

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

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Proctor, Reddish (Vice-Chair), Simpson, Snell (Chair), Turner, Welsh, Williams and Williams

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

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

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

FIELD_TITLE

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

PLANNING COMMITTEE

Tuesday, 15th September, 2015

Present:- Councillor Sophia Baker – in the Chair

Councillors Braithwaite, Cooper, Fear, Hambleton, Northcott, Owen, Simpson, Williams and Williams

Apologies Apologies were received from Councillor(s) Heesom, Mancey, Proctor, Reddish, Turner and Welsh

1. **DECLARATIONS OF INTEREST**

Cllr Braithwaite declared an interest in item 3 on the agenda.

2. **MINUTES OF PREVIOUS MEETING(S)**

Resolved: That the minutes of the previous meeting be agreed as a correct record.

3. **APPLICATION FOR MAJOR DEVELOPMENT - LAND NE OF ECCLESHALL ROAD, SE OF PINWOOD ROAD AND NW OF LOWER ROAD, HOOK GATE. DESIGN CONSTRUCTION MANAGEMENT SERVICES LTD. 15/00448/OUT**

Cllr David Loades spoke against the application and thanked the Committee for the site visit which had been well attended by local residents.

Resolved:

That the application be permitted subject to the following conditions:

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 details of the retention of trees and hedgerows that are shown to be retained and that the replacement hedgerows are indigenous species.
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
22. Mitigation measures for protected species
23. Submission of details of waste collection points

4. APPLICATION FOR MAJOR DEVELOPMENT - FORMER MAXIMS, LOWER STREET / STANIER STREET, NEWCASTLE. 15/00498/FUL AND 15/00499/LBC

Resolved:

- a) That the application for listed building consent be approved subject to the following conditions:

- 1) Time limit for commencement of development
- 2) Targeted building recording and any subsequent mitigation
- 3) Details of restoration of the interiors to be submitted and informed by strip out work
- 4) Mortar mix of any repointing of existing building
- 5) Timber survey to establish scope of repairs or otherwise
- 6) Details of proposed roof insulation
- 7) Window reinstatement details
- 8) Details of secondary glazing
- 9) Details of bricks (colour, size and bonding) to be used to reinstate the rear elevation
- 10) Details of means by which the cruck blade in the two storey service building is to be removed and then reinstated
- 11) Salvaging and reinstatement, and replication of cornice detailing

- b) That the planning application be approved, subject to the following conditions:

- 1) Time limit for commencement
- 2) Revised and approved plans
- 3) Phasing of works
- 4) Window detail
- 5) Prior provision of the access, parking, servicing and turning area;
- 6) Prior close of existing vehicle accesses onto Lower Street,
- 7) Prior approval of revised access details onto Stanier Street, including road markings;
- 8) Implementation of the submitted Travel Plan,
- 9) Approval and provision of cycle parking;
- 10) Position of any gates;
- 11) Approval and implementation of a Construction Method Statement
- 12) Finished floor level,
- 13) Protection of 'controlled water' receptors from contamination during the development;
- 14) Avoidance of piling without consent (in order to protect ground water quality),
- 15) Avoidance of proposals to drain surface or roof water into the ground without consent,
- 16) Culvert survey
- 17) Construction hours,
- 18) Submission, approval and implementation of a Construction Method Statement,

- 19) Giving of notice of piling works
- 20) Internal dwelling noise limits,
- 21) Fume extraction systems,
- 22) Mechanical ventilation/refrigeration/air conditioning equipment controls
- 23) Prevention of food and grease debris entering the drainage system,
- 24) Heating and power arrangements particularly CHP arrangements,
- 25) External artificial lighting,
- 26) Waste and recycle storage and collection arrangements and timing.
- 27) Contaminated land
- 28) Additional information relating to retention of trees on Stanier Street
- 29) Full landscaping details, including appropriate tree planting to replace those lost as a result of the scheme
- 30) External materials
- 31) Archaeological evaluation and any subsequent mitigation
- 32) That a detailed surface water drainage scheme be submitted and approved.

5. APPLICATION FOR MAJOR DEVELOPMENT - PLOT 9 AND PART PLOT 10 KEELE UNIVERSITY SCIENCE AND BUSINESS PARK, KEELE UNIVERSITY. CAUDWELL CHILDREN AND KEELE UNIVERSITY. 15/00542/FUL

Resolved:

a) That the application be approved subject to the following conditions:

1. Time Limit
2. Approved drawings
3. Prior approval of all facing and surfacing materials (including the boundary wall and timber cladding of the cycle store, bin store, staff break out area etc), and implementation of approved details.
4. Prior approval of the external appearance of the smoking shelters and implementation of the approved details.
5. Prior approval of landscaping and implementation of approved details.
6. Prior approval and implementation of methods to protect existing vegetation to the eastern and southern boundaries during the construction phase.
7. Prior approval of any external lighting and implementation of approved details.
8. Prior approval and implementation of methods to prevent mud and debris being deposited on the highway during construction.
9. Contaminated land conditions.
10. Provision of parking, servicing and turning areas prior to occupation.
11. Prior approval and implementation of cycle parking facilities.
12. Prior approval and provision of bird and bat boxes in accordance with the recommendation of the Ecological Assessment.
13. Prior approval of boundary treatments which shall not include weld mesh fencing along any boundary adjoining a highway.

b) That it is not considered expedient to take any enforcement action with respect to any breach of the obligation of the 1997 Section 106 agreement which this particular development might represent, without prejudice to its position should Caudwell's Charity subsequently vacate the premises.

6. APPLICATION FOR MAJOR DEVELOPMENT - THE KING'S SCHOOL, FOURTH AVENUE, KIDSGROVE. THE GOVERNORS, KING'S SCHOOL. 15/00577/FUL

Resolved:

That the application be approved subject to a suitably worded Community Use Agreement condition along with suitably worded conditions similar to those attached to planning permission N.14/06, unless they have already been discharged by the date of issue of the permission as outlined in the verbal supplementary.

7. APPLICATION FOR MAJOR DEVELOPMENT - UPPER HOUSE FARM, ALMINGTON. MR D EARDLEY. 15/00602/FUL

Resolved:

That the application be approved subject to the following conditions:

1. Time Limit
2. Plans.
3. External facing materials.

8. APPLICATION FOR OTHER DEVELOPMENT - YEW TREE COTTAGE, DEANS LANE, BALTERLEY. MR S LANE. 15/00567/FUL

Resolved:

That the application be approved subject to the following conditions:

1. Standard time limit for implementation of permission
2. Approved plans
3. Tree protection fencing to BS5837:2012 should be installed around any tree that is to be retained, and maintained throughout construction.
4. Removal of Permitted Development Rights for extensions and external alterations
5. The existing conservatory to be demolished and appropriately disposed of prior to the occupation of the development

9. APPLICATION FOR OTHER DEVELOPMENT - BAR HILL VILLA, BAR HILL ROAD, ONNELEY. MR D JOHNSON. 15/00638/FUL

Resolved:

That a decision be deferred for a site visit.

10. INTERIM PLANNING POLICY STATEMENT; MID-YEAR 5-YEAR HOUSING LAND SUPPLY STATEMENT AND; LOCAL PLAN TIMETABLE

Resolved:

The Committee requested that the following comments be passed to Cabinet.

- 1) That in view of the five year housing land supply situation it is important to make progress with the Joint Local Plan.
- 2) That the Draft Housing Clarification is brought back to the Planning Committee or Full Council for discussion prior to it being agreed by Cabinet.

11. LIST OF LOCAL VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS

Resolved:

That the revised List of Local Validation Requirements as circulated in the second supplementary agenda and amended by the addition of further documents in column 5 of information item 14 be approved, for publication on the Council website and use in the validation process.

12. THE BUSINESS, MEMBERSHIP AND FREQUENCY OF THE COUNCIL'S STRATEGIC PLANNING CONSULTATIVE GROUP

Resolved:

That the recommendations in the report to the Cabinet meeting of 16th September noted.

13. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - SMITHY HOUSE. 4 HIGHWAY LANE, KEELE AND CHURCHYARD WALL AT ST THOMAS' CHURCH

Resolved:

- a) That a grant of £210 for the replacement of 2 timber windows at Smithy House, Highway Lane, Keele, subject to the appropriate standard conditions, and
- b) That a grant £3,834, for the conservation repair of the churchyard wall, St Thomas Church, Mow Cop, subject to the appropriate standard conditions

14. CONSULTATION BY STOKE CITY COUNCIL ON APPLICATION 58703/FUL FOR LAND AT COPSHURST QUARRY, LIGHTWOOD ROAD, LONGTON

Resolved:

That the Head of Planning respond on behalf of the Borough Council to the request for comments.

15. NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE URBAN REGENERATION (STAFFS) LTD. 14/00477/FUL

Resolved:

- 1) That the Committee confirms that it considers that a reappraisal of the financial viability of the development should be required if the development is not substantially commenced within 18 months of the date of the grant of planning permission;
- 2) That the Committee confirms that it considers clearance of the site in this case would not constitute "substantial commencement" of the development, for the purposes of the desired planning obligation;
- 3) That the Committee confirms that it considers that the agreement should not be worded so as to accommodate some provisions whereby if the applicant

encounters adverse ground conditions on this then, in such circumstances, the deadline in the Section 106 after which a reappraisal would be required can be extended; and

4) That should the applicant not indicate that they are willing to enter into a Section 106 agreement on the basis set out within recommendation 1), within 14 days of being informed of this decision, that the application be refused on the ground that without such an undertaking account would not be able to be appropriately taken of a change in market conditions and a development that could have made required contributions would not do so

COUNCILLOR MRS SOPHIA SNELL
Chair

LAND AT ASHFIELDS NEW ROAD, NEWCASTLE
JESSUP BROTHERS LIMITED

15/00699/FUL

The application is for full planning permission for the erection of 42 residential units made up of five pairs of semi-detached, two bedroom dwellings; a block of 10 one bedroom flats; and a further block of 22 one bedroom flats. The application indicates that all the dwellings are to be social rented affordable units provided by a Registered Provider (of social housing).

The site lies within the urban area as defined on the Local Development Framework Proposals Map and within the Northern Gateway as defined in the Newcastle-under-Lyme Town Centre Supplementary Planning Document (SPD).

The 13-week period for the determination of this application expires on 9th November 2015.

RECOMMENDATIONS

A. Subject to the applicant entering into a Section 106 obligation by agreement by 6th November 2015 to require a financial contribution for the enhancement and maintenance of the open space at a location yet to be identified (the amount of which will be advised to the Committee via a Supplementary report).

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approval of materials**
- 3. Implementation of landscaping scheme**
- 4. Trees on northern boundary to be retained and tree protection measures to be agreed and implemented.**
- 5. Contaminated land**
- 6. Construction Method Statement, to address environmental and highway matters, including details of methods to prevent mud and debris on the highway and dust mitigation measures.**
- 7. Implementation of noise mitigation measures to achieve appropriate noise levels.**
- 8. Construction hours.**
- 9. Approval of waste storage and collection arrangements.**
- 10. Surface water drainage system**
- 11. Provision of access, parking and turning areas prior to occupation**
- 12. Prior approval of a scheme for the provision of a scheme with the tenure indicated in the appraisal. The scheme shall include the timing of the construction for the affordable housing, arrangements to ensure that such provision is affordable for both initial and subsequent occupiers and the occupancy criteria to be used for determining the identity prospective and successive occupiers of such units and the means by which such occupancy will be enforce.**

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

Reason for Recommendations

This brownfield site is in a highly sustainable location and the principle of residential redevelopment is considered to be acceptable, and in fact has previously been permitted in outline. The scheme is considered acceptable in terms of impact on highway safety, trees and residential amenity. Subject to the imposition of suitable conditions, it is not considered that there are any material considerations which would justify a refusal of outline planning permission. Consideration is being given to the level

of contribution that could reasonably be secured towards for the enhancement and maintenance of the open space at a nearby location bearing in mind to type of accommodation provided.

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

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

KEY ISSUES

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

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

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

The site is a vacant, brownfield site previously used as a car park. The site is in easy walking distance of the shops and services of Newcastle Town Centre with regular bus services to destinations around the borough, including Keele University, and beyond. It is considered that the site provides a sustainable location for additional residential development that would accord with the Town Centre SPD.

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

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

The Newcastle Town Centre SPD places the application site within the Northern Gateway - an area that was identified as being dominated by the redevelopment of the College site. The application site forms part of the College site and was identified within the outline planning permission for the College redevelopment as a housing site.

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 Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

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

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

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

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

The site has a long frontage onto Ashfields New Road with a largely uniform depth which narrows where it adjoins a large turning circle at the northern end. Along its eastern boundary, at a higher level, is the car park to the Sainsbury's store. A ramped footpath adjoins the southern boundary of the site which links Ashfields New Road to the A34 and passes the Sainsbury's store. To the south are residential properties and on the opposite side of Ashfields New Road St John Fisher School and the new College car park.

The proposed properties have been designed in a simple, modern style incorporating brickwork, render and cladding to the walls. Oriel windows have been added to the semi-detached properties and the flats incorporate large areas of glazing with small balconies, all of which add visual interest. The properties are all two storeys in height, other than the larger of the larger block of flats which is predominantly three storeys, and positioned centrally along the site.

In this location it is considered that the design, scale and density of the proposed development is acceptable.

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

Two parking spaces and a separate driveway are proposed for each of the houses. The blocks of flats are served by separate car parks which provide a parking space for each of the flats. In this sustainable location it is considered that the level of parking provided is satisfactory even when the on-street parking and congestions issues that arise at the start and end of the school/college days are taken into consideration.

The Waste Management Section has questioned whether a refuse freighter can turn, without reversing movements, within the turning circle on Ashfields New Road which adjoins plots 1 and 2. The applicant has been asked if it is possible to provide a plan showing the turning movements of such a vehicle to demonstrate, or otherwise, whether it is possible to turn fully in a forward gear and if such a plan is provided it will be reported. However, whilst such a plan has been requested it is considered that the development remains acceptable if such a vehicle needs to reverse to turn as the benefits of the proposed development would demonstrably outweigh any harm arising.

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

Policy CSP6 of the CSS states that for new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to

contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

On the basis of the maximum number of dwellings currently proposed, the affordable housing requirement for this site would be 11 units and whilst the proposal is 100% affordable housing it remains necessary for this number of units to be secured for that purpose in perpetuity to comply with policy. It is considered that this could be achieved through an appropriately worded condition, rather through a S106 planning obligation which would create difficulties in the Registered Provider obtaining funding from the Homes and Communities Agency.

Will appropriate open space provision be made?

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

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

The Landscape Development Section (LDS) have requested a contribution towards the development, improvement and maintenance of off-site public open space all in accordance with policy. They propose to spend the contribution that they seek within a playground (a Locally Equipped Area for Play or LEAP) at Wilson Street. This is only approximately 428m walking distance from the application site and whilst the area is on the opposite side of the A34 there are a number of safe routes available and as such it is likely that occupiers will use it. However given that the majority of the development is for one bedroom units it is arguable whether the contribution sought is "fairly and reasonably related in scale and kind to the development" and further consideration is being given to this, and a supplementary report will be provided to the Committee.

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

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

A Noise Assessment has been submitted which assesses the potential impact of existing noise sources on the proposed dwellings and recommends mitigation measures to achieve appropriate noise levels.

The layout, and positioning of principal windows within the proposed dwellings, comply with the Council's Space Around Dwellings SPG. In addition sufficient private garden/amenity space is achieved for each of the dwellings and the flats to ensure appropriate living conditions for the occupiers of the dwelling. Existing trees and vegetation along the northern boundary are shown to be retained which is beneficial as they provide an appropriate screen between the site and the rear gardens of adjoining dwellings.

The living conditions of the occupiers of plot 42 will be affected by the footpath that links Ashfields New Road to the A34 as the path will be elevated above the rear garden along part of the side boundary. The footpath is separated from the property by a landscaped area within the application site which is to include two trees and a strip of left over land outside of the site. Overall it is considered that acceptable living conditions are achieved. The applicant is being asked to consider undertaking some further landscaping of the left over strip to improve the appearance of the site and the living conditions of the occupiers of this property.

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

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

Other material considerations include:-

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (March 2014)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

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

Newcastle-under-Lyme Town Centre SPD (January 2009)

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

Relevant Planning History

Outline planning permission for a new college, sports facilities, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works was issued in 2007 (06/01180/OUT) including this current application site. The outline permission identified this for residential development with an indication that the site could accommodate up to 56 units, however the time period within which a reserved matters application can be submitted has now lapsed.

Reserved matters approval was granted in 2007 for the new College and Sports Hall and in 2009 for the superstore (08/00865/REM).

