**2. Is the impact to the local highway network inclusive of the amount of additional car parking provided acceptable?**

The most up to date policy advice which is contained within the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In terms of the local highway network impact, the Gallowstree Lane roundabout which links with Keele Road has in recent years been upgraded to support the expansion of the University campus. Taking into account that improvement the additional traffic resulting from extending the building is not considered detrimental to the function of the immediate public highway network. It is also the case that the internal roads within the campus do not form part of the public highway – these are maintained and managed by the University itself.

With respect to car parking matters, a development of this size would require a maximum of 35 car parking spaces. The David Weatherall Building car park has 153 parking spaces. The application does not seek to extend that car park but instead proposes the making of a remote, but within reasonable walking distance, existing “temporary” car park permanent. That does not in practice add any additional parking to the campus, although it “secures” it. Surveys have indicated some spare capacity at the 3 car parks in question and this alongside other campus parking availability is considered sufficient to accommodate additional staff without detriment to public safety. In terms

Subject to provision of the permanent car parking area applied for the Highway Authority have no objections.

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

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

- Policy ASP6: Rural Area Spatial Policy
- Policy CSP1: Design Quality
- Policy CSP2: Historic Environment
- Policy CSP3: Sustainability and Climate Change

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

- Policy N17: Landscape Character – General Considerations
- Policy E8: Keele University and Keele Science Park

**Other Material Considerations include:**

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

## Supplementary Planning Guidance/Documents

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

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

## Relevant Planning History

|              |   |                |
|--------------|---|----------------|
| 01/00874/FUL | Proposed medical school and primary care science research centre                        | Permitted 2001 |
| 12/00383/FUL | Single storey rear extension, two storey side extension and first floor side extension. | Permitted 2012 |
| 13/00634/FUL | First floor extension   | Permitted 2013 |
| 14/00953/FUL | Erection of a single storey extension and new canopy over existing service yard         | Permitted 2015 |

It is also relevant to point out that an extension to the existing car park to the rear of the Stephenson Building for a new day nursery was permitted under planning application 11/00272/FUL in 2011.

## Views of Consultees

**Keele Parish Council** have not provided any comments by the due date, and so must be assumed to have no objections to the proposal.

**Urban Vision Design Review Panel** reviewed the scheme at pre-application stage. They commented that the proposed extension will maintain the height of the existing building, which is two storeys, but will take advantage of a fall in ground level towards the road by providing a basement at the corner. The Panel noted that there are two main design approaches to consider in extending an existing building – to continue the design themes provided by the current building and to blend in with the existing, or alternatively to provide a counterpoint to the existing design and to create a new identity for the development. In this case the uses involved are low key activities involving research desks, offices and storage, and the Panel agreed that the approach adopted of blending in with the existing building is more appropriate in the circumstances.

They recommend that careful attention should be paid to the re-design of the landscape setting of the building, in order to ensure that the change in levels is resolved satisfactorily and the proposed retaining wall is not a visually dominating feature at the main gateway to the University Campus. The proposed glazed transition panel between the existing building and the proposed extension should be carefully detailed to ensure clear vertical separation between the two parts of the building. Consideration should be given to re-ordering the internal layout of the building to provide a greater amount of shared window space, so as to provide improved levels of natural day lighting to the open plan offices.

Overall the Panel advised that the right design approach has been adopted, the envelope of the building is well considered, and the extension fits appropriately with the existing building. In view of the complexity and constraints of the existing building, the proposal offers a good solution. The report of the Panel is available to view as one of the documents submitted with the application.

**Environmental Health Division** have no objections.

The **Landscape Development Section** have been consulted but no comments have been received from them by the due date.

The **Coal Authority** have no objections.

The **County Council Flood Risk Team** have no objections but recommend that although the proposed increase in the size of the building is relatively small from a drainage management perspective the use of Sustainable Drainage Systems (SuDS) should be used where possible. The plans for the extension show a swale / wetland area which could be designed to accommodate roof water from the proposed extension. The extension to the car parking area could utilise permeable paving to provide treatment and attenuation for surface water run off.

The **Highway Authority** have indicated that they have no objections provided the development is not brought into use until the permanent car park has been provided, and it should thereafter be retained

**Garden History Society** have a been consulted but no comments have been received from them by the due date and so must be assumed to have no objections to the proposal.

#### Representations

None received by the due date.

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

Application forms and indicative plans have been submitted along with a Design Review Panel Report, Design and Access Statement, Transport Assessment and Phase One Desk Study Contamination Report. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500583FUL](http://www.newcastle-staffs.gov.uk/planning/1500583FUL)

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

4 August 2015

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**LAND AT ETRURIA VALLEY, STOKE-ON-TRENT.**

**CITY OF STOKE-ON-TRENT**

**348/228 (SOTCC ref 58580/FUL)**

The Borough Council has been consulted by the City Council on an application for full planning permission for Phase 1 connectivity improvement works to comprise a new highway linking Shelton Boulevard with Festival Way, new roundabout, new bridge across the Trent and Mersey Canal, associated landscaping, change of use of land for car parking and reconfiguration of existing car park at Lakeside offices, Festival Way.

**For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 19<sup>th</sup> August.**

**RECOMMENDATION**

**That the City Council be informed that the Borough Council has no objections to the proposed development.**

**Reason for Recommendation**

The highway works would not affect the interests of the Borough.

**Key Issues**

The Borough Council were consulted, in 2012, by the City Council on the Supplementary Planning Document (SPD) on the Etruria Valley Enterprise Area prior to its adoption. The SPD envisaged that a link from the A500 would need to be created to develop the Etruria Valley site which would involve land within the Borough. Whilst the Borough Council did not object to the draft document, comments were sent to the City Council indicating that it was unable to support it until clarification was made over the impact of the new A500 link on the wider road network in Newcastle. The SPD was adopted with the support of the County Council and the Highways Agency.

The proposal which the Borough Council is now being consulted upon involves highway works which are wholly within the City Council area. The works would not, in themselves, result in any additional highway movements that would have an impact on the highway network in the Borough. Although the works are the first phase of wider works which will in later phases include linking to the Wolstanton junction of the A500 and widening of the A500 it is not considered that there is any basis upon which the Borough Council could object to the proposal as they would not affect the Borough's interests.

**Policies and proposals in the Development Plan relevant to this recommendation on both applications:**

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 ASP2: | Stoke-on-Trent Inner Urban Core             |
| Policy CSP1: | Design Quality                              |

**Other Material Considerations include:**

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014)

Etruria Valley Enterprise Area – Supplementary Planning Document (adopted by the City Council March 2013)

### **Relevant Planning History**

Permission has been granted for the following developments on the Phase 2A site:

- NuLBC Ref. 348/170 (SOT/48426) Trade Park 4 and Wade Ceramics: Erection of four buildings, two for Use Class B2/B8, one for Use Class B1 and one for Use Class B2, was granted planning permission in September 2008. The consent has been implemented and Wade Ceramics has been completed. The Borough did not object to this application.
- NuLBC Ref. 348/171 (SOT/48428) Festival Court: Erection of four office buildings (Use Classes B1 and A2), granted planning permission September 2008. The consent has been implemented and the Hanley Economics building has been completed. The Borough objected to this application.
- NuLBC Ref. 348/165 (SOT/47948) Vodafone Ltd: New office building granted planning permission September 2008 and has been completed. The Borough objected to this application.
- NuLBC Ref 348/187 (SOT/52732) Stoke-on-Trent Regeneration Ltd. Business Park comprising Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2012. The Borough objected to this application.
- NuLBC Ref. 348/215 (SOT/57466) Stoke-on-Trent Regeneration Ltd. Erection of a building to provide 5,791sqm. warehouse with ancillary office and associated access, a reserved matter submission pursuant to the outline permission above. The Borough Council did not object to this application.
- NuLBC Ref. 348/223 (SOT/58302) Stoke-on-Trent Regeneration Ltd and Green King Ltd. Erection of a restaurant (Use Class A3/A4) with ancillary staff living accommodation and associated access, car parking and landscaping. The Borough Council objected to this application.

### **Applicants Submission**

The applications are supported by a number of documents as follows:-

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Statement of Community Involvement
- Phase 1 Ecology Survey and accompanying Reptile, Great Crested Newt, Breeding Bird and Invasive Species Surveys
- Flood Risk Assessment and Drainage Strategy
- Ground Investigation Report

All these documents are available to view on Stoke City Council's website [www.stoke.gov.uk](http://www.stoke.gov.uk) using the City Council reference 58580/FUL

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

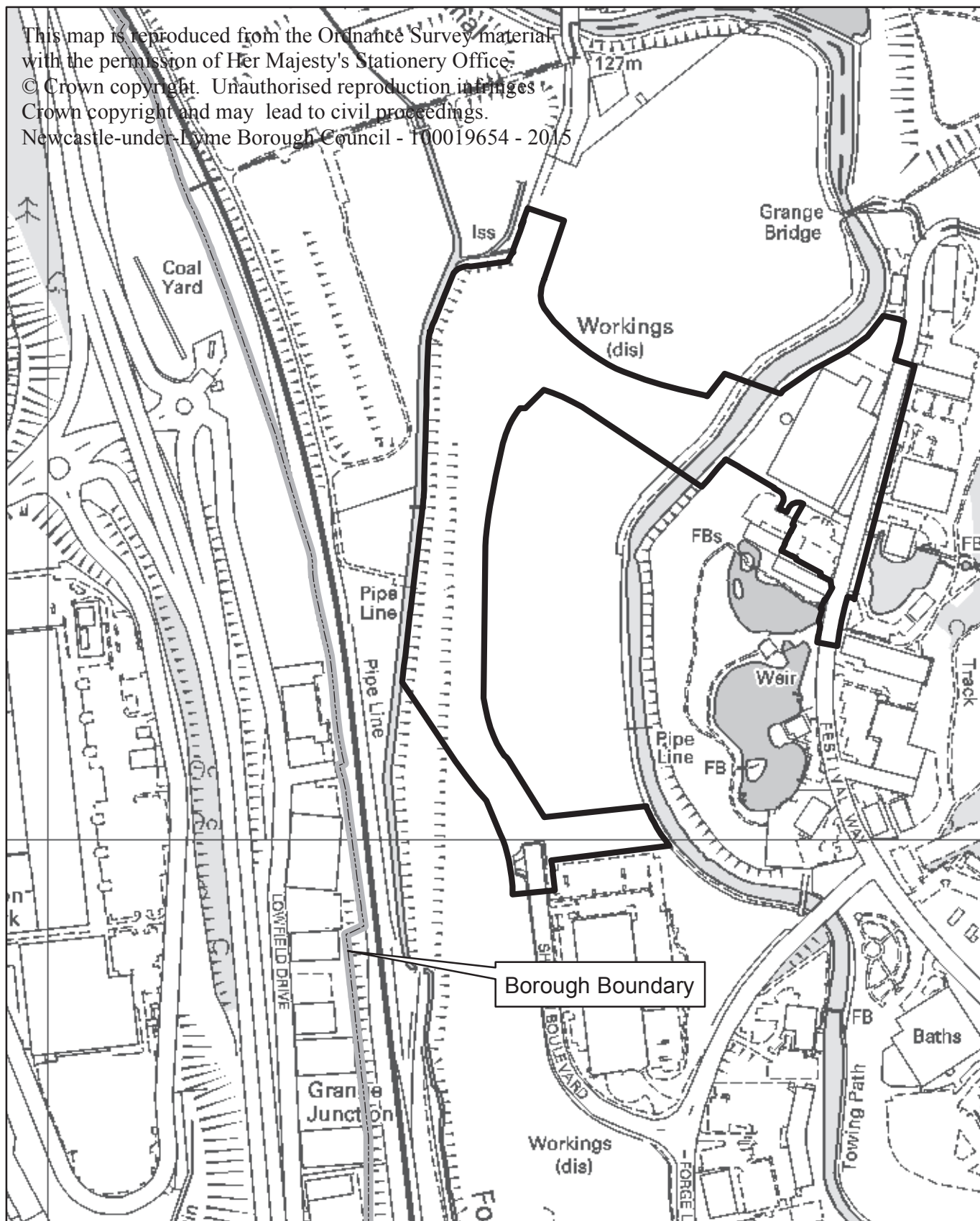
### **Date Report Prepared**

3<sup>rd</sup> August 2015.

348/228 Consultation by Stoke City Council on application for major development with respect to Land at Etruria Valley



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**1-2 MOSS COTTAGES, MOSS LANE BALDWINS GATE**  
**MRS & MRS QUINN**

15/00319/FUL

The application is for full planning permission for the erection of a 4 bedroom detached house with associated parking and amenity area.

The site is presently used as garden land serving 1-2 Moss Cottages (but is separated from those properties by Moss Lane).

The site lies within an Area of Landscape Restoration and outside of the village envelope of Baldwin's Gate as defined on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on 12 June 2015.**

**RECOMMENDATION**

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

- 1. Time limit**
- 2. Plans**
- 3. Materials**
- 4. Landscaping scheme (inclusive of open water channel to be created)**
- 5. Tree protection measures**
- 6. Vehicle parking, turning and access provision**
- 7. Contaminated land remediation**

**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 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, there is a presumption in favour of the development. The negative impacts of the development – principally the loss of trees, loss of an area of undeveloped land and its location beyond the village do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

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

The proposal is considered to be a sustainable form of development and subject to planning conditions no amendments to the scheme are considered necessary.

**Key Issues**

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

1. Is this an appropriate location for residential development?
2. Would the effect on the character and appearance of the area be acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Are trees affected and, if so, is the impact acceptable?
5. Is parking and access provision for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?
6. Can local flood risk concerns be properly managed?

7. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against relevant planning policies taken as a whole?

1. Is this an appropriate location for residential development?

The Newcastle-under-Lyme and Stoke-on-Trent Core Strategy (CS) sets out a spatial vision for the Borough. CS policy SP1 directs new housing primarily to larger centres. The rural areas spatial policy, ASP6, provides for additional dwellings primarily located on sustainable brownfield sites within the village envelopes of key rural service centres. Saved policy H1 of the Newcastle-under-Lyme Borough Local Plan (LP) sets out instances when planning permission for housing will be given.

The site being a garden is greenfield land. Given that the site is outside of the settlement boundary of Baldwins Gate, the proposal for housing development is contrary to the Council's current Development Plan. At a national level, paragraph 55 of the National Planning Policy Framework (the Framework) indicates that to promote sustainable development in rural locations where it will enhance or maintain the vitality of rural communities and confirms that isolated new homes in the countryside should be avoided other than in special circumstances.

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

The Council is currently unable 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. As such paragraph 14 of the Framework applies.

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

Baldwins Gate has a range of local services including a post office, newsagents, public house, petrol filling station, primary school and village hall. It is recognised, however, that future occupants of a dwelling here would largely have to travel further afield to meet needs such as main food shopping and healthcare but as there is an hourly bus service running through the village linking it to larger villages and towns there is some opportunity to avoid private motor car use. Taking into account all of those factors the Inspector who dealt with the recent Gateway Avenue appeal found Baldwins Gate village to be a sustainable location. It is only the fact that the site lies beyond a defined village envelope which counts against the proposal in broad locational terms. It is therefore

In terms of the implications of the development on the economy, 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 28<sup>th</sup> November 2014 can now only be expected from sites of more than 10 units in rural areas. The issue of the environmental impact of the scheme will be considered fully below.

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.

2. Would the effect on the character and appearance of the open countryside be acceptable?



Policy CSP1 of the Core Spatial Strategy sets out the Council's approach to assessing design which is to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

The Council's Urban Design SPD sets out further detailed guidance which includes that proposals should respond to local character and where possible minimise the impact on landscape character. One of its aims is to create a strong green edge for rural settlements where the existing landscape character is not already high quality.

Those Development Plan provisions are consistent with broad national planning design policy advice which also encourages Planning Authorities to seek to promote or reinforce local distinctiveness.

Dwellings in the immediate vicinity vary in architectural style. The development site itself (which is garden) is heavily treed with a central clearing. There are existing dwellings immediately to the north (1-3 Moss Cottages) and to the west of the site (Hawthorne Cottage). The site being at the end of Moss Lane has residential gardens either side of it.

The detached dwelling proposed has a steep roof pitch with a series of small pitched roof gable windows and a substantial chimney stack. The dwelling is closely grouped with existing properties and will occupy a position sandwiched between residential gardens. The design under consideration although different to the style of architecture of surrounding properties nearby has a semi-rural character and subject to soft landscaping provision is not considered to be harmful to the appearance of the surrounding area.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of development proposals on matters such as light, privacy and outlook.

With respect to privacy levels there is a separation distance of around 13 metres between the proposed dwelling and numbers 1, 2 and 3 Moss Cottages (which are linked together) at the closest point. Given there is an access road separating the site from those properties the amount of separation distance is sufficient. In addition no significant privacy problems would result to the occupants of Hawthorn Cottage taking into account window positions and established boundary plantings.

Numbers 1 and 2 Moss Cottages (which are within the ownership of the applicant) would be left with only a small amount of private amenity space situated on the opposite side of Moss Lane to the application site. However the remaining amount is considered sufficient.

### 6. Can local flood risk concerns be properly managed?

The potential for flooding has been identified as a problem by a local resident. In accordance with National Guidance the site is in a location where flood risk is extremely low. However the site is known to have a buried watercourse running across it from the east boundary to the west boundary. The applicant has been in discussions with the Environment Agency and subsequently the Lead Local Flood Authority (LLFA) in relation to this. The culvert takes water from a pond in the garden of Hawthorn Cottage through the application site and the neighbouring property 3 Moss Cottages where it passes under a brick built barn and out into a field drainage ditch. The arrangement exists between the properties because of the flow of local ground water.

The applicant proposes to open up the existing buried stream to de-culvert and re-align the watercourse and to plant either side to promote wildlife. The LLFA have no objection to the principle of doing and advise that this would require separate consent from them.

### 5. Are existing trees affected and, if so, is the impact acceptable?

The site is heavily treed and tree reports have been submitted with the application to assess their health and value. Some limited tree removal is proposed in order to accommodate the dwelling to the front of the site. The Landscape Development Section has no objections to the specific trees identified to be removed because the trees concerned are mostly trees of low individual amenity value and also the limited scope for tree retention given the dwellings footprint. Having said that, existing trees do provide valuable greenery when seen as a group and it is therefore considered that in addition to approval of a detailed soft landscaping scheme tree protection measures are required to ensure the retention of the remaining trees.

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

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

Three off road parking spaces are provided within the site boundary which is the maximum level of parking for a four bedroom dwelling as set out within the adopted Local Plan. The Highway Authority has assessed the additional use of the access road to serve the development as well as car parking and circulation considerations and have no objections. The development would not have an adverse highway safety impact.

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

At the heart of the Framework is a presumption in favour of sustainable development. The Framework seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities.

The contribution of a single dwelling toward additional housing supply and construction activity is extremely modest and the amount of weight applied has to be proportionate. But overall, the adverse effects of this proposal namely marginal tree loss proposed, the loss of an area of undeveloped land and the fact that the site is beyond the village boundary do not outweigh the benefits. Therefore permission should be granted.

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

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

- CSP1: Design Quality
- CSP3: Sustainability and Climate Change
- SP1: Spatial Principles of Targeted Regeneration
- SP3: Spatial Principles of Movement and Access
- ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
- ASP6 : Rural Area Spatial Policy

Newcastle under Lyme Local Plan 2011

- H1: Residential Development: Sustainable Location and Protection of the Countryside
- N12: Development and the Protection of Trees
- N17: Landscape Character – General Considerations
- N21: Areas of Landscape Restoration
- T16: Development – General Parking Requirements

**Other Material Considerations**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

## Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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

### **Planning History**

None relevant.

### **Views of Consultees**

**Chapel and Hill Chorlton Parish Council** object on the grounds that the development is unsustainable due to its location outside of the village envelope and is not in keeping with surrounding cottages. Also the area is subject to flooding.

The **Highway Authority** has no objections subject to the provision of parking areas in accordance with the submitted plans before occupation.

The **Environmental Health Division** has no objections subject to ground gas investigation and risk assessment being approved together with mitigation measures to be installed in the buildings if required, or if the investigation is not undertaken approval of details of ground mitigation measures for the buildings.

The **Landscape Development Section** does not object as visually prominent category B trees to the rear of the site can be protected but concerns are expressed about the protection of the remaining retained trees/hedgerow which may suffer greater damage than is described. Should the development be permitted the following conditions should be applied:-

1. Hard and soft landscaping details including replacement tree planting.
2. Tree protection measures.
3. Prior approval of an Arboriculture Method Statement.

**Local Lead Flood Authority** have no objections but would recommend that an informative be given on any permission granted that separate drainage consent will be required from them for the works to the existing culvert.

**Whitmore Parish Council** have been consulted, however as they have not responded by their due date it is assumed that they have no comment.

### **Representations**

Two letters of representation has been received raising the following objections:-

1. There is a stream nearby and flooding is an issue in the area.
2. Parking could be relocated to the opposite boundary negating the need for stream diversion and the possible removal of trees.
3. Moss Lane is a narrow unadopted private road the further use of the land would have a negative impact on safety and access.
4. The development of garden land in this location would set precedent and lower amenity levels in the area.
5. The dwelling is out of keeping with the character of the area.

The period for public comment ends on 27 July.

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

Application forms and indicative plans have been submitted along with a Design and Access Statement, a tree survey, and an aboricultural impact assessment. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500319FUL](http://www.newcastle-staffs.gov.uk/planning/1500319FUL)

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

5<sup>th</sup> August 2015

1-2 Moss Cottages,  
Moss Lane, Baldwins Gate  
15/00319/FUL



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**WORKSHOP, MAY STREET**  
**MR ALAN LYCETT**

**15/00556/OUT**

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

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

The site area measures approximately 1044 square metres.

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

The application has been called in to Committee by three Councillors due to concerns about the adequacy of the parking provision and highway safety concerns; and because it is overdevelopment not in keeping with the local area.

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

**RECOMMENDATION**

**PERMIT subject to conditions relating to:**

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

**Reason for Recommendation**

The site is located within a sustainable location for new housing. Submitted plans show that four semi-detached dwellings could be erected without harm to the form and character of the area. Satisfactory separation distances between the proposed dwellings and other existing properties can be achieved with garden provision in accordance with the Council's space around dwellings standards. The amenity space available for 22 and 23 May Street would be reduced (the application site include a remote garden/landscaped area (across a former parking area) but the reduction is not considered harmful given their use as student accommodation, and the limited functional contribution this garden area makes at present. The Highway Authority have no objections to the access arrangement applied for and that adequate off road parking provision and vehicle circulation can be accommodated without detriment to the safety of road users and residents of May Street.

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

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

**Key Issues**

The application is for outline planning permission for the erection of 4 dwellings. Details of scale and access have been submitted for approval at this stage with all other matters (appearance, landscaping and layout) reserved for subsequent approval. The scale of the development is two storeys with each building having a footprint of 11.5 metres by 8 metres in width and length. The submitted layout and floor plans accompanying the application which shows two pairs of semi's each with three bedrooms is indicative only. It is intended that the development will be let to students or to the wider market should the student market niche no longer prove to be realistic.

The majority of the site currently comprises of a tarmac hard standing area with a small part on its western side laid out as landscaping. No.'s 22 and 23 May Street (within the former ADC Ltd workshop building) immediately adjoining the site are currently used for student housing.

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

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

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

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

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

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.



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

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

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

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

The site is back land surrounded by residential properties. On one side of May Street there is a line of terraced properties, on the opposite side, there are detached and semi-detached dwellings with no particular uniform architectural style evident. The view taken is that four two storey dwellings in a semi-detached format could be accommodated on the site without harm to the form and character of the area.

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

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

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

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

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

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

properties also have a poor relationship to the current, limited, garden area. As such it is not considered that the loss of the garden as a consequence of the development, would be materially detrimental to the residential amenity of those occupiers.

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

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

An existing access directly off May Street currently used by no's. 22 and 23 is proposed to serve the development. May Street is a small cul de sac. There is a small turning head half way along the road. Although there are some dwellings with off road parking provision there is considerable reliance upon on street car parking for the majority of residents in May Street.

There are no objections from the Highway Authority with respect to the access arrangement applied for or in relation to the scope to accommodate enough car parking spaces as to not to cause on street parking problems within May Street. The applicant's indicative plans show eight parking spaces can be accommodated (2 spaces per dwelling) along with adequate circulation space which is considered adequate for the proposal. Overall there is no harm to highway safety which makes the proposal wholly unacceptable.

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

**Other Material Considerations**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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

**Relevant Planning History of former ADC Ltd building**

15/00249/OUT Proposed 4 dwellings and associated car parking  
02/00527/COU Change of use of part from offices to use as a  
single dwelling

Withdrawn 2015  
Permitted 2002

### **Views of Consultees**

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

- The development is not in keeping with the surrounding area.
- The access will not be adequate due to its width and position for the amount of cars that will need to enter and exit the site.
- There is already an issue with parking which is likely to be exacerbated.