Views of Consultees

The County Council as the **Education Authority** indicate that excluding the one bedroom properties and excluding the 10 affordable houses from secondary only, a development of 10 houses could add 2 primary-aged pupils. The combined cluster of schools (Friarswood, Hassell Community Primary Schools and St Giles & St George's CofE Academy) is projected to have sufficient spare capacity to cope with the additional demand. They currently don't request contributions for secondary places from affordable RSL housing and therefore make no request for secondary education provision either.

The **Highway Authority** has no objections subject to conditions requiring the access, surface water drainage, parking, servicing and turning areas being provided in accordance with the submitted plans and a Construction Method Statement.

The **Environmental Health Division** has no objections to the proposal subject to conditions regarding hours of construction; and Construction Management Plan; details to prevent mud and debris on the highway; dust mitigation measures during construction; internal dwelling noise levels; waste storage and collection arrangements and contaminated land.

The **Landscape Development Section** has no objection subject to conditions to secure the retention of trees along the boundary of the site; tree protection measures and landscaping details, and subject to a contribution of £2,943 per dwelling (total £123,606) towards capital development/improvement of the Wilson Street play area.

The County Council as **Lead Local Flood Authority** initially requested further information regarding the drainage strategy for this development and their comments on the latest information provided are awaited.

Representations

No representations have been received.

Applicant's/agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Drainage Strategy
- Ground Gas Monitoring
- Ground Conditions Report
- Arboricultural Report
- Noise Statement
- Environmental Noise Assessment
- Transport Statement

All of these documents are available for inspection at the Guildhall and and searching under the application reference number 15/00699/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

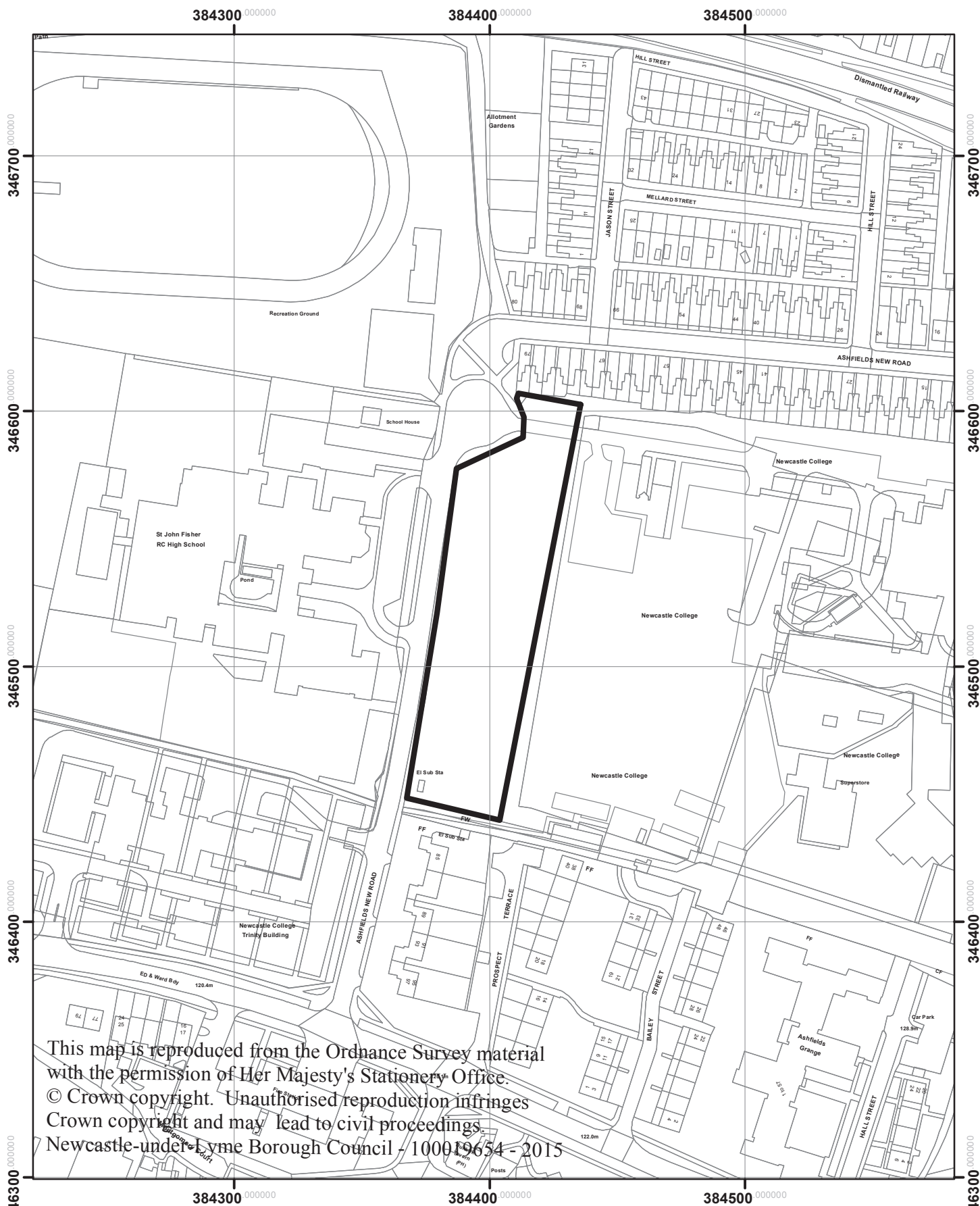
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

30th September 2015

Land At Ashfields New Road 15/00699/FUL



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**LAND ADJACENT TO ST GEORGES, PINWOOD ROAD, ASHLEY
MR & MRS G HERBERT**

15/00506/FUL

The application is for full planning permission for the erection of a detached dormer bungalow, attached garage and new access onto Pinewood Drive.

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 and public footpath Loggerheads 17 runs adjacent to the site.

The 8 week period for the determination of this application expired on 11th August 2015.

RECOMMENDATION

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. Landscaping proposals to include hedgerow planting**
- 6. Provision of access, parking and turning areas prior to occupation**
- 7. Visibility splays as shown and kept free from obstruction**
- 8. Surfacing being of a bound material**
- 9. Garages to be retained for parking**
- 10. Gates to be 5m rear of the carriageway edge**
- 11. Design measures to ensure noise levels**

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 Council'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

Discussions with the applicant have been ongoing during the application and further supporting information has been provided. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

This application is for full planning permission for the erection of a detached dormer bungalow with an attached garage in the rear garden of the existing property, St. Georges. 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 Kids Grove 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.

Outline permission was granted within the side garden of the neighbouring property known as The Crofts in May 2014. It was acknowledged in the determination of that application that the site is located close to but outside of the village envelope of Loggerheads with the edge of the village development boundary being approximately 0.3km (measured along the public highway). It was also acknowledged that Pinewood Road has no footpath or street lighting but there is a public footpath (Loggerheads 17) to the south of the site which links Pinewood Road to the A53 Newcastle Road.

This application has identical merits to the neighbouring plot at The Crofts. It represents a further infill development amongst other large residential properties and is not isolated from other dwellings. More importantly it is located within walking distance of the centre of Loggerheads, primarily situated off Eccleshall Road, and has a regular bus service that runs in close proximity to the site with a bus stop being less than 100 metres away which between Hanley Bus Station to Market Drayton with a stop in Loggerheads (service centre). Therefore the site can be classed as being in a sustainable location amongst existing residential properties, within walking distance of the village envelope and having public transport opportunities in close proximity.

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 large three bedroom detached dormer bungalow at the rear of the existing property which includes an attached double garage with music room above.

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.

Loggerheads Parish Council have objected to the application on a number of grounds including that the proposed dwelling would set a precedent for the construction of dwellings in large gardens and would have a detrimental effect on the character and appearance of the area. It is acknowledged that a number of applications have been permitted in the Ashley Heath area for the subdivision of plots and the construction of houses. Therefore, whilst this proposal involves the subdivision of the existing garden and the construction of a large detached dwelling it is not considered that it would result in a significant adverse impact upon the character and appearance of the area and that refusal is justified on this ground.

The existing dwelling of St. Georges is a large bungalow with a large two storey outbuilding and there is a large two storey dwelling (Christleton) located beyond the northern boundary. A large detached single storey/ two storey dwelling (White Oaks) is also adjacent to the application site.

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.

Sufficient private amenity space would remain for the existing dwelling and an ample amount of private amenity space is proposed for the proposed dwelling.

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?

Amended plans have been received during the application to address concerns raised by the Highways Authority. A traffic survey has also been conducted along Pinewood Road and this along with the amended plans has resulted in HA raising no objections subject to conditions.