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

1. Revised parking details.
2. Weatherproof cycle parking provision

**Environmental Protection** has no objections subject to conditions:-

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

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

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

### **Representations**

12 letters of representation plus a petition with 16 signatories have been received objecting to the proposal on the following grounds:-

- On-street car parking (on May Street) is already a problem which would be exacerbated by the development.
- Turning in May Street very difficult due to parking problems making it unsafe for pedestrians and difficult for those who rely on emergency services.
- The proposal would overdevelop the site.
- S&S Bathroom and Kitchens have permission to use their showroom as a manufacturing unit which causes traffic problems on May Street. Church activities also increase traffic on the road.
- 22/23 May Street already operates as student accommodation.
- The rear of the development which is south facing will overlook 17 and 19 Park Road reducing privacy, light levels and result in an overbearing impact.
- Littering, noise and disturbance arising from students occupying the development.
- Drainage issues.

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

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

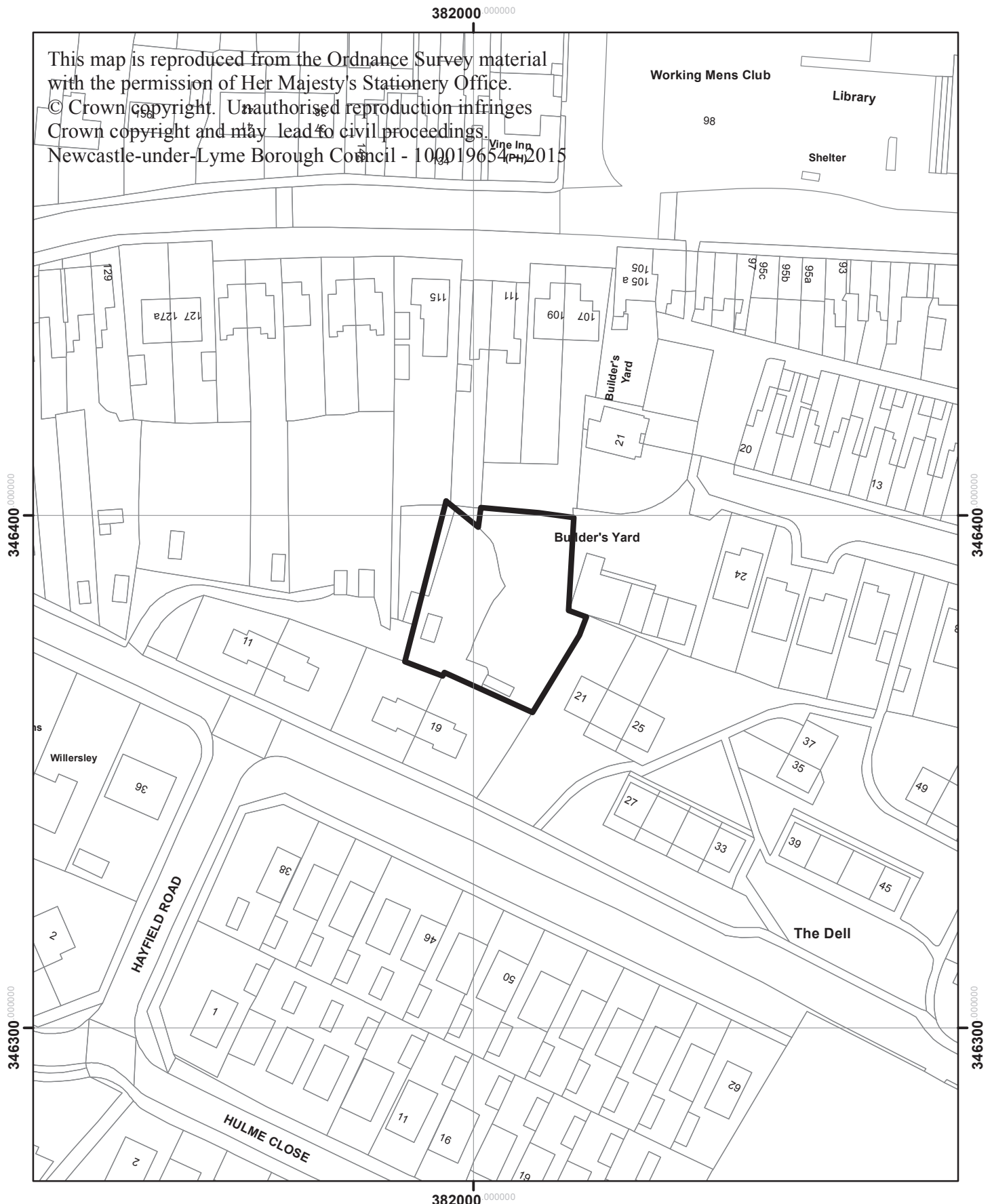
Application forms and indicative plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500556OUT](http://www.newcastle-staffs.gov.uk/planning/1500556OUT)

### **Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

24 July 2015.



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**COUNCIL DEPOT, KNOTTON LANE**  
**NEWCASTLE BOROUGH COUNCIL**

**15/00615/DEEM3**

The application is for full planning for the use of part of the existing Council Depot site as a materials recycling facility. External alterations to the building are also proposed.

The site lies within the Urban Area as specified on the Local Development Framework Proposals Map. On the Policy Map of the Waste Local Plan the site is indicated as lying within the North Staffordshire Conurbation, to which policy 2.3 on Broad locations applies (where proposals for sustainable waste management facilities of a local or sub-regional scale will be supported, subject to certain criteria being met)

**The 8 week period for the determination of this application expires on 4<sup>th</sup> September 2015.**

**RECOMMENDATION**

**Subject to consideration to any comments received from the County Council as the Waste Planning Authority PERMIT subject to conditions relating to:**

- 1. Time Limit**
- 2. Approved plans**
- 3. Provision of access, parking, servicing and turning prior to the use commencing.**
- 4. Construction hours restrictions**
- 5. Implementation of noise mitigation measures in accordance with submitted Noise Assessment prior to the use commencing.**
- 6. The permission is for the benefit of the Borough Council only**

**Reason for Recommendation**

The introduction of a materials recycling facility at the Depot is not considered will result in adverse impacts on residential amenity or highway safety subject to appropriate conditions and would broadly be in compliance with policies in the Joint Waste Local Plan provided conditions are imposed to ensure that residential amenity is not unacceptably affected. The alterations to the external appearance of the building will have a limited impact the overall appearance of the site when viewed from public vantage points.

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

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

**Key Issues**

The application is for the use of part of the Depot building and site to a materials recycling facility. The proposal also includes alterations to the building including the replacement of glazed panels with composite cladding panels and the introduction of roller shutter doors in place of glazed panels. Such alterations to the external appearance of the building will have a very limited impact on the overall appearance of the site when viewed from public vantage points.

The proposed use is not expected to result in an increase in vehicular movements and as such it will not give rise to any concerns regarding highway safety.

Regard in particular needs to be had to the general requirements for new waste management facilities as set out in Policy 3.1 of the Waste Local Plan – part of the approved development plan for the area

These requirements are that in the broad locations referred to in policy 2.3 (which given the location of the site within the North Staffordshire conurbation is satisfied) proposals for new waste management facilities should (inter alia)

- Be fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or the process
- Be compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise
- Complement existing or planned activities or form part of an integrated waste management facility and demonstrate an overall enhancement of the site
- All proposals should be submitted together with details on the annual throughput and waste stream that the site would handle

With respect to criterion (i) some of the proposed waste management facilities will not be under cover, but those that are in the open are immediately adjacent to existing buildings. It could be argued that the use is not compatible with the residential properties adjoining the site, however that could be said of the existing activities on the Depot. Bearing this in mind and the proposals include screen walling and acoustic fencing the key issue to consider therefore is the impact of the proposal on residential amenity.

#### Residential amenity

The proposed use involves the storage, sorting and bulking of dry recyclable materials consisting of card, paper, mixed plastics, tin and food waste within part of the existing Depot building. The materials will arrive at the site by bulk trailers on a daily basis following collection from properties throughout the Borough.

Activity on the Depot site already generates some noise, however the introduction of the loading and sorting of materials will generate additional noise. There are residential properties close to the site that may be affected, however the submitted Noise Assessment concludes such noise can be suitably mitigated through the upgrading of the cladding of the building, which is proposed, the location of the loading area to the rear of the building and the introduction of a 2m high acoustic boundary treatment to the rear of properties on Knutton Lane.

The identified mitigation measures can be secured through condition and in light of this it is considered that the proposed development will not result in an unacceptable impact on residential amenity.

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

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

|             |  |
|-------------|--|
| Policy SP1  | Spatial principles of Targeted Regeneration                      |
| Policy SP2  | Spatial principles of Economic Development                       |
| Policy ASP5 | Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy |
| Policy CSP1 | Design Quality   |

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

|            |  |
|------------|--|
| Policy T16 | Development – General parking requirements |
| Policy T18 | Development servicing requirements         |



Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026 (adopted 2013)

|            |  |
|------------|--|
| Policy 1.1 | General Principles   |
| Policy 2.1 | Landfill diversion targets   |
| Policy 2.2 | Targets for new waste management facilities required by 20126 to manage municipal, commercial and industrial, and construction, demolition and excavation waste streams. |
| Policy 2.3 | Broad Locations  |
| Policy 3.1 | General requirements for new and enhanced facilities   |

**Other Material Considerations**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

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

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

**Relevant Planning History**

The site has a long history however it is not considered that there are any planning applications that are of particular relevance to the consideration of this application.

**Views of Consultees**

The **Lead Local Flood Authority** has no comment.

The **Highway Authority** has no objections subject to a condition requiring the access arrangements, parking, servicing and turning areas to be provided.

**Environmental Health Division** has no objections subject to conditions as follows:-

- Restrictions on hours of construction
- Mitigation measures as detailed in the noise assessment to be implemented in full prior to the development commencing.

The views of **Waste Management**, the **Environment Agency** and the **Waste Planning Authority** have been sought and any comments received will be reported.

**Representations**

The publicity period ends on 7<sup>th</sup> August. No representations have been received to date.

**Applicant/agent's submission**

A Noise Assessment has been submitted in addition to the require application form and plans have been submitted along with a Design and Access Statement. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500615DEEM3](http://www.newcastle-staffs.gov.uk/planning/1500615DEEM3)

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

31 July 2015.



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## LAND ADJACENT TO COTSWOLD, NEWCASTLE ROAD, LOGGERHEADS

MISS J CHAMBERS

15/00525/OUT

The application is for outline planning permission for a detached dwelling house. Access, Appearance and Layout are applied for at this stage with all other matters of detail reserved for subsequent approval.

The site is presently used as garden land serving the property known as "Cotswold" and has an approximate area of 370m<sup>2</sup>.

There is a public footpath which is included within the application site boundary.

The site lies within the village envelope of Loggerheads as defined on the Local Development Framework Proposals Map.

The application has been "called in" to the Planning Committee by two elected members due to concerns regarding local impact, overdevelopment, design, public safety and transport matters.

**The 8 week period for the determination of this application expires on 27 August 2015.**

### **RECOMMENDATION**

**REFUSE the application for the following reason:-**

**1. The development will appear cramped owing to the resultant small plot size for Cotswold and also the new dwelling proposed which is not in keeping with surrounding properties and is harmful to the character of the area.**

### **Reason for Recommendation**

The site is located within the Loggerheads village envelope an identified Rural Service Centre which is considered to be a sustainable location for new housing development. Whilst the principle of residential development in this location is broadly in accordance with adopted policy given the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites such policies can be given no weight in the determination of this application. The proposal must be considered in the context of paragraph 14 of the NPPF. In this case, however, the negative impacts of the development – principally the nature of the plot to building ratio relative to other properties in the vicinity would result in development that appears cramped and which would be harmful to the prevailing character of the area – significantly and demonstrably outweighs the benefits of the development which relate to boosting housing land supply.

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

The proposal is considered to be a sustainable form of development and subject to planning conditions no amendments to the scheme are considered necessary.

### **Key Issues**

The application is for outline planning permission. The layout and appearance of the development and access have been submitted for approval at this stage with all other matters of detail (landscaping and scale) reserved for subsequent approval. The proposed dwelling has a footprint of 8.5 metres by 9.2 metres by 6.6 metres in maximum roof ridge height.

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

1. Is this an appropriate location for residential development?
2. Would the effect on the character and appearance of the area be acceptable?
3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
4. Are trees affected and, if so, is the impact acceptable?
5. Is parking and access provision for the dwelling acceptable in highway safety terms and is the loss of garages acceptable?
6. Would the public right of way be impeded?
7. Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against relevant planning policies taken as a whole?

1. Is this an appropriate location for residential development?

The Newcastle-under-Lyme and Stoke-on-Trent Core Strategy (CS) sets out a spatial vision for the Borough. CS policy SP1 directs new housing primarily to larger centres. The rural areas spatial policy, ASP6, provides for additional dwellings primarily located on sustainable brownfield sites within the village envelopes of key rural service centres. Saved policy H1 of the Newcastle-under-Lyme Borough Local Plan (LP) sets out instances when planning permission for housing will be given.

The site being a garden is greenfield land but is within Loggerheads village envelope which is defined by the Core Strategy as a sustainable location for new housing development.