The proposal would therefore provide adequate off road parking and turning area within the site curtilage and subject to conditions would conform with local and national planning policy.

Would there be any adverse impact on trees?

The applicant has advised that to accommodate the revised access arrangements some hedgerow removal would be necessary. Officers are of the view that it is not a visually important hedgerow and it is noted that the Landscape and Development Section has raised no objections.

Proposed landscaping details have not been submitted and it is considered that a scheme should be submitted for approval which can be secured via a condition.

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 |

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

None relevant

Views of Consultees

The **Environmental Health Division** no objections subject to a condition regarding design measures to achieve internal and external noise levels.

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

The **Highway Authority** raises no objections subject to conditions that secure the access, parking and turning prior to occupation, the provision of acceptable visibility splays, appropriate surfacing, the garages being retaining for the parking of vehicles and cycles, and any gates being located 5m rear of the carriageway boundary.

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

- Development of a garden/green field site is contrary to national policy.
- The site is open countryside outside of the village envelope.
- Planning policies in place direct development to urban areas on brownfield sites.
- 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 proposal has the dimensions of a two storey dwelling rather than a dormer bungalow as described.
- The regular bus route is once an hour on weekdays, reduced service on Saturdays, no service on Sundays from September.
- The proposed septic tank drainage line runs down the site close to the existing garage.
- 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

No letters of representation have been received.

Applicant's/Agent's submission

The applicant has submitted a design and access statement, foul drainage assessment, traffic survey and the requisite plans and application forms to support the application. These documents are available for inspection at the Guildhall and searching under the application reference number 15/00506/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

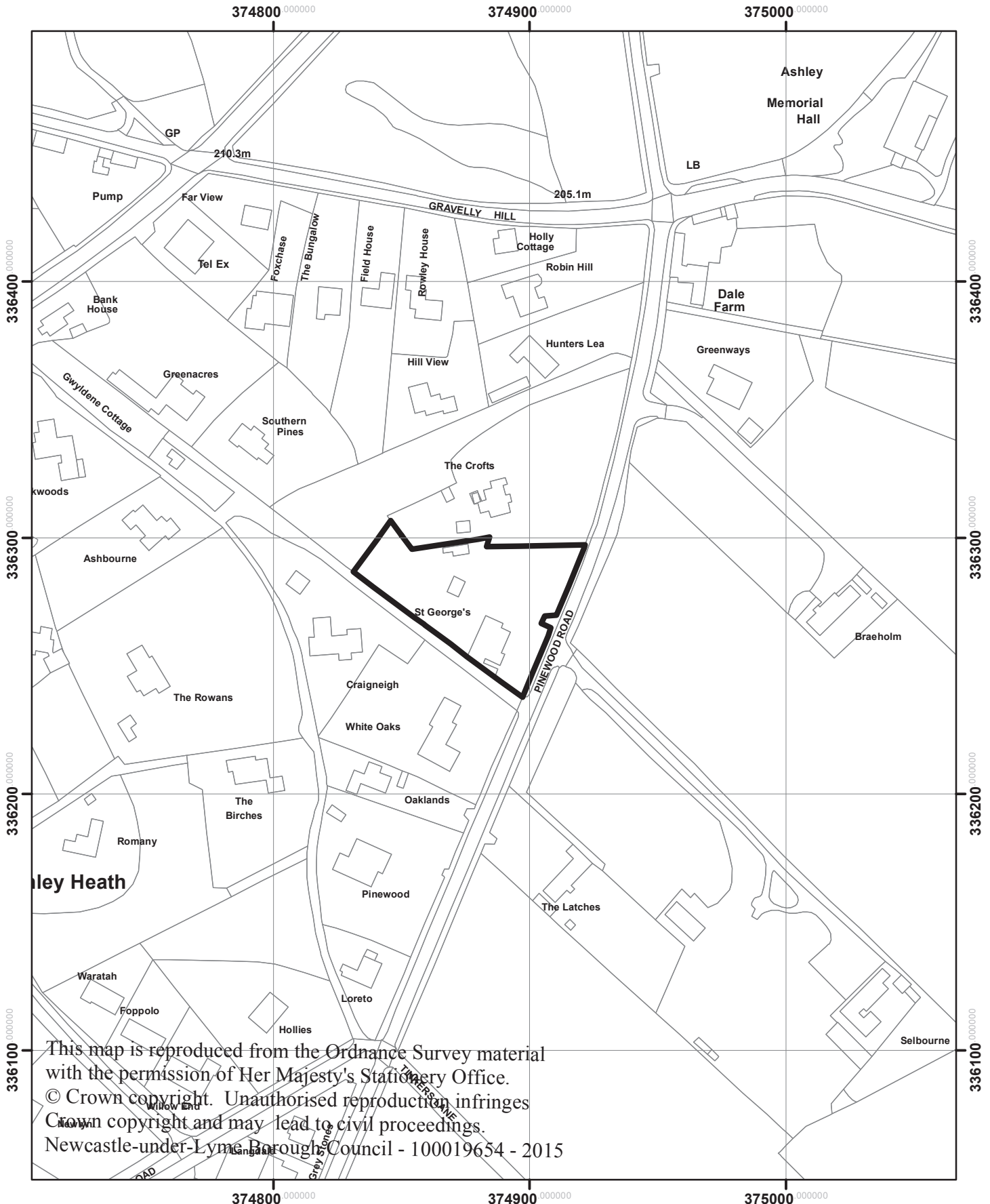
Planning files referred to
Planning Documents referred to

Date report prepared

29th September 2015

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Land adjacent to St Georges
 Pinewood Road, Ashley
 15/00506/FUL



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BEEHIVE COTTAGE, BACK LANE, BETLEY
MR & MRS WALTON

15/00662/FUL

The Application is for full planning permission for the retention of the use of an existing detached as independent residential accommodation.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Active Landscape Conservation (policy N18), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 23rd September 2015

RECOMMENDATION

Permit with the following condition:

- 1. Design measures to be submitted to the LPA within 3 months of the decision**

Reason for Recommendation

The retention of the change of use of the garage to residential is considered to represent appropriate development within the Green Belt. Whilst the building 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 position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in its use as a dwelling. The negative impacts of the development – principally its location 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

Pre application discussions with the applicant were undertaken supporting information has been submitted with the application. This is now 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 full planning permission for the retention of the use of the garage as independent residential accommodation.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Active Landscape Conservation (policy N18), as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The principle of the change of use to residential accommodation,
- The impact on highways safety and amenity, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF identifies in paragraph 90 that certain development is not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of a permanent and substantial construction.

The applicant has indicated that the detached garage has accommodated a self-contained granny annexe for a period of over 20 years. No works of extension or alteration are proposed or have been carried out and so the retention of the use as independent residential accommodation is considered to represent appropriate development which complies with Green Belt guidance, as stated at paragraph 90 of the NPPF.

The principle of the change of use to residential accommodation

The applicant has indicated within their submission that the proposal seeks permission the retention of the annexe, which would continue to be used independently of the main dwelling.

Policy ASP6 of the adopted Core Spatial Strategy 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.

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

The 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. Policies such as NLP H1 and CSS ASP6 have to be considered to be ‘out of date’, at least until there is once again a five year housing supply. The starting point therefore must be one of a presumption in favour of residential development.

Paragraph 55 of the NPPF requires housing to be located where it would enhance or maintain the vitality of rural communities and seeks to avoid the provision of new isolated homes in the countryside unless there are certain special circumstances.

As indicated the application is for the retention of the detached building for residential use as opposed to a new building. The residential unit comprises a small one bedroom property with small shower-room, galley kitchen, lounge and bedroom. The applicant has stated that the accommodation adds diversity to the housing mix of Betley.

The property is approximately 400 metres from the edge of the village development boundary and 800 metres from the centre of the village of Betley. Recent planning decisions have recognised that due to the public transport opportunities and services on offer, Betley can be considered a fairly sustainable rural location.

This site in particular is within walking distance of the services on offer in Betley with pavements and street lighting making the village easily accessible. There are also bus stops within the immediate locality.

Paragraph 14 of the NPPF requires that development should be permitted unless its benefits would be outweighed by significant and demonstrable adverse effects or where other specific policies indicate that it should be restricted.

The benefits would be that the residential unit would make a contribution to the housing stock in the rural area and the borough whereby there is a current shortfall of housing supply. Officers also agree with the applicant’s view that a small one bedroom unit would offer diversity to the housing mix in the

area. It would also contribute to supporting local shops and other services within the rural area. The application would therefore be in accordance with the principles of sustainable development set out in Framework when taking its policies as a whole.

Whilst the applicant has indicated that they would accept a condition which would not allow the residential annex to be severed from the main dwelling, it is considered that a condition would not meet the six tests identified in the PPG. The PPG states that "Any proposed condition that fails to meet any of the six tests should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party. Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis."

There is considered to be no justification for a condition in this instance.

The impact on highways safety and amenity

The detached building is within the residential curtilage of Beehive Cottage and is served by one single access point. The Highways Authority and Environmental Health Division have raised no objections to the building becoming a separate self-contained unit but a condition requiring design measures to be submitted within 3 months which ensure internal noise levels are achieved is advised by EHD. Whilst a separate and independent garden area is not currently proposed or provided, the overall curtilage of the property and the position of the building in relation to the main house is such that an independent garden could be provided.

Do the required very special circumstances exist (to justify inappropriate development)?

As it has been concluded that the development represents appropriate development within the Green Belt there is no requirement for very special circumstances to be demonstrated in this instance. .

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy H15: Small Additional Dwelling Units Within The Curtilages of Existing Dwellings
Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N18: Area of Active Landscape Conservation

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Relevant Planning History

None relevant

Views of Consultees

The **Environmental Health Division** raises no objections subject to a condition requiring the submission and approval of design measures to mitigate against noise impact.

The **Highways Authority** raises no objections.

Betley, Balterley & Wrinehill Parish Council raises no objections.

The Urban Design and Conservation Service has raised no objections

Representations

No letters of representation have been received

Applicant/agent's submission

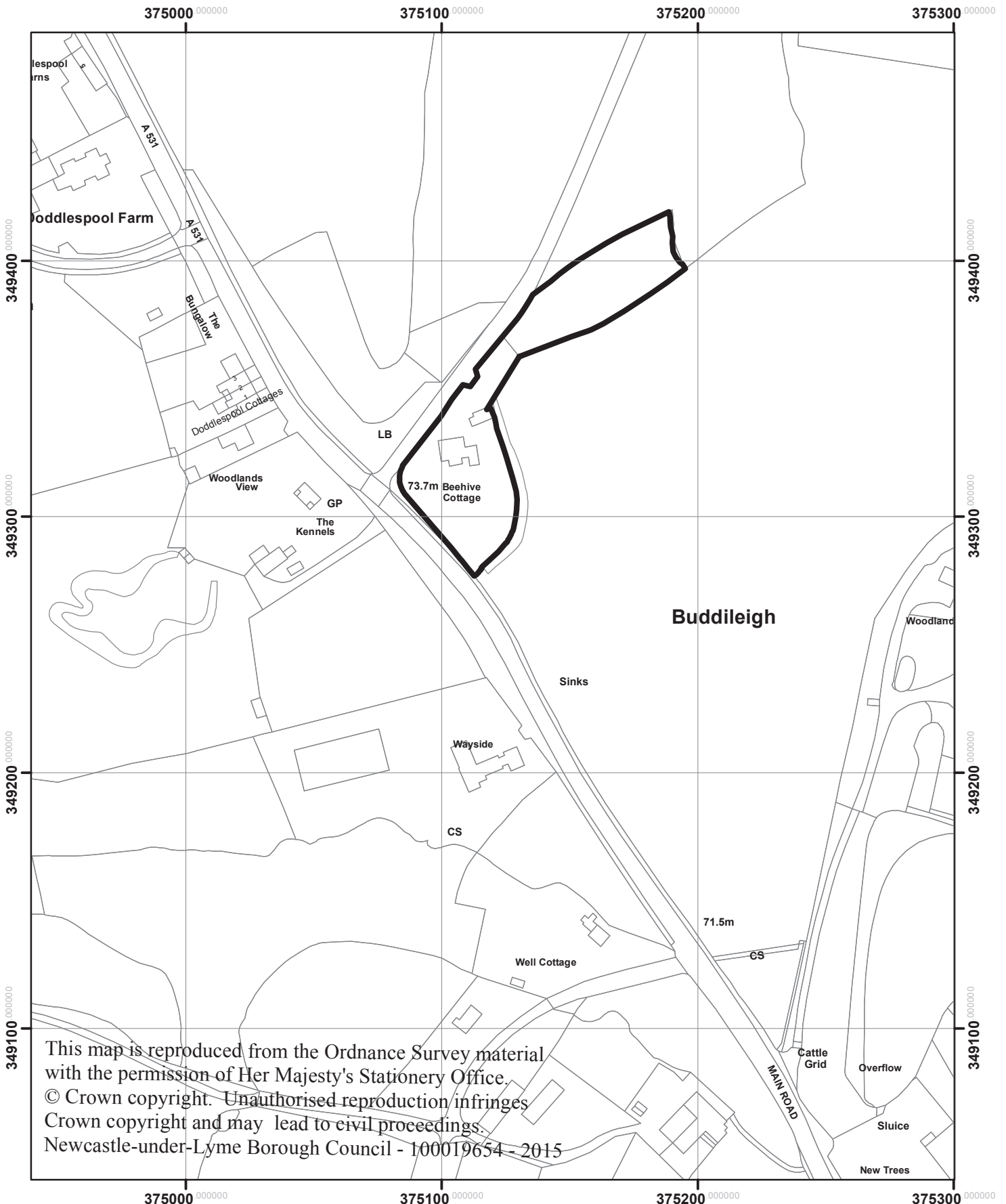
The applicant has submitted a comprehensive planning statement to support the application. This document is available for inspection at the Guildhall and searching under the application reference number 15/00662/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

28th September 2015



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RED ROOFS, HIGH LANE, ALSAGERS BANK
ROBERT LYTHGOE

15/00747/FUL

The Application is for full planning permission for the retention of change of use of a double garage to a community radio station, car parking spaces and installation of air conditioning unit at a residential property in Alsagers Bank. The erection of an 18 metre mast is also proposed.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 9th October 2015

RECOMMENDATION

Permit with the following conditions:

1. **Standard time limit for implementation of permission.**
2. **Approved plans.**
3. **The community radio station use shall not be used independently of Red Roofs, High Lane.**
4. **The mast and associated equipment shall be permanently removed from the site when it ceases to be required.**
5. **Parking shall be provided as set out in the approved plans.**

Reason for Recommendation

The change of use of the detached garage is considered to represent appropriate development within the Green Belt but the mast and air conditioning unit do not meet one of the exceptions for appropriate development within the Green Belt and therefore represent inappropriate development within the Green Belt. The air conditioning unit would have a very limited impact on the openness of the Green Belt and is not visible from outside of the site. Whilst the mast would be visible from outside of the site it would not be visually prominent due to its lightweight structure and colour and would also have a limited impact on the openness of the Green Belt. Such harm to the Green Belt and landscape would however be outweighed by the benefits of the development, most notably the wider community benefits of a community radio station. These are considered to represent the very special circumstances required to justify the development. Any harm to highway safety and residential amenity levels could be mitigated through the imposition of conditions. The proposed development therefore accords with the policies of the development plan identified and the guidance and requirements of the National Planning Policy Framework.

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

Discussions with the applicant have been ongoing during the application and further supporting information has been provided. This is now 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 full planning permission for the retention of a change of use of double garage to community radio station, and the erection of an 18 metre mast, car parking spaces and installation of air conditioning unit.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The impact on the area of landscape restoration,
- The impact on the residential amenity of neighbouring occupiers,
- The impact on highways safety, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the recently published NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF identifies in paragraph 90 that certain development is not inappropriate in Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Engineering operations and the re-use of buildings provided that the buildings are of a permanent and substantial construction are included.

The garage was a building of permanent and substantial construction and as such this element is considered to be appropriate development as set out at paragraph 90 of the NPPF. The mast and the air conditioning unit would have an impact on the openness of the Green Belt and as they would not therefore meet any of the exemptions outlined within the NPPF they represent inappropriate development and should not be approved except in very special circumstances. Whether such very special circumstances exist will be addressed below.

The impact on the area of landscape restoration

Policy N21 of the local plan advises that the Council will support applications that help to restore the character and improve the quality of the landscape.

The air conditioning unit is small in scale and is placed up against the rendered garage which results in there being no views of it from any main vantage points.

The mast is proposed to be 18 metres in height and would appear similar to a lightweight telecommunications structure. It is proposed that it would be located towards the rear of the site and so would have some screening from the house and the converted garage, particularly of the lower sections. The top of the mast would be lightweight and by virtue of its colour it would be lost within the sky line, particularly from longer distance views. Therefore the impact on the landscape would be limited within the wider area.