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

The Council is currently unable to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites given that it does not have a full objective assessment of housing need. As such paragraph 14 of the Framework applies.

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

The merits of the scheme are now considered.

2. Would the effect on the character and appearance of the open countryside be acceptable?

Policy CSP1 of the Core Spatial Strategy sets out the Council's approach to assessing design which is to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres.

The 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. Policy RE2 of the SPD indicates that new development associated with existing villages should retain, enhance and incorporate some of the existing features and characteristics of the settlement pattern, wherever possible.

Dwellings in the immediate vicinity of the site are detached properties varying in architectural style. Neighbouring properties are situated on generous sized plots. By subdividing the residential curtilage of Cotswold the resultant plot for that property and the new dwelling to be created is far smaller than any neighbouring property in the immediate vicinity. That includes consideration to the new dwelling permitted by the Planning Authority under planning

application reference 13/00295/FUL on the adjacent plot immediately to the north currently under construction. The development would appear cramped and not in accordance with the settlement pattern in this part of the village to the detriment of its character.

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

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of development proposals on matters such as light, privacy and outlook. Adequate separation distances are achieved between neighbouring residential properties in accordance with the terms of the SPG. The resultant garden area for the existing dwelling and the garden provided for the proposed dwelling will be limited in size but would be sufficient.

4. Would the impact to existing trees be acceptable?

The applicant proposes to retain existing trees on the site. The Landscape Development Section has no objections to the proposal subject to tree protection measures. Subject to appropriate protection secured by planning condition the impact to trees is acceptable.

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

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

A shared access is proposed with Cotswold with independent parking areas for the existing and proposed dwellings. The Highway Authority have assessed the additional use of the access road joining with Newcastle Road (A53), the shared access arrangement proposed, as well as car parking and circulation considerations and have no objections. The development would not have an adverse public safety impact subject to retention of the garage area for parking and the provision of the access details proposed by the applicant. As such there is no highway safety objection to this proposal.

6. Would the public right of way be impeded?

The public footpath which runs against the eastern boundary of the site would not be impeded by the footprint of the dwelling. The position of the footpath does however result in a smaller plot size than the submitted location plan suggests which also needs to be taken into account in the assessment of the impact to the character of the area.

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

At the heart of the Framework is a presumption in favour of sustainable development. The Framework seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of local communities.

The contribution of a single dwelling toward additional housing supply and construction activity is extremely modest and the amount of weight applied has to be proportionate. Overall, the adverse effects of this proposal namely the harm to the character and appearance of the area outweigh the benefits. Therefore permission should be refused.

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

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

- CSP1: Design Quality
- CSP3: Sustainability and Climate Change
- SP1: Spatial Principles of Targeted Regeneration

SP3: Spatial Principles of Movement and Access  
ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
ASP6 : Rural Area Spatial Policy

#### Newcastle under Lyme Local Plan 2011

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

#### **Other Material Considerations**

##### National Planning Policy Framework (March 2012)

##### Planning Practice Guidance (March 2014)

##### Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)  
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

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

#### **Planning History**

None relevant.

#### **Views of Consultees**

**Loggerheads Parish Council** object to the application on the following grounds:-

1. The application is overdevelopment of the area.
2. Would result in adverse impact on the character and appearance of the area.
3. The access via a shared driveway does not give appropriate space for vehicles.
4. The inclusion of a public footpath in the dimensions of the proposed site is misleading.
5. The design statement refers to a bungalow but the drawing displays a 2 storey house.

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

1. Parking and turning area provision.
2. Retention of the garage for parking for the life of the development.

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

1. Noise levels.
2. Report of unexpected land contamination and remediation.

The **Landscape Development Section** has no objections subject to conditions relating to:-

1. The submission of an Arboricultural Impact Assessment and Tree Protection Plan.

The **County Footpaths Officer** has been consulted but no comments have been received by the due date so it is assumed that there are no objections to the proposal.

#### **Representations**

Two letters of representation has been received raising the following objections:-

1. There is a public footpath at the rear of the proposed development site running from Newcastle Road to Mucklestone Wood Lane which is not owned by the applicant and should not be included within the development site area.
2. The access off Newcastle Road serves 4 domestic properties rather than 5 as stated by the applicant.
3. The access to the new dwelling is not sufficient in size.



4. Trees will be harmed.
5. The development appears shoe horned into the site and out of keeping with surrounding properties which have generous plots and large footprints.
6. The proposal will result in a loss of privacy to the dwelling being constructed under permission 13/00295/FUL.
7. Allowing the proposal would set a harmful precedent.

A right of access issue over the land joining Newcastle Road (A53) has also been raised. Modifications to the access joining A53 have been undertaken to achieve adequate visibility for a new dwelling permitted under planning application 13/00295/FUL (for a detached dwelling adjacent to the application site) includes land beyond the applicant's control. This particular issue is a civil matter which is not material to the determination of the planning application.

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

Application forms and indicative plans have been submitted. The application documents are available for inspection at the Guildhall and via the following link [www.newcastle-staffs.gov.uk/planning/1500525FUL](http://www.newcastle-staffs.gov.uk/planning/1500525FUL)

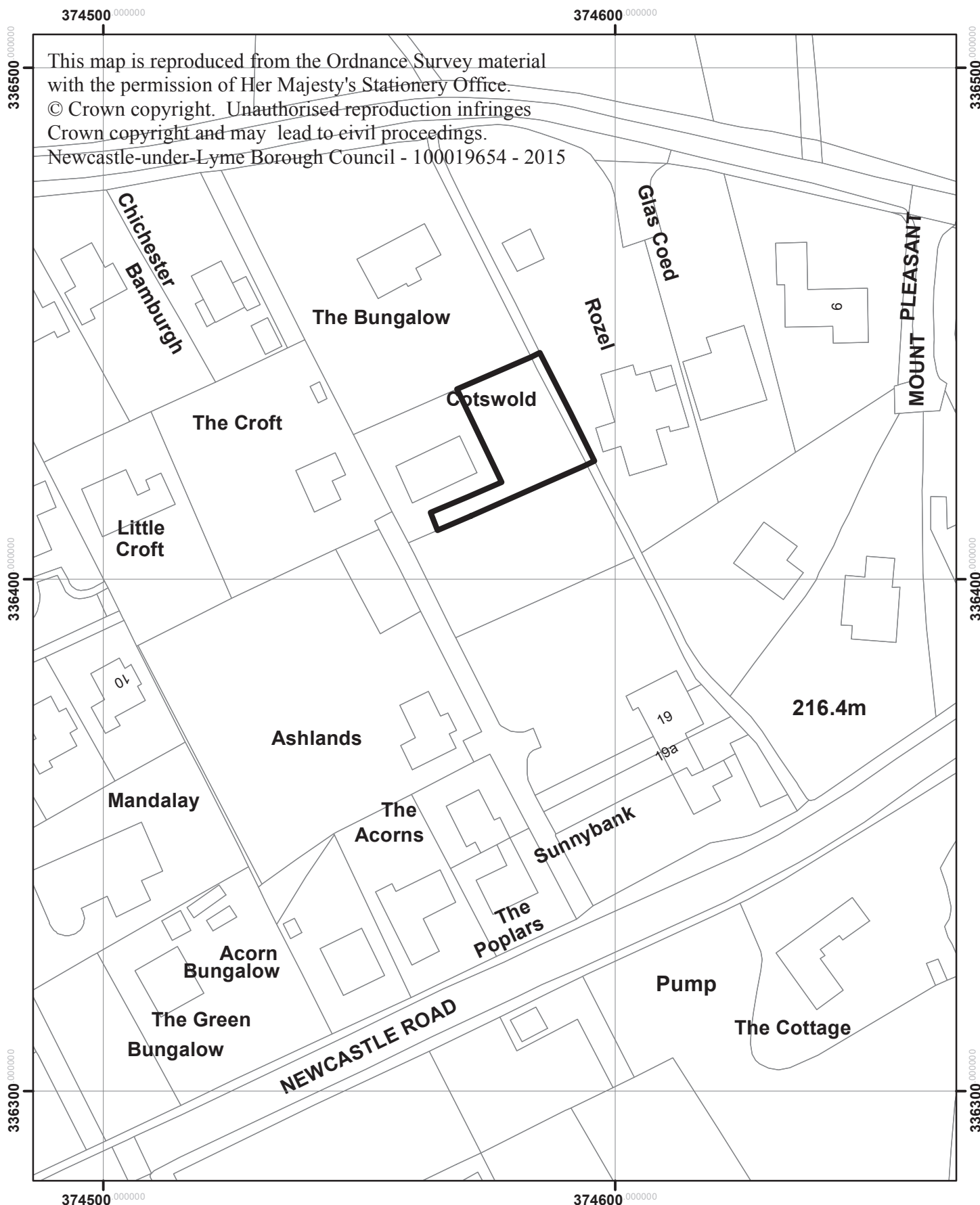
#### **Background Papers**

Planning File  
Planning Documents referred to

#### **Date Report Prepared**

5<sup>th</sup> August 2015

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**SILVER BIRCH, BIRKS DRIVE, ASHLEY HEATH  
MR & MRS FROST**

**15/00435/FUL**

The application is for full planning permission for the erection of a detached bungalow, associated access and car parking arrangements.

The application site lies outside of Loggerheads village envelope as indicated on the Local Development Framework Proposals Map. The site contains a number of trees that are protected by Tree Preservation Order no. 9.

**The 8 week period for the determination of this application expired on 22<sup>nd</sup> 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. Construction to be carried out in accordance with the submitted tree report**
- 6. Approval of construction details of all new surfacing within Root Protection Areas of existing trees**
- 7. Landscaping proposals to include tree planting to mitigate the loss of trees**
- 8. Provision of access, parking and turning areas prior to occupation**
- 9. Garages to be retained for parking**
- 10. Gates to be in the position shown on the approved plans and to open away from Birks Drive.**
- 11. Implementation of the recommendations of the Bat and Nesting Bird Survey**

## **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 garden area do not significantly and demonstrably outweigh the benefits of the development which relate to boosting housing land supply.

## **Statement as to how the Local Planning Authority has worked 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 a detached bungalow in the rear garden of the existing property, Silver Birch. 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.

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 1km from the shops and services within Loggerheads. Access to the facilities in Loggerheads, and the hourly bus service, would be along an unmade and unlit roads. It is considered that the occupiers of the proposed dwellings would have some option for alternative modes of transport to the car but would be dependent on the use of the private car. There are other dwellings around 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.

It is also worth noting, in consideration as to whether this is a sustainable location, the comments of the Planning Inspector who dismissed the appeal in respect of planning application 04/00259/OUT, to convert and extend the existing garage to form a dwelling. The Inspector acknowledged that a new house at the site would be likely to generate more short car journeys than a house within a large conurbation and that walking to the village centre was not an attractive proposition. However taking these factors into consideration the Inspector, nonetheless, did not consider that this was sufficient to refuse planning permission.

In terms of sustainability therefore, it is considered that the site is in a relatively sustainable location.

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 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 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 any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits will be considered 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, garden, site surrounded 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 the construction of a modest detached bungalow at the rear of the existing property. An existing garage would be demolished.

The surrounding area is characterised by medium to large residential properties set within plots of varying sizes but which are generally larger than the plots that would be created by the subdivision of the existing garden as proposed.

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. Due to the irregular shape of that land, the proposed development would have involved the development of a significant proportion of the plot and the Inspector considered that the building to plot ratio would be significantly higher than of surrounding dwellings. The application site at 0.27ha is a larger site than the site at Pinewood Drive (0.1ha). The building to plot ratio of the proposed development whilst higher than of surrounding dwellings, would not be significantly higher. As such your Officer's view is that the development would not have as significant an impact on the visual break between dwellings as the appeal site does. It is not considered therefore that the development of this site as proposed would have any significant adverse impact upon the character and appearance of the area and that refusal is justified on this ground.

There are a variety of styles of dwellings in the area and it is considered that the design of the dwelling proposed would be acceptable in this location.

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.

Notwithstanding the comments of the Environmental Health Division it is not considered that the site is sufficiently close to the A53 that the occupiers of the development would be adversely affected by

traffic noise and as such the condition they suggest, that design measures be agreed, is not recommended. With regard the proposed dwelling, 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?

The proposed dwelling would share a driveway with the existing dwelling and both properties would have parking space for two vehicles. The level of parking is considered to be adequate. In addition it is considered that additional vehicle movements generated by the new dwelling would not result in a highway safety concern.

Would there be any adverse impact on trees?

There are a number of trees on the site and the application is accompanied by a Tree Report. It is proposed to remove 4 category U trees to accommodate the development but which would in any event need to be removed in the interest of good tree management. There can therefore be no basis to object to such tree removal particularly when it is possible to accommodate replacement tree planting within the site as part of a landscaping scheme.