The impact on the residential amenity of neighbouring occupiers

The application property is in residential use and the garage would be used as a community radio station. The applicant has provided information which suggests that disturbance will be minimal in terms of noise and traffic movements.

An objection has been received regarding the effect of the development on broadband speeds and radio reception. The Environmental Health Division has raised no objections to the application and they stated that Television Interference and Electromagnetic Compatibility issues are sometimes reported to the Council in the vicinity of radio broadcasting facilities. These are outside the remit of the Environmental Health Department (EHD) and any concerns regarding these should be reported to OFCOM.

The hours of operation are detailed as being 6am until 10pm which are considered acceptable. EHD have not advised of a restriction on these hours and so a condition is not considered necessary.

In consideration of the above it is accepted that the community radio station use of the site would not result in a significant harm to the residential amenity levels of neighbouring properties. The use has the potential to have an unacceptable impact on the living conditions of the occupiers of the existing house (Red Roofs) if it is operated separately and as such it is appropriate to impose a condition which ties the use of the garage to the occupation of the existing residential property. Subject to this condition the application would accord with the requirements of the NPPF.

The impact on highways safety

The community radio station would operate from the existing garage and the existing access for the residential dwelling would be used. The level of parking (five spaces) provided is considered to be adequate for the community radio station and residential property. Overall it is considered that no highway safety concerns arise from this development.

Do the required very special circumstances exist (to justify inappropriate development)?

The NPPF indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicants submission states that community radio stations give a voice to the people and it is a 'not for profit' organisation. The purpose is to give help and support to not for profit groups and charities whilst acting as a focal point for information for the people of Newcastle.

The fm community radio station licence has been obtained from Ofcom following support from a number of parties including a former leader of the Council, a former Mayor, and local businesses in 2012.

The applicant considers that the studio at Red Roofs is situated in an ideal location for a community radio station. In addition he advises that a minimum height of 18 metres is required for the mast in order to reach the licensed coverage area. The mast is the recommended manufacturers colour to blend into the skyline.

The National Planning Policy Framework (NPPF) at paragraph 42 details that "advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services."

It is clear that there are community benefits that the proposed development would bring and that it is supported by a number of organisations within Newcastle. There are no other community radio stations within the borough. The mast has been designed to have the minimum impact possible to provide the necessary coverage benefits. Once the mast is no longer required it can be removed with relative ease and without harm to the landscape - a condition ensuring this can be attached to any permission.

Weighing these matters in the balance and having particular regard to the moderate landscape impact it is considered that the benefits do outweigh the harm identified and accordingly that it would be appropriate to grant planning permission on this basis.

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

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

| | |
|-------------------|---|
| Strategic Aim 16: | To eliminate poor quality development; |
| Policy SP1: | Spatial Principles of Targeted Regeneration |
| Policy ASP6: | Rural Area Spatial Policy |
| Policy CSP1: | Design Quality |

Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N21: Area of Landscape Restoration

Other material considerations include:

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

Relevant Planning History

None relevant

Views of Consultees

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

The **Highways Authority** raises no objections

Audley Parish Council supports the application

Representations

Two letters of representation have been received raising the following objections/ concerns;

- Safety concerns about a mast following an incident when the mast was erected previously,
- Concerns about the development affect broadband speeds and radio reception,
- All vehicle parking should be off road due to highway safety on High Lane, and
- There should be a restriction on hours of operation.

Applicant/agent's submission

The applicant has provided detailed information to support the application which includes elements of the application to Ofcom for the community radio station licence which was granted. The information includes submissions from a former leader of the Council, Mayor, Councillors, Aspire Housing director's etc.

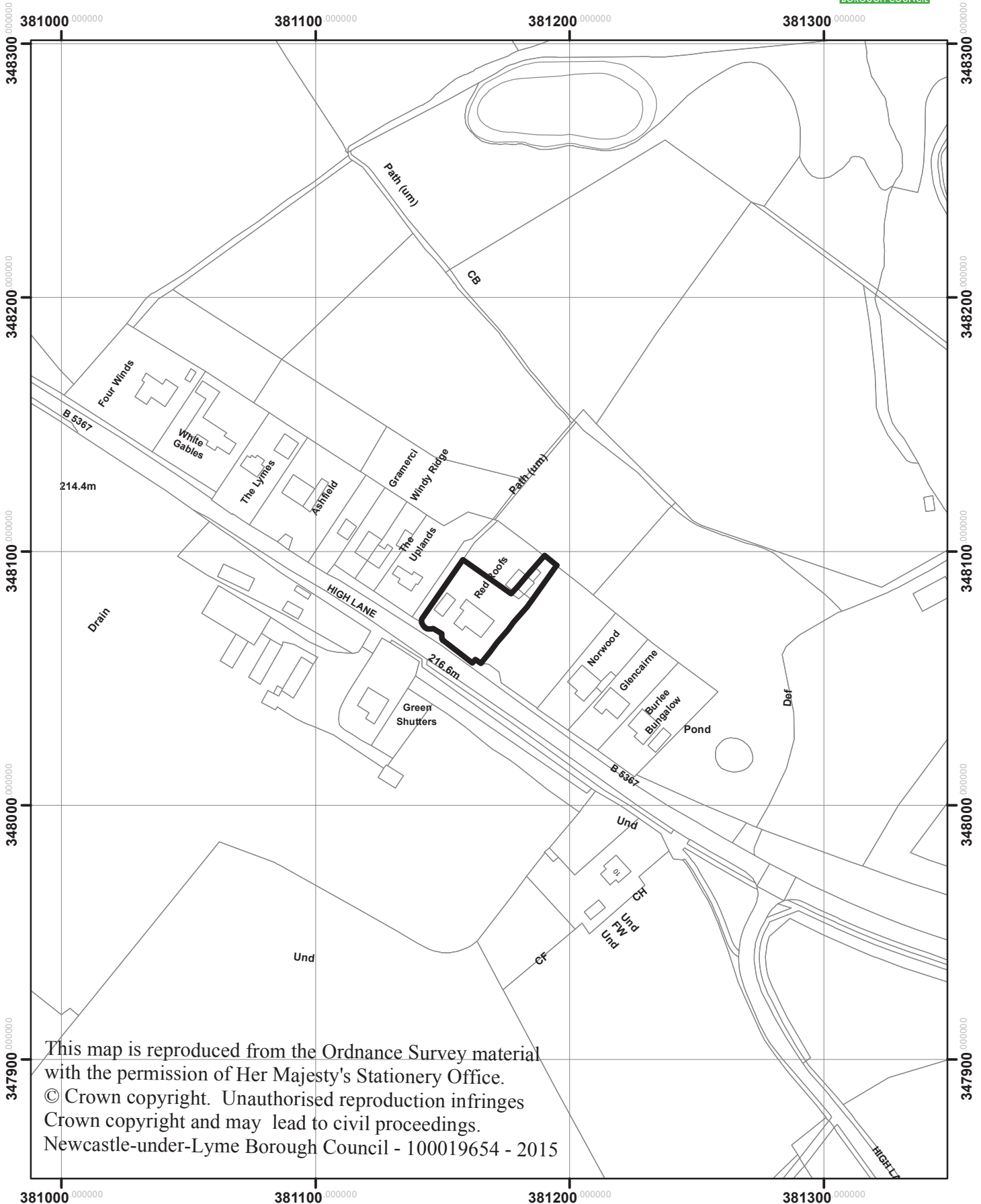
The documents are available for inspection at the Guildhall and searching under the application reference number 15/00747/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th September 2015



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**LAND ADJACENT 7 THE ROOKERY, SILVERDALE
CAXTON BUILDERS (MIDLANDS)**

15/00702/FUL

The Application is for full planning permission for the erection of a terrace of 3 two storey dwellings consisting of 2 x 2-bed houses and 1 x 3-bed house.

The site lies within the Urban Area as specified on the Local Development Framework Proposals Map. Access to six parking spaces is off The Rookery and May Street.

The application has been called-in to Committee for a decision at the request of two Councillors.

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

RECOMMENDATION

Permit subject to conditions concerning the following matters:

- 1. Standard time limits**
- 2. Approved plans**
- 3. Hard and soft materials including surfacing**
- 4. Boundary treatments**
- 5. Approval of recyclable materials and refuse storage**
- 6. Tree protection**
- 7. Landscaping proposals**
- 8. Construction Method Statement**
- 9. Construction hours**
- 10. Noise assessment/Internal noise levels**
- 11. Contaminated land**
- 12. Surface water drainage details**

Reason for Recommendation

There is an existing outline planning approval (Ref 15/00081/OUT), granted 7th April 2015, for the redevelopment of this sustainable site with a pair of semi-detached houses so the principle of the redevelopment of the site has been established. As the density of development in this proposal is increased when compared to the approved scheme, there have been a number of concerns expressed, including parking provision, landscaping and access, which have all been satisfactorily addressed by means of an amended layout. Subject to the imposition of suitable conditions it is considered that there would not be any adverse impacts caused by the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

An amended layout was considered necessary to address the key issues of concern. This application is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

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

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- Would there be any adverse impact on trees?

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

Is the principle of residential development on the site acceptable?

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.

Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes. The site lies within the Urban Area as specified on the Local Development Framework Proposals Map.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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.

The proposal involves the use of previously developed land, which amounts to a brownfield site, within walking distance of access to public transport and the full complement of services within Silverdale and Newcastle town centre. This is considered to be a sustainable location for residential development. The redevelopment of the site for residential development has already been established through the grant of outline planning permission in April this year. In this instance it is considered that the principle of residential development on the site is acceptable.

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

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

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.

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

The Urban Design SPD states that new development should respond to the typical forms of buildings in the 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.

The block plan submitted with the application showed three terraced dwellings with front gardens, driveways and rear gardens facing The Rookery. The character of the area is mixed, with bungalows, semi-detached and terraced properties; therefore the principle of terraced dwellings would be in keeping with the area. The amended layout has adjusted the position of the new houses to (i) pull them away from the corner where The Rookery joins May Street, (ii) improve parking provision, (iii)

include reference to tree planting and (iv) safeguard the root area of the Sycamore tree that lies on the boundary of the site with Number 7, The Rookery.

As the scheme is for a terraced style of housing that predominates in this locality it is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and would not have any significant adverse impact upon the character and appearance of the locality.

Would there be any adverse impact on residential amenity?

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure.

The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

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

The re-development of this corner site is to be laid out to roughly align the new housing units with the existing dwellings along The Rookery and to have sufficient separation from the existing dwellings fronting May Sreet to the south, that there will not be any overlooking or loss of privacy. The new properties will be in close proximity to the Pentecostal Church on the northern side of The Rookery. To safeguard against noise problems, within the new dwelling units, a noise assessment is recommended by the Environmental Protection Team and advice about the control of dust will be forwarded to the applicants. It is considered that the proposed dwellings will comply with the spacing standards within the council's SPD.

Overall it is considered that the proposed development would have an acceptable impact upon amenity.

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

The Highway Authority (HA) has objected to the original layout because of insufficient parking provision (which could lead to parking occurring on the highway) and the lack of visibility splays from the proposed accesses along May Street and The Rookery.

The NPPF indicates (paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site formerly served as a car park with private garages. Indeed two of the garages remain and front onto The Rookery. There is a space between the garages and number 7 The Rookery which appears to be used for informal off street parking. In response to the highway concerns an amended layout plan has been submitted which shows an increase in on-site parking provision so that all three units will have two parking spaces each. This complies with the prevailing parking standards for this type and scale of housing development.

Noting that the parking provision on The Rookery will occupy existing parking spaces and the additional parking at May Street will be alongside the cul de sac head, your Officer's view is that the necessity for visibility splays to be provided is minimal so, subject to the imposition of conditions, the impact of the proposed development on highway safety grounds would not be severe and therefore an objection on such grounds could not be sustained.

Would there be any adverse impact on trees?

The existing site is devoid of any significant tree growth with evidence of trees having been removed at an earlier date. There is a Sycamore on the boundary which appears to be owned by the neighbouring resident. Whilst this tree offers little by way of a natural or environmental asset it would still be good practice to safeguard it in the development as it is likely that its root system extends into

the development site. The amended layout will provide sufficient space between its canopy and root area to ensure that excavations on site will not harm it.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework, therefore no amendments/ improvements have been sought from the applicant.

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

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

| | |
|--------------|--|
| Policy SP1: | Spatial Principles of Targeted Regeneration |
| Policy SP3: | Spatial Principles of Movement and Access |
| Policy ASP5: | Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy |
| Policy CSP1: | Design Quality |
| Policy CSP3: | Sustainability and Climate Change |
| Policy CSP4 | Natural Assets |

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

| | | |
|--------------|--|----------|
| 15/00081/OUT | Erection of one pair of semi-detached houses | Approved |
|--------------|--|----------|

Views of Consultees

Silverdale Parish Council raises concerns about the level of parking available in a busy area.

The **Environmental Health Division** has no objections subject to conditions regarding internal dwelling noise levels, site investigation works in respect of land contamination; contamination remediation scheme, unexpected contamination measures; importation of soil/materials.

The **Landscape Development Section** advise that permission should be subject to the submission of a landscaping plan which should include tree planting to mitigate the loss of the trees removed to clear the site and subject to tree protection to BS5837:2012 for the existing tree within the rear garden of 7 The Rookery.

The **Highway Authority** recommends refusal because the submitted application fails to provide sufficient parking facilities for each individual unit resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway; the submitted application does not provide any visibility splays from the proposed accesses onto either May Street or The Rookery.

Representations

No letters of representation have been received as a result of the publicity undertaken on this application.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement

The documents is available for inspection at the Guildhall and searching under the application reference number 15/00702/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

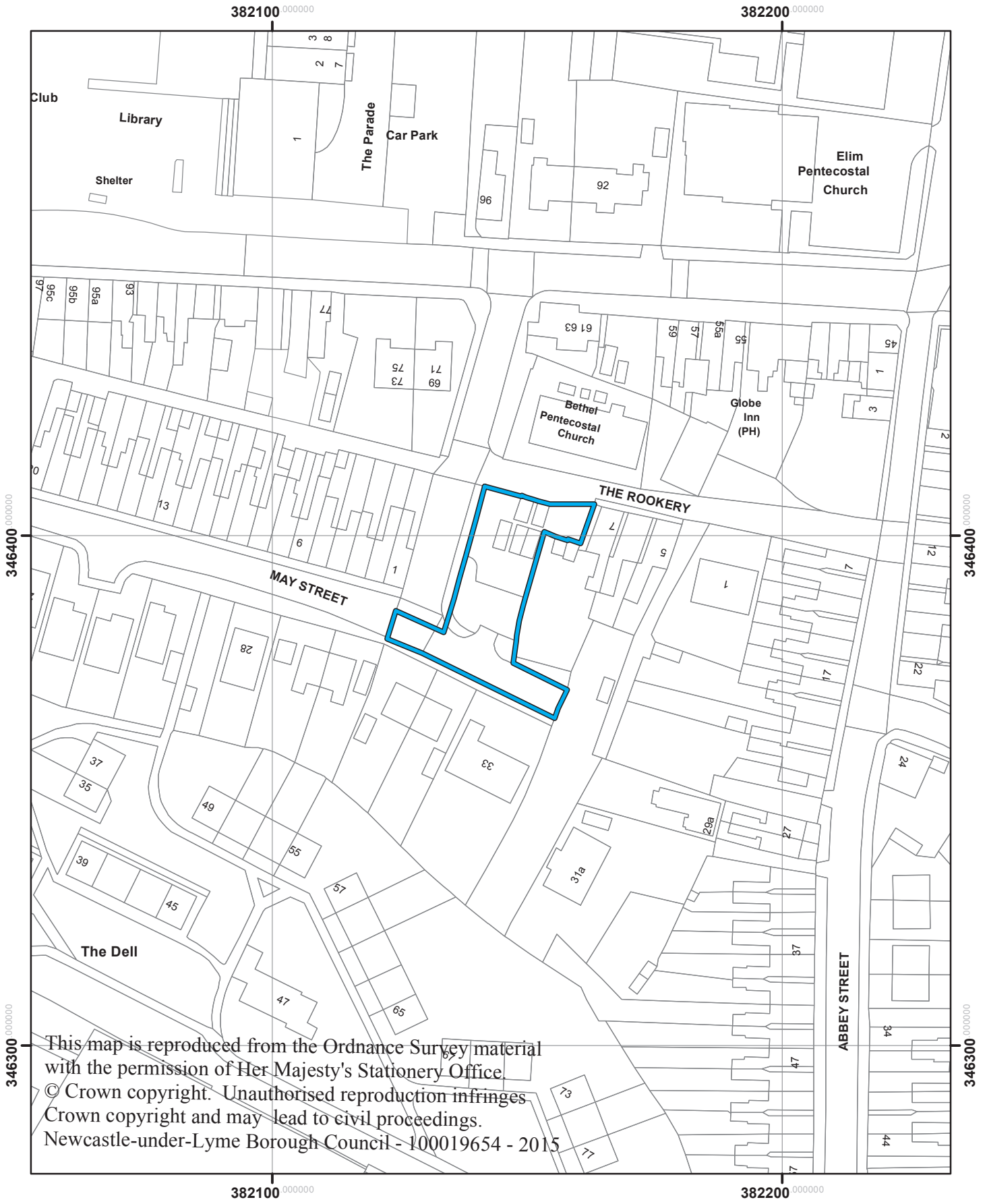
Planning files referred to
Planning Documents referred to

Date report prepared

29th September 2015

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Garage Site adj 7 The Rookery,
Silverdale
15/00702/FUL



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**BAR HILL VILLA, BAR HILL ROAD, ONNELEY
MR D JOHNSON**

15/00638/FUL

The application is for full planning permission for the retention of an extension to an existing caravan park. The extension is used for a maximum of 18 caravans, for both storage and as an extension to the existing caravan holiday park.