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)



### Relevant Planning History

|              |        |   |
|--------------|--------|---|
| 03/00097/OUT | Refuse | Erection of dwelling  |
| 03/00096/FUL | Refuse | New double garage with driveway, turning area and access point  |
| 04/00259/OUT | Refuse | Conversion of existing garage and extension to form a retirement bungalow. Subsequent appeal dismissed. |
| 07/00397/FUL | Refuse | Single storey rear extension, porch and double garage   |
| 07/00852/FUL | Permit | Single storey rear extension and front entrance   |

### Views of Consultees

The **Environmental Health Division** has no objections subject to a condition requiring details of design measures, supported by an appropriate assessment of road traffic noise from the A53 to be submitted and approved. In addition it is requested that an informative on the importation of waste materials is attached to any permission.

The **Landscape Development Section** indicates that most of the trees on site are included in a Tree Preservation Order number 9. The proposals take account of the majority of the trees but certain trees have not been included on the tree constraints plan and full comments can't therefore be provided. If the proposals are permitted, however, all the recommendations of the tree report should be secured by condition. In addition conditions requiring approval of construction details of all new surfacing within Root Protection Areas of existing trees and a landscaping scheme requiring tree replacement should be included.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of provision of the access, parking and turning areas prior to the occupation of the dwelling and gates to be provided as shown on the plan and open away from Birks Drive.

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

- The site has a long history of refusals for almost identical proposals.
- Development of a garden/green field site is contrary to national policy.
- The site is open countryside outside of the village envelope.
- The Council has a five year housing supply and as such Development Plan policies can be taken into consideration.
- In dismissing the appeal against the refusal of 14/00053/OUT was that the development would set a precedent for the construction of dwellings within large gardens that would have a detrimental effect on the character and appearance of the area.
- The loss of trees will breach the TPO on the site and erode its relevance, value and purpose.
- Bats have been observed on site and the trees form their environment for transit, resting and food.
- The site is located off an inferior, unfunded and poorly maintained unadopted road.
- When granting permission for a dwelling on the neighbouring site 'the Owl House' the vote was close and given the above this should not equate to automatic granting of permission at this site.
- More similar applications for housing development at Ashley Heath can be expected. Yet another precedent here will lead to the transformation of the area into an area where speculation comes first and the wellbeing of the existing residents and their environment comes second.

### Representations

Eleven letters of objection have been received. The main concerns expressed are summarised as follows:

- Publicity of the application is inadequate.

- The proposal is contrary to national policy which seeks to protect gardens from being developed on.
- It involves the removal of visually significant, protected, trees and affects wildlife habitats contrary to policy. There would be insufficient space to replace them.
- This is not a location where new residential development is supported by the Development Plan and such policies can be taken into consideration as the Council does have a 5 year housing land supply. There is little risk to the Council if the application is refused and the recent successful appeal at the Owl House should not be seen as having created a precedent.
- Highway safety concerns due to Birks Drive and Tower road being rough, unlit single lane tracks well used by pedestrians including school children.
- Circumstances have not changed since the similar applications were refused.
- The development is out of keeping with the area, which is characterised by individual houses set in their own grounds. The existing and proposed properties would have quite small gardens.

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

The application is accompanied by a:

- Design & Access Statement
- A, revised, Arboricultural Impact Assessment, tree Survey, tree removal, tree constraints and tree protection plans.
- Bat and nesting bird survey.

The applicants have also provided a letter in support of the application making the following comments:

- The property will be built to a high standard.
- Two trees are to be removed for safety as they are in a poor condition. No more trees will be removed.
- There are no bats in the building to be removed and new bat houses are proposed.
- The driveway will be constructed to minimise noise to adjoining properties. The entrance and fencing will be reconstructed and driveway entrance and a section of the road resurfaced.
- The development is not for financial gain, it is to enable the applicants to down size and stay in Ashley Heath.

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk/planning/15000435FUL](http://www.newcastle-staffs.gov.uk/planning/15000435FUL)

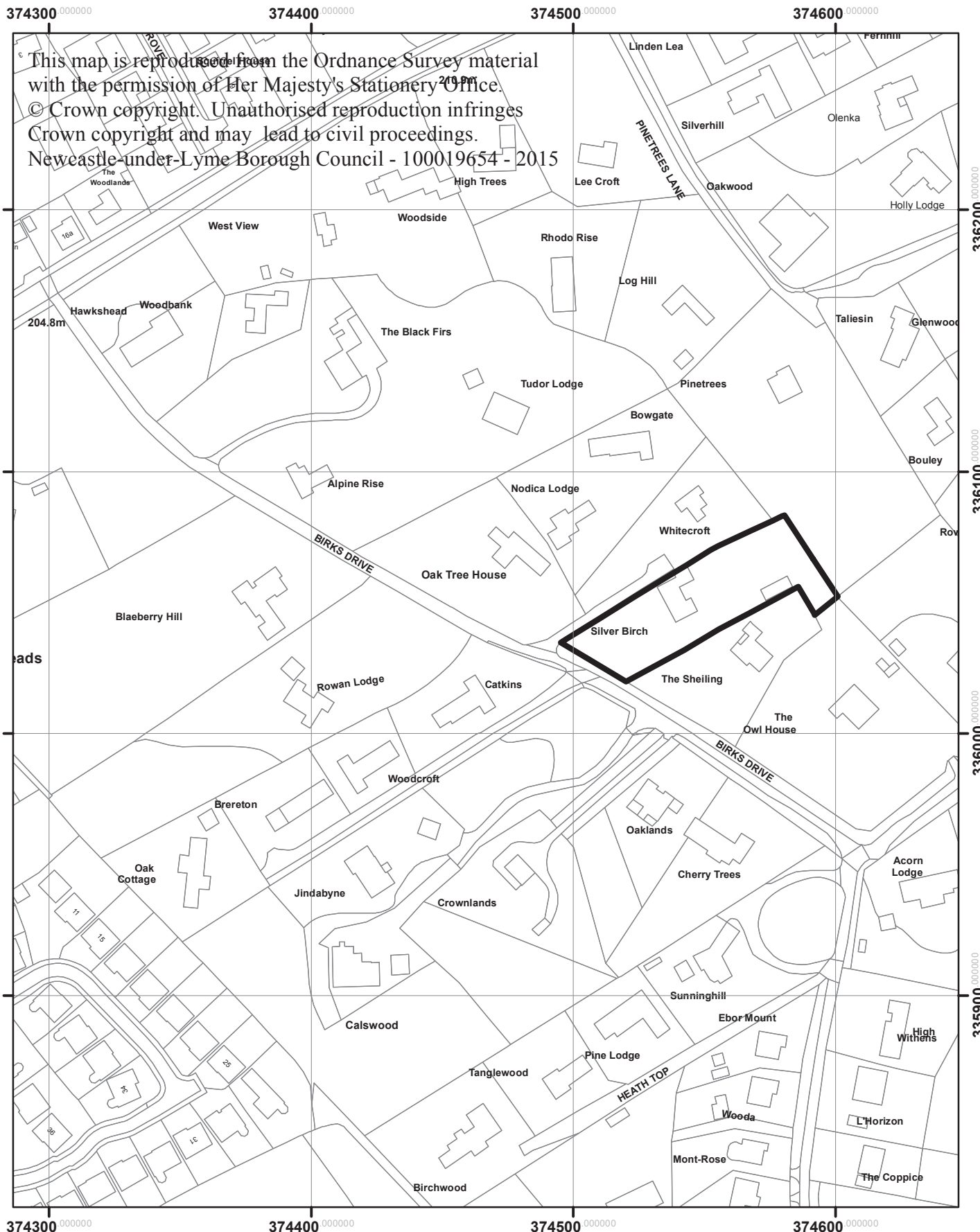
#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

7<sup>th</sup> August 2015

Silver Birch  
Birks Drive  
Ashley Heath  
15/00435/FUL



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7 OLDCOTT CRESCENT KIDSGROVE  
Mr KEVIN DEEGAN

15/00518/FUL

The application is for full planning permission for retention an amateur radio antenna and 10 metre steel tilting/wind up antenna mast.

The site is within the urban area as defined on the Local Development Framework Proposals Map.

## RECOMMENDATION

**(a) REFUSE for the following reason:-**

- 1. The antenna and mast unacceptably reduces the living conditions of neighbouring properties due to their oppressive and overbearing effect.**

**(b) The Head of Business Improvement, Central Services and Partnerships 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 for the removal of the radio antenna and mast within three months.**

### Reason for Recommendation

The radio antenna and mast does not materially harm either the character or appearance of the surrounding area but is considered to adversely affect residential amenity to their oppressive and overbearing effect when viewed from neighbouring properties. As the antenna and mast have already been erected it is considered appropriate, given the harm that has been identified, to take appropriate enforcement action to secure their removal

### Key Issues

The application is for the retention of an amateur radio antenna and 10 metre steel tilting/wind up antenna mast. The antennas project about 4 metres from the mast head when fully extended. The key issues to consider are:

- the visual impact of the proposal,
- the impact upon residential amenity

### The visual impact of the proposal

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.

The character of the area comprises small inter-war semidetached and terraced houses set within a residential estate. Whilst not common in residential areas radio antenna and masts are seen occasionally as they are necessary to amateur radio enthusiasts. The mast and antenna that have been erected in this case are located against the rear elevation of the dwelling house and given that they extend above the roof are visible in views from Oldcott Crescent, Oldcott Drive and Kidsgrove Bank as well as from surrounding neighbouring gardens. In this location the structures are only seen in views between house and its relatively light, skeletal form limits the visual impact of the structures from views within the wider area. Overall it is considered that the development does not materially harm either the character or appearance of the surrounding area and would not conflict with relevant policies of the CSS and the NPPF.

### Impact upon residential amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

The antenna and mast have no significant impact on neighbouring light levels the proposal. There is concern, however, that the constant presence of the antenna and mast does have an overbearing effect when viewed from neighbouring property, particularly within the garden areas. It is therefore considered that the development unacceptably reduces the living conditions of neighbouring properties and that this impact on residential amenity justifies refusal.

Whilst raised within the letters of representation received, given that amateur radio operators are licensed by the Home Office and are required by legislation to avoid creating undue interference with other electrical equipment in a locality such concerns are not material planning considerations.

#### Other matters

Concern may be raised with respect to the potential health implications of the proposal however there is no national guidance or evidence available from the Home Office to suggest that there are significant health impacts to consider.

#### Enforcement action

As the antenna and mast have already been erected a breach of planning control has taken place. As indicated above it is considered that the harm to residential amenity arising from the mast is sufficient to justify refusal, and such factors also provide reasons why enforcement action should be taken. It is considered, to remedy the harm arising from the antenna and mast, that they should be removed within 3 months.

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

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

|                  |                                    |
|------------------|------------------------------------|
| Strategic Aim2:  | To facilitate healthy urban living |
| Strategic Aim16: | Eliminate poor quality development |
| Policy ASP5:     | Neighbourhoods Area Spatial        |
| Policy CSP1:     | Design Quality                     |

##### Newcastle under Lyme Local Plan 2011

Nil.

#### **Other Material Considerations**

##### National Planning Policy

National Planning Policy Framework NPPF (March 2012)

##### Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

##### Relevant Planning History

None.

#### Views of Consultees

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

The views of **Kidsgrove Town Council** have been sought, but as no response has been received by the due date it is assumed that they have no comment.

#### Representations

Four letters of objection have been received raising the following concerns:

- This antenna is not just a straight pole sticking into the sky, the mast is placed at the top of the pole and protrudes around 5 metres in each direction across the roof of the property.
- It has only been installed in the last few months and, when questioned as to whether the owner had planning consent to which we were informed he had.
- Since the installation mobile phone and land line reception have shown interference.
- Residents have been advised that this eyesore should have been removed at the end of last month but to date it is still there.
- Visible and harmful to views.
- Affecting the enjoyment of neighbouring gardens.
- Appears unsafe and dangerous in high winds.
- The antenna and mast is interfering with mobile, wifi and radio signals.
- The submitted information is misleading. Plans submitted are not a true representation of the space between the application property and the adjoining property, as it doesn't show an extension that has been built next door, does not clearly show where the antenna is on the building or mark its position on the block plan.
- The information does not explain the effects to the general health of people living in close proximity from radio waves.

Committee will be advised of any further representations received.

#### **Applicant's submission**

The requisite plans and application forms have been submitted along with photographs, illustration of an assembled mast and antennas, and details of tilting mechanism.

#### **Background papers**

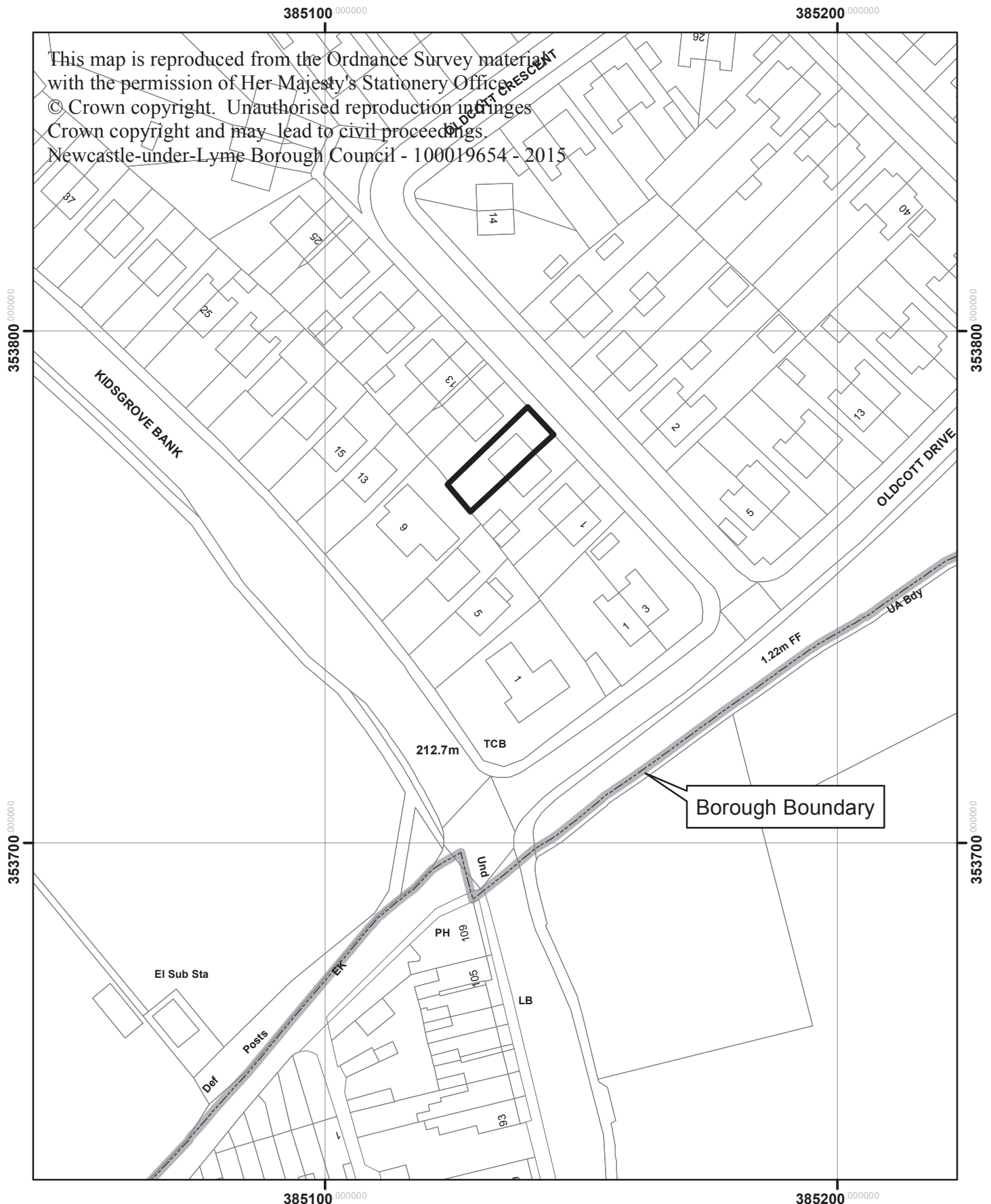
Planning files referred to  
Planning Documents referred to

#### Date report prepared

3<sup>rd</sup> August 2015

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## 5 BOGGS COTTAGES, KEELE ROAD, KEELE

14/00036/207C3

The purpose of this report is to enable the Planning Committee to consider the question of whether enforcement action should be taken with respect to the retention of a mobile home on the site.

The site lies within the North Staffordshire Green Belt, within the Rural Area, and within a Landscape Maintenance Area all as indicated on the Local Development Framework Proposals Map.

The breach was first identified in September 2013.

### RECOMMENDATION

**The Head of Business Improvement, Central Services and Partnerships 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 for the removal of the mobile home and associated paraphernalia from the site within six months.**

### Reason for recommendation and the taking of enforcement action

The mobile home is no longer in use as a dwellinghouse by Mr Edwards in accordance with the personal planning permission that was granted previously and in the absence of any other permission for the retention of the structure its location on this site is in breach of planning control. The siting of a mobile home on the site constitutes inappropriate development within the Green Belt and the very special circumstances that existed at the time permission was granted no longer exists, and no other very special circumstances have been identified. The continued siting of the mobile home adversely affects the openness of the Green Belt and is contrary to one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The removal of the mobile home would address the harm arising.

### Background Information

In 1986 planning permission was granted, at appeal, for the siting of a mobile home on the site (reference N14847). The Inspector concluded that whilst the planning objections to a permanent dwelling in the Green Belt were sound and clear cut Mr Edwards's (the applicant), personal circumstances provided the very special circumstances necessary to justify the retention of the mobile home. He went on to state that when Mr Edwards no longer had a need to occupy the mobile home, the unit might be removed and there would thus be no permanent effect on the Green Belt. As such a personal permission was granted.

Planning permission was granted in 1992 for the use of a larger mobile home as a dwellinghouse on the site and additional land, subject to the same restrictions on occupancy (reference N21428). At that time Mr Edwards's personal circumstances had not changed and it was considered that in view of the Inspector's earlier conclusions, and given that the increase in size of the mobile home in itself was not sufficient to warrant the refusal of permission, a further personal permission was permissible.

An application to remove the restriction on the occupation of the mobile home, condition 1 of planning permission N21428, was refused in 2007 (reference 07/00146/FUL). A further application to remove the condition submitted the same year was also refused and a subsequent appeal against that decision was dismissed (reference 07/00532/FUL) on the grounds that would create a permanent dwelling in the Green Belt which would be inappropriate development and other considerations put forward at the appeal did not outweigh the harm to justify it on the basis of very special circumstances.

In September 2013 it was brought to the attention of the Council that the occupation of the mobile home had ceased. Monitoring of the site has been undertaken since that time and it would appear that the mobile home has remained unoccupied.

## **Has a breach of planning control taken place and if so whether it is expedient to take enforcement action, and the nature of that action**

As indicated above planning permission was granted for the use of a mobile home as a dwelling, subject to a condition that the permission is for the benefit of Mr Leonard Edwards and any relatives or dependants living with him. The mobile home is not occupied by anyone at this point in time and as such a breach of the condition has not taken place. The mobile home on the site is not in use as a dwellinghouse, however, and in the absence of any other permission to retain the mobile home on the site for any other purpose there has been a breach of planning control. It is therefore considered that the breach of planning control is an unauthorised use of land for the siting of a mobile home.

In deciding whether it is expedient to take enforcement action, the Local Planning Authority (LPA) is required to have regard to the provisions of the approved development plan for the area, which are detailed below, and to any other material considerations. This approach is supported by the Planning Practice Guidance (2014).

Paragraph 207 of the National Planning Policy Framework states that

*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”*

The decisive issue is always whether it is in the public interest to take enforcement action against an identified breach of planning control. In effect the Committee should consider the matter as if it had before it an application for planning permission – a so called “deemed planning application”.

### The issues to be considered

The site is within the North Staffordshire Green Belt, the Rural Area and within a Landscape Maintenance Area, as indicated on the Local Development Framework Proposals Map. In considering this ‘deemed planning application’, the main issues for consideration are as follows:

- Is the use appropriate or inappropriate development in Green Belt terms?
- Is this an appropriate location for a dwelling?
- If inappropriate development in Green Belt terms, do the required very special circumstances exist to justify acceptance of the use?

#### *Is the use appropriate or inappropriate development in Green Belt terms?*

In the determination of the previous applications and at appeal it was concluded that the siting of a mobile home on the site for its use as a dwelling was inappropriate development in the Green Belt. The National Planning Policy Framework (NPPF) has been published since such decisions were reached and therefore consideration must be given to whether in consideration of current national policy, a different conclusion should be reached.

Paragraphs 89 and 90 of the NPPF identify certain forms of development that are not inappropriate in Green Belt. The breach of planning control that has been identified as indicated above is not the construction of a building. As such paragraph 89, which identifies exceptions as to when construction of new buildings should be regarded as inappropriate development, is not relevant. Paragraph 90 identifies other forms of development that are not inappropriate such as reuse of buildings and engineering operations provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The forms of development identified do not include the change of use of land. It is therefore considered that use of land for the siting of the mobile home is inappropriate development in the Green Belt.

#### *Is this an appropriate location for a dwelling?*

Policies concerning development within the countryside apply with equal force within the Green Belt. The site lies within the Rural Area of the Borough, outside the Major Urban Area of the North Staffordshire conurbation.

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. This site is not one of the targeted areas. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 on the Rural Area states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the 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.

In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres. This site is not one of the identified Rural Service Centres or within a village envelope (as referred to in NLP Policy H1), it lies beyond the Major Urban Area of North Staffordshire, and the proposed dwelling would not serve an identified local housing requirement.

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

The principle of residential development on the site must therefore be assessed against paragraph 49 of the NPPF which states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Whilst the proposal is contrary to Development Plan policies on the supply of housing, the location of residential development the application could not be resisted on that basis due to relevant policies referred to above being considered out-of-date as a consequence of being unable to demonstrate a five year supply of deliverable housing sites.

As relevant policies are out-of-date it is necessary to address the second bullet point of paragraph 14 of the NPPF:

- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

A footnote within the NPPF indicates that reference to specific policies includes policies relating to the Green Belt. As indicated above the development is considered to be inappropriate in the Green Belt and as such specific policies of the NPPF indicate that the development should be restricted.

In conclusion, whilst the proposal cannot be said to be contrary to Development Plan policies relating to the location of new residential development it is contrary to specific Green Belt policies of the NPPF and as such there is not a presumption in favour of this development.

*If inappropriate development in Green Belt terms, do the required very special circumstances exist to justify approval?*

Paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it states that 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. National policy in this regard is unchanged since previous planning decisions on this matter were reached. In assessing the development it has already been concluded that the permanent presence of the mobile home would adversely affect the openness of the Green Belt and would be contrary to one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. Whilst Mr Edwards's personal circumstances were previously considered to provide the very special circumstances that were necessary to justify planning permission, given that he is now living elsewhere such circumstances no longer exist. In the absence of any other very special circumstances there is no basis upon which it can be concluded that the development is acceptable and would be given planning permission if an application for its retention was received.

#### *Nature of the action*

In light of the breach of planning control it is considered that it would be appropriate to take any necessary enforcement action that requires the removal of the mobile home and associated domestic paraphernalia from the site within six months.

#### **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 ASP6: Rural Areas Spatial Policy

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

Policy S3: Development in the Green Belt  
Policy H1: Residential development - sustainable location and protection of the countryside  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Area

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

##### National Planning Policy

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

##### Supplementary Planning Guidance/Documents

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

#### **Date report prepared**

31<sup>st</sup> July 2015

## Draft Shop Front Design Guidance for Newcastle-under-Lyme

### Purpose of the Report

To seek approval for a Shop Front Design Guidance document (see Appendix 1) as a Planning Practice Guidance Note so it can be used by Development Management officers and applicants to improve the quality of development that affects commercial premises.

### Recommendations

1. That the submitted draft document is approved by the Committee for consultation purposes.
2. That a further report is brought to the Committee on the outcome of the public consultation, before the guidance is approved.

### Reasons

The document seeks to provide additional information to owners and developers improve the visual quality of commercial premises especially when considering new or existing shop fronts and signage.

## **1.0 Background**

- 1.1 The Saved Policies of the Local Plan (2011) include policies on shop fronts and commercial premises which seek to encourage the right balance between the need for businesses to advertise and protect their goods and retention of the character and attractiveness of Newcastle town centre and other commercial areas.
- 1.2 Regardless of how Newcastle Town Centre is defined a significant part of it lies within a Conservation Area. There is currently out of date supplementary planning guidance on security shutters for shops and business premises in Conservation Areas. This enhances the Saved Policies in the Local Plan and directs that the Council will refuse applications for solid external shutters and gives guidance on the best way to improve security within Conservation Areas.
- 1.3 The Joint Core Spatial Strategy (2006-2026) seeks to preserve and enhance the character and appearance of the historic environment and all heritage assets, that development should meet high quality design standards, as well as providing for a vibrant town centre environment which is uncluttered, accessible and attractive.
- 1.4 The Conservation Area Management Plan for Newcastle Town Centre Conservation Area (Supplementary Planning Document 2008) highlighted a programme of tasks which the Council would deliver. One task was to publish guidance on shop fronts, security shutters and advertisement signs.