The application site lies within the open countryside and within an area of Landscape Maintenance, as indicated by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors as the site would help to promote visitors to the area, supporting many visitor attractions in the area. In addition many people have difficulty finding suitable local storage facilities for their caravan after the summer season.

A decision on the application was deferred at the meeting of the Committee held on 15th September to enable the Committee to visit the application site. This report has been revised principally to take into account new material received since the previous report was prepared on the 28th August.

The 8 week period for the determination of this application expired on the 9th September 2015.

RECOMMENDATION

(a) REFUSE for the following reason:

- 1. The proposed development is not in a sustainable location and it has not been demonstrated that the proposal will provide enhanced economic benefits through the provision of employment or the support of local rural business. In addition the proposal would adversely harm the landscape quality of the area and as such there is no justification to set aside local and national policies which seek to safeguard the countryside for its own sake. The proposal is therefore contrary to Policies ASP6, CSP1, CSP3, CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 -2026; Policies N17 and N19 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2012.**

(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 caravans from the site within three months.

Reason for Recommendation

The proposed development is not in a sustainable location and it has not been demonstrated that the proposal will provide enhanced economic benefits through the provision of employment or the support of local rural business. In addition the proposal would adversely harm the landscape quality of the area and as such there is no justification to set aside local and national policies which seek to safeguard the countryside for its own sake. The proposal is therefore contrary to Policies ASP6, CSP1, CSP3, CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 -2026; Policies N17 and N19 of the Newcastle under Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2012.

As the use has already commenced it is considered appropriate, given the harm that has been identified, to take appropriate enforcement action to secure the removal of the caravans from the site.

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

Discussions were held with the applicant, however the application is considered to be an unsustainable form of development and is therefore contrary to the aims of the National Planning Policy Framework 2012.

Key Issues

This application is for full planning permission for the retention of an extension to the existing caravan site at Bar Hill Villa, Bar Hill Road, Onneley. The applicant states that a limited number of 18 caravans for touring and storage purposes are sited on the extended part of the site.

The site is located behind an existing touring caravan site which fronts the main A525. The existing caravan site was granted planning permission in 1999 and provides a touring site and winter storage for 24 caravans.

There is an existing access to the site, therefore no further access point from the A525 is proposed. The applicant proposes to plant Silver Birch and Mountain Ash trees on the mounds surrounding the site to provide screening.

Planning permission was refused in 2010 for a storage area for 47 caravans on the site. This application was refused for the following reason:

The proposed development is not in a sustainable location and it has not been demonstrated that the proposal will provide enhanced economic benefits through the provision of employment or the support of local rural business. In addition the proposal would adversely harm the landscape quality of the area and as such there is no justification to set aside local and national policies which seek to safeguard the countryside for its own sake. The proposal is therefore contrary to Policies D1, D2, D4, T1A, NC1 and NC2 of the Staffordshire and Stoke on Trent Structure Plan 1996 - 2011; Policies SP1, ASP1, CSP1, CSP3, CSP4 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 -2026; Policies N17 and N19 of the Newcastle under Lyme Local Plan 2011; the guidance in the Supplementary Planning Guidance to the Staffordshire and Stoke on Trent Structure Plan "Planning for Landscape Change", and the aims and objectives of PPS1, PPS7 , PPG13 and the Good Practice Guide on Planning for Tourism 2006.

The Inspector dismissed the appeal, concluding that the proposal would unacceptably harm the character and appearance of the countryside, and there were no material considerations that would outweigh this harm.

Since the appeal was dismissed, National Planning Policy Statements have been replaced with the National Planning Policy Framework, and the Staffordshire and Stoke on Trent Structure Plan has been revoked. This report will consider the effect of these changes in policy and whether this now makes the development, which is of a similar nature, acceptable, along with taking into account the reduction in the number of caravans being stored and used on the touring park.

The main issues in the consideration of the application are:

- Is the proposal acceptable in terms of its impact on the form and character of the area and area of Landscape Maintenance?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety?
- 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?
- Recommended enforcement action

Is the proposal acceptable in terms of its impact on the form and character of the area and the impact on the Area of Landscape Maintenance

The caravans are already being stored and used at the site, in addition to the existing site adjacent to Bar Hill Road. The site is an area of crushed stone and is enclosed by low grassed mounds. The site lies within the open countryside and a Landscape Maintenance Area, as indicated by the Local Development Framework Proposals Map.

The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Policy N19 of the Local Plan states that, in Landscape Maintenance Areas, the Council will seek to maintain the high quality and characteristic landscape, and where development can be permitted, it will be expected to contribute to this aim, with it being necessary for development not to erode the character or harm the quality of the landscape.

Prior to being used for the storage of caravans and as a holiday park, the site was used for general storage, parking for haulage vehicles with plant and equipment, maintenance of these vehicles and other vehicles and equipment such as earth moving vehicles, tractors and equipment, storage of building equipment and materials, laying of hardstanding and access roads. This use was granted in 2012 under reference 12/00333/ELD via an Existing Lawful Development Certificate, as the applicant was able to demonstrate that this use had been carried out for at least 10 years. It is important to note that the site would have been being used for this use during the application and planning appeal for the caravan storage in 2010/2011, so the Planning Inspector would have seen the site being used as such but still found the proposed use for storage of caravans to be unacceptable.

The reduction in the number of caravans since the previous application will reduce the overall impact of the use on the wider landscape, however the caravans would still be conspicuous, being generally white/ light coloured and would still have a detrimental impact, detracting unacceptably from the character and appearance of the countryside. It is very difficult to incorporate caravans into the countryside and landscape due to their light colour. Landscaping would take time to establish, and the existing low bunds do not fully screen the caravans from wider views. The site has restricted visibility from the road, however there are public rights of way which run adjacent to the site and the caravans are visible to users of the public right of way.

The area is rural in character, and it is considered that the reduction in the number of caravans would not overcome the reasons for dismissal of the appeal in 2011. This site is viewed within the context on the existing lawful touring caravan site which is visible from the highway as well as the public right of way. The Inspector, in dismissing the appeal in 2011, concluded that the proposal would serve only to erode the rural character further and consolidate the cluster of non agricultural operations. It is considered that, despite the potential for additional landscaping, the proposed development would have a detrimental impact on the landscape qualities of the area and as such there is no justification to set aside the policies which seek to safeguard the countryside for its own sake and therefore the proposal should be resisted.

For these reasons, it is considered that the development harms the character of the landscape, and conflicts with Policies N17 and N19 of the Local Plan, and with the aims and objectives of the National Planning Policy Framework.

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.

There are some residential properties to the south east of the site approximately 30 – 35 metres from the caravan site, however there are trees and vegetation that provides a good level of screening to ensure that the caravans would not lead to a material loss of amenity to these residential properties.

Is the proposal acceptable in terms of highway safety?

The development for up to 18 caravans to be stored or used as holiday accommodation at the site will lead to increased trips to the site. As it is for holiday accommodation, the trips to and from the site would be likely to be more frequent than if it was just for storage. These trips would be added to the existing trips generated by the permitted holiday park with winter storage at the front of the site.

The Highway Authority has no objections to the application and no conditions are recommended.

Overall, the application would have an acceptable impact on highway safety and the application should not be resisted on these grounds.

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?

Letters of support have been received stating that the caravan site supports the local economy and that it is a well used site.

The