## **2.0 Content of the Guidance**

- 2.1 A key purpose of the guidance (in Appendix 1) is to provide technical information to assist architects, developers and Development Management officers when designing and assessing schemes affecting shop fronts. Given the importance of Newcastle Town Centre as an attractive thriving shopping and business centre it was considered important to try and improve on the existing guidance by setting out principles and guidelines the Council will use when assessing applications for shop fronts, including advertisements and security measures in order to prevent further erosion of quality within the town centre.
- 2.2 Advertisements and incremental changes to shop fronts can erode the special character of historic town centres, especially if they are ill-thought out and insensitive, perhaps with poor quality materials. The aim of this guidance therefore is to help owners and developers make better design choices.
- 2.3 Given the Government's advice on ensuring that in all decisions heritage assets are conserved and enhanced in accordance to their significance, it is imperative that full understanding of the heritage assets is gained prior to submission of a scheme and schemes are informed and justified. For example the rhythm of plot widths is a characteristic feature of the town centre and contributes to its character. Any new frontages should respect and reinforce this.
- 2.4 The focus of the guidance is on Newcastle Town Centre which includes the Town Centre Conservation Area but it is intended that the guidance will all apply to shopfronts within the whole borough.
- 2.5 The guidance sets out the evolution of shop fronts including important design elements required when considering a new shop front or alterations to an existing one. The Guide uses visual images and diagrams to help aid understanding and explain further what helps to constitute a sympathetic and high quality shop front for both the daytime and night-time. There is a section on advertisements which explains how a well-chosen advert can help to enhance the business and retain an attractive and safer shopping environment. Finally there is a summary section on the best approach to be taken when considering changes to an existing frontage.
- 2.6 It is envisaged that the document would be a Planning Practice Guidance Note and that whilst it would not form part of the Local Development Framework, it would be a material consideration in the determination of planning applications.

## **3.0 Consultation Arrangements**

- 3.1 The draft Guidance document will be shared with the business community of Newcastle-under-Lyme through the Chamber of Trade, the Town Centre Partnership, Audley Parish Council and Kidsgrove Town Council and the Locality Action Partnerships for Newcastle South, East and the Partnership of the Western Communities (covering Silverdale, Knutton and Cross Heath). Other groups like the Newcastle-under-Lyme Civic Society and the Council's Conservation Advisory Working Party (CAWP) will be consulted on the document and any views considered and reported formally to the Committee.



- 3.2 In line with the Council's Statement of Community Involvement (2015) the consultation will be publicised via a press release and social media and an online response form. The consultation will begin in August for six weeks.
- 3.3 The draft guidance will be publicised on the web and made available in Newcastle library, the Council offices and the Guildhall.

#### **4.0 Next Steps**

- 4.1 All representations received will be considered and a report submitted to the Committee with recommendations for changes, if appropriate, to the draft guidance. This can be adopted by the Council by the end of 2015 & used as a tool to encourage and promote better design of shop fronts and advertisements.
- 4.2 Whilst the Council are striving to improve both the quality of shop fronts and advertisements, some elements cannot be as carefully controlled or enforced against, for instance the majority of non-illuminated fascia signs have the benefit of deemed consent and applications for signs can only be considered on amenity and safety grounds. This needs to be noted as we do not wish to raise expectations in relation to the ability to refuse planning applications if the guidance is not complied with, particularly if an advert complies with the Advertisement Regulations.
- 4.2 If in the future developers appear to be disregarding the guidance, then consideration will be given to making the guidance into a Supplementary Planning Document (SPD). This is not being proposed at this stage partly because the process would further delay the guide, but also this approach provides an opportunity to gather local evidence for the need of an SPD.

#### **5.0 Background Papers**

Newcastle-under-Lyme Local Plan 2011

Core Spatial Strategy 2006-2026

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

Conservation Area Appraisals and Management Plans for Newcastle Town Centre and Audley

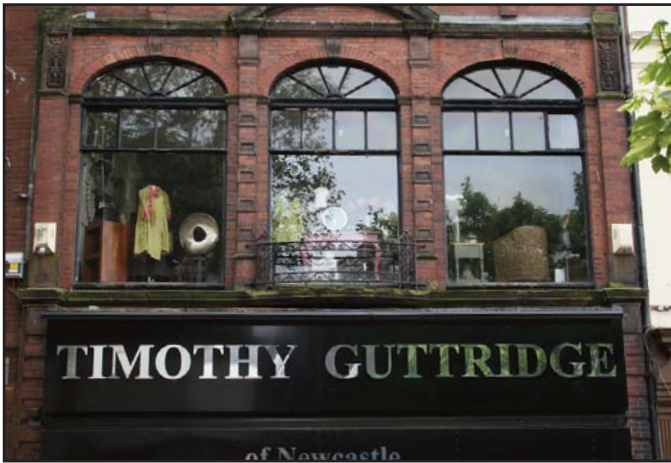
Date report prepared 6<sup>th</sup> August 2015

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# Newcastle-under-Lyme Shop Front Design Guidance

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## Introduction

In the last few years, the character and quality of the town centre has been eroded by unsympathetic alterations, which has an impact on the whole shopping area. To a pedestrian, the most obvious part of a town is often the shop front on the ground floor. Most ground floors in town centres have a commercial use and are vulnerable to change every time businesses change. Some historic shop fronts or features do still survive and should be retained. Attractive, well designed shopping areas encourage shoppers and investment into town centres.

The aim of this guidance is to show owners, occupiers and developers how to improve the visual quality of the area, maintain the special qualities of that area and contribute to the long-term benefit of the commercial area as a whole. It also sets out the basic principles, guidelines and policies the local planning authority will use when assessing applications for new and historic shop fronts and signage but also when assessing other commercial properties such as pubs, banks and other professional businesses. It is also hoped that these principles will help to reverse any adverse alterations and erosion of quality that has taken place over the years especially in the borough's Conservation Areas.

The focus of this guidance is for Newcastle town centre but it should be noted that it is intended to cover the whole borough and all premises at street level, including banks, estate agents and residential conversions.





## Planning policy

Planning policies from the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and saved policies from the Newcastle-under-Lyme Local Plan 2011 form the basis of the important considerations the Council will take into account when making decisions about changes to commercial properties, especially those within a Conservation Area or affecting a Listed Building. This guide will supplement and not take away the need for skilled and professional advice. For further information on planning policies which may be relevant to shop front design please see Appendix on page 13.

## Planning process

Nearly all changes to a shop front will require planning permission and may also need Advertisement Consent, Listed Building Consent and Building Regulation approval. Information for these permissions and consents is available at [www.newcastle-staffs.gov.uk/planning](http://www.newcastle-staffs.gov.uk/planning) including additional information that is required with any submission such as justification for proposals in a Heritage Asset Statement.

**Planning Permission** – This is required for any alteration which materially affects the external appearance of the shop front, including installation of blinds/canopies, security shutters, enlarging the size of the fascia or removal/replacement of original elements of an historic shop front where it materially affects its appearance.

**Listed Building Consent** – If a building affected is a listed building, consent is required for any alterations which affect the character or special interest of that building. Even relatively minor work may also need consent and that may include work to any historic internal fixtures and fittings if they still survive. All work needs to be fully justified in a written statement. **Failure to get Listed Building Consent, if it is required, is illegal.**

**Advertisement Consent** – Regulations for signs are very specific although some signs can be displayed with “deemed consent” as they are exempt from control. Nearly all illuminated signs require consent as do those above ground floor level, signs on a different wall from the shop front and flags, banners and pole signs. Where

an advert is proposed, details for the consent should include position of the sign on the building, its size, all dimensions, the type of lettering, materials, colour scheme, illuminations and method of illumination.

**Displaying an advert without consent is illegal and the Council may prosecute the person responsible. Consent for signage is also time limited and should be renewed.**

**Building Regulation Approval** – Early consultation with building control officers is recommended especially before drawing up proposals for listed buildings. Building Regulation approval is required where proposals involve significant or structural changes to a shop front or any means of escape. Please visit [www.stoke.gov.uk](http://www.stoke.gov.uk) for more information.

**It is strongly advised that you seek specialist design advice from an architect and the local planning authority before carrying out work to a shop particularly within the Town Centre Conservation Area. No alterations should be done without first gaining the necessary consent. Please note that works to a listed building without Listed Building Consent may be considered a criminal offence which could result in prosecution.**





sketch - Forshaw Greaves + Partners, by kind permission



## Evolution of shop fronts

Shops were originally part of the ground floor of a house and this would be adapted to what was being sold. Early shops took on the appearance we recognise in the second half of the 18th century – that is a raised window, decorative surround, fascia with the shop name and a central or offset doorway.



Few early shop fronts survive and generally it is later 19th century shop fronts which can be seen today. Clearly some shops were purposely designed buildings but others were modified houses. What is clear is that in general great care was taken to ensure the design and proportion of the building was appropriate to the entire façade of the building.



Shop front designers often showed great craftsmanship and attention to detail. As glass became available in larger sizes, the multi-paned windows were replaced



by larger panes but these were still limited and were often divided up with glazing bars. Large plate glass shop fronts are a modern development.

**General principles** = Good design that recognises the importance of various elements of the shop front and respects the building and its context.

## Scale and proportion

At the design stage, scale and proportion of elements of any new shop front should be paramount. The new shop front should respect and enhance the building which it occupies. No single feature of the shop front should be too dominant.

## Quality





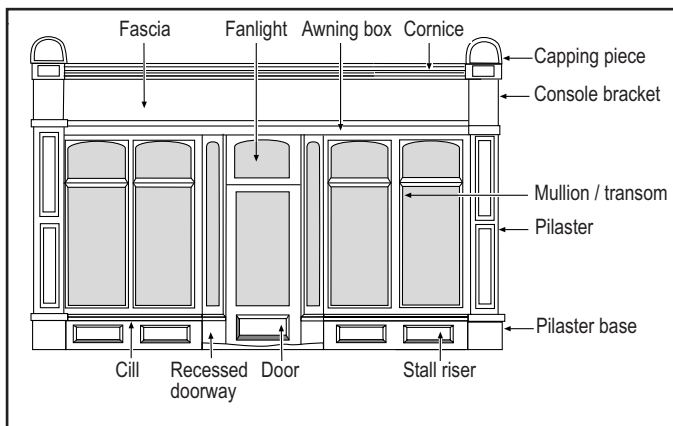
In designing a new shop front there should be a commitment to high quality and standards of craftsmanship. Each new shop front should be designed as a whole and not as a mix of components or separate elements with simply applied mouldings. Materials should be of a high quality and the results should be elegant and appropriate.

## Context

New shop fronts should be designed to fit in with their wider surroundings or context. Research of a particular character of a street or place should always be carried out to inform the design of any new frontage. For example, is the new shop front within a Conservation Area or does the area have any specific guidance or guidelines for new design? Assessments of the adjacent buildings or shop fronts and prevailing character of the area including age, design, form, detailing and colour should always be done. If the new shop front is to be built from a traditional style, it should be as well informed and historically accurate as possible and appropriate. In summary, it is important to look at the wider street or terrace, stand back and appraise the area from a number of angles. This does not mean design must be uniform; contrasts can also be effective if the rhythm of the buildings is maintained.



## Elements of a shop front



Various elements of a quality shop front all have a particular function. They form a robust frame and provide protection for the goods inside. The frame supports the upper part of the building.

**Stallriser** – these provide a solid base to a shop front and offer practical protection at low level from damage, water and scuffing. Traditionally the height of stallrisers varies between 450mm and 600mm. Normally they are made from durable material and can be tiles, marble, stone or brick (sometimes rendered). The detail is that they normally have a chamfered or moulded edge. They are also often constructed from painted timber but this is less durable.



**Doorways and entrances** – doorways traditionally were often recessed and this provides a practical and characteristic feature of a shop front. The entrance was often splayed and set back by at least a metre. The floor



of the entrance was often covered in tiles or mosaic, sometimes with a pattern or the owner's name or business. Doors themselves were often an integral part of the shop front design or complemented it and often had a fanlight which could be open for ventilation or decorative.

The doors often had a solid base to match the stallriser.

**Glazing** – large undivided areas of glass should be avoided in the majority of cases. Historically the size of the glass was limited and was held in between glazing bars. Window displays should be interesting and changed regularly to stimulate interest and encourage shoppers. In the case of banks, building societies and betting shops etc, it is important to give thought to providing a visual display.







**Pilasters** – these uprights give the impression of being structural; a visual column marking the end of the shop front which are usually constructed from timber but can be stone or marble. They are based on classical architecture and they have a base or plinth at the bottom providing extra strength and a capping at the top. Pilasters can be plain, panelled or fluted.



**Console brackets** – this is a bracket usually taking the form of a scroll or other shaped pieces of timber. These are usually topped with a capping, often semi-circular or triangular in shape. These elements frame the fascia.



**Fascia** – the fascia board is between the console brackets and provides space for advertising the business, its name, trade and number. It is an important design element in the framework of the frontage. They should be kept well below the first floor window and can be flat or angled downwards. The height of the fascia should always be proportionate to the size of the shop front and so should not be excessively deep (generally no more than 600mm deep).

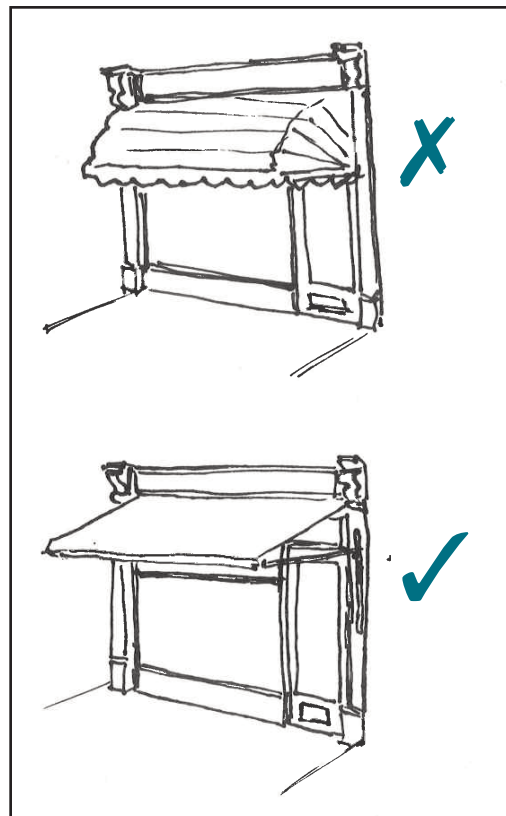


## Canopies

Canopies were generally added in the late 19th century, mainly on south-facing shop fronts, and were designed as an integral part of the shop front. In general the individual architectural qualities of the building on which the blind is proposed should be carefully considered. Canvas canopies are considered appropriate if they are integral to the shop front and should retract back fully. Plastic canopies and “Dutch” or balloon blinds are not generally considered appropriate, especially within a Conservation Area, and will be resisted.



**Cornice** – fascia boards usually have a projection above it in the form of a moulded timber cornice finished with a lead or other metal sheet material (flashing). The depth and size of the cornice usually depends on the size of the shop front.



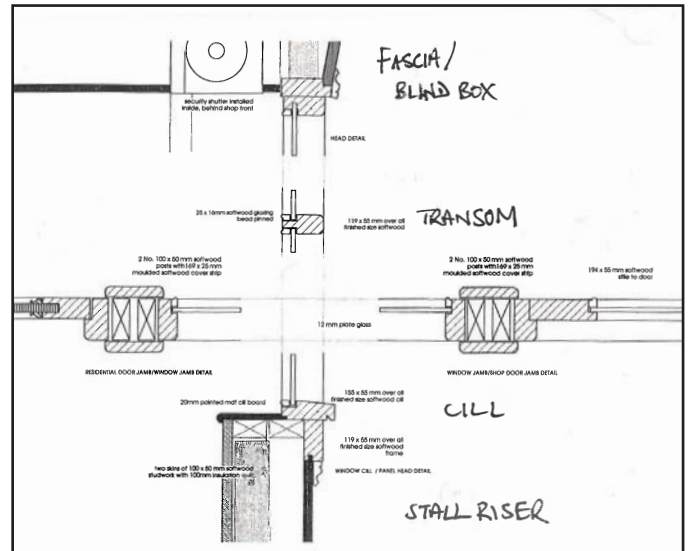
## Existing shop fronts

Any proposed alterations to original historic and intact shop fronts will be assessed carefully to ensure that alterations are sympathetic to the character of these features so that the special character is not eroded or compromised. Where elements of original but altered shop fronts remain they should be restored where possible before being replaced. Replacement and reinstatement should be based on appropriate information and photographs if available. Permission will not be given to removal of original shop front elements and it will be expected that they will be incorporated into any new design. Repairs do not require any permission. Maintenance is key - timely repairs on a regular basis can safeguard the condition of buildings and shop fronts. Otherwise major and more costly repairs will be necessary. Derelict buildings or those in need of repair can be an eyesore and harm the overall appearance of a town centre.

## New shop fronts



Whether a shop front is a replacement of an existing shop front, or a new opening, a replica of an historic shop front or a contemporary one, the above principles will always apply. Firstly an appraisal is required of the existing shop front. The result should be a shop front which is appropriate to its host building and its context including the design, detailing and general appearance. The outcome of a new shop front based on these principles is that it will enhance the environment of the street by being well designed and of high quality. An attractive shopping environment generally will increase



trade and have a positive effect on economic regeneration. Any modern shop front should still reinterpret the proportions and form of adjacent shops, but in a contemporary manner. If materials are marketed as maintenance-free, this usually means that when they wear out they need to be replaced and cannot be repaired, which is more expensive in the long run.

## Materials, details and colour

Traditional shop fronts were constructed from timber and had a painted finish. Carpentry and craftsmanship were essential parts of the construction of any shop front. Materials of new shop fronts should ideally be well-seasoned good quality softwood. Colour is



important and the sensitive use of colour offers scope for improving the appearance of the streetscene. Generally rich, deep colours often look good particularly when used on traditional shop fronts. The use of other colours to highlight details can also be effective. The colours that were available





- They should relate architecturally to the building on which they are part and should not dominate the shop front or building but respect its scale and proportion
- They should be sympathetic to the surrounding scale and streetscene
- They should be constructed from durable, appropriate materials
- The typeface or font for the lettering, its layout and design should be legible and simple

Fascia signs are perhaps the most prominent and effective form of advertising and they do fulfil an important role in communicating the business.



They are the most prominent element of a shop front and therefore the position and design can either create clutter or enhance the streetscene. The fascia advert should be in harmony with all other elements of the frontage and it should not obscure windows or other architectural details. In general simple and contrasting lettering will be the most legible. In the Conservation Area, a timber fascia with applied or painted letters is the most appropriate. Acrylic or shiny materials and reflective lettering will be resisted and where this is currently found, when a change is proposed a better quality material should be chosen. Box fascias should be avoided.

and affordable in the 19th and 20th centuries were limited - dark hues were the most practical. A high gloss finish is more resistant to damage. Corporate colours will be considered but they must be appropriate.

## Advertisements

The main kinds of advertisements are fascia signs, projecting or hanging signs and wall mounted signs and "A" boards. Adverts can be harmful to the building where they are displayed or harm the street if the style, lettering, colours or illumination are ill-considered.

### Guiding principles -

- Adverts should be designed in scale and proportion with the shop front and the building of which the shop front is part
- They should be to a high standard of design

### Hanging or projecting signs

Traditionally a hanging sign was designed to swing and modern hanging signs often mimic these but are static. They can provide a visually interesting and important element of advertising but if too many are found along



## Illumination

Illuminated signs will be resisted in Conservation Areas except Newcastle town centre and the commercial part of Audley village because some illumination can be beneficial to the night-time economy. The Council will still ensure that all advertisements are sensitive to their environment and enhance the area. Generally illumination should be necessary, subtle and an integral part of the fascia or shop front either by illuminating individual letters or logo or by “halo” illumination if it complements the design of the shop front. Internally illuminated box fascia or other signs will not be considered acceptable. Any external illumination should be the minimum amount necessary and be discreet. Neon lighting will be resisted as being inappropriate as will flashing or moving illumination.

one location, they can cause a cluttered appearance. This then undermines the principle of the advert attracting the attention of the passer by. The hanging sign should not undermine the appearance of the building, should be appropriately sized and if existing brackets survive they should be re-used. Hanging signs should not be a hazard to pedestrians or vehicles and there should be only one hanging sign per shop. It should not be assumed that every shop can display a hanging sign; they will be carefully controlled and so this should be justified to the local planning authority. Internally illuminated hanging signs are not considered acceptable.

## Security



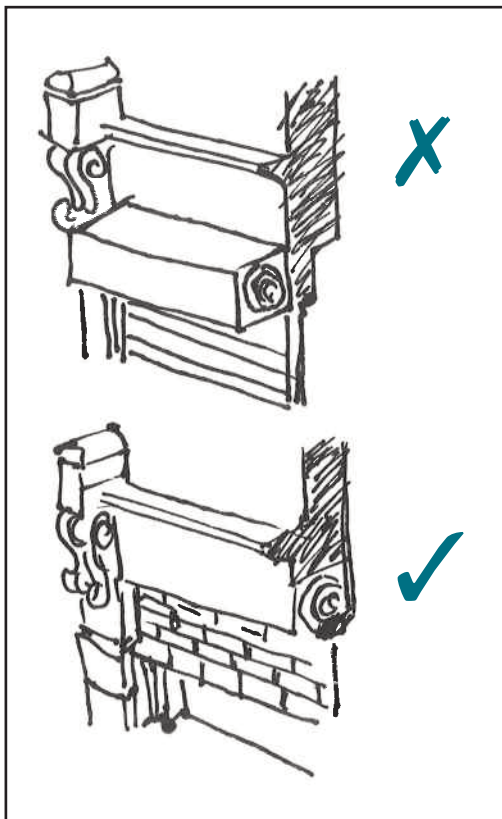
It's obviously very important to owners that their properties are secure but security can be carried out without the need for solid external roller shutters which are not permitted in Conservation Areas. During the day solid shutters create an unattractive and harmful appearance. At night the atmosphere it creates can be intimidating, encourage graffiti and is generally less attractive.

The preferred method of shop security is toughened or laminated glass or lattice shutters installed internally. Neither of these methods require planning permission. Other security methods such as CCTV can be a good deterrent and complement other measures to protect entry points to buildings. Window mullions to reduce the size of the panes of glass also give additional

**Other adverts** – some businesses and shops have a tendency to over advertise and have too many signs - this shows a lack of respect for the character of the streetscene. This includes “A” boards which are often placed outside a shop, outside alleyways or in locations that are nowhere near the shop. “A” boards are often not on private land but are part of the highway and can be a hazard to pedestrians, especially those with pushchairs, those in wheelchairs and the visually impaired. This is the case in parts of Newcastle town centre but they are controlled by Staffordshire County Council. All advertising should be carefully considered and respect the streetscene.

strength to shop fronts. Simple wrought iron gates can be used to secure doorways. These external additions will require planning permission.

All security systems should feature an open lattice or perforated design, be located back from the display window and painted appropriately, perhaps to co-ordinate with an existing colour scheme. External shutters will be resisted but might be considered acceptable if they are of lattice type, only cover the glass instead of the whole shop front and the box is fully recessed into the shop front.



## Accessibility

New shop fronts should enable people to gain access easily. Steps should be avoided but access should also be provided without detriment to the character and design of the shop front. Early discussion is advised with the local planning authority and it is recommended to carry out an independent access audit by a qualified person.

Ideally the entrance to the shop should be designed to be level with the pavement. If this is not possible a non-slip ramp (maximum gradient 1:12) should be provided

or a secondary access point. Whilst it is important to ensure access for all through the main entrance of all buildings, that access should be provided without detriment to the character and design of the shop front. Where the access affects a listed building it is important that there is early discussions with the local planning authority - the disability discrimination requirements need to be reconciled to decide what the impact is on the special character and appearance of the building. For visually impaired people, the entrance can be emphasised through colour and textual contrasts. Overall, the local planning authority will seek to retain the unique character of buildings within the borough.

## Buildings on the Local Register

The Council maintains a Register of Locally Important Buildings and will consider including historic shop fronts to encourage preservation of worthy features. This does not give the Council extra statutory powers to protect these elements specifically; it will ensure that the value of the building and its elements is recognised and valued where possible, including consideration of grant aid.

[www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister)

## SUMMARY

- Decide new or alter existing
- Appraise building and consult architect
- Discuss with the Council if there are any specific consents or requirements
- Prepare design
- Make planning application/advertisement consent
- Building regulations
- Following consent, tender from builders
- Install shop front /start repairs or alterations



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## Appendix : Planning policies which may be relevant for shop front design

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

CSP1 – Design Quality

CSP2 – Historic Environment

### Newcastle-under-Lyme Local Plan 2011 (saved policies)

- B5: Control of development affecting the setting of a Listed Building
- B6: Extension or alteration of Listed Buildings
- B9: Prevention of harm to Conservation Areas
- B10: The requirement to preserve or enhance the appearance of a Conservation Area
- B13: Design and development in Conservation Areas
- B14: Development in or adjoining the boundary of Conservation Areas
- B16: Shop fronts in Conservation Areas
- B17: Awning, canopies and blinds in Conservation Areas
- B18: Security shutters in Conservation Areas
- B19: Illuminated signs in Conservation Areas
- B20: Illuminated fascia and other signs in Conservation Areas

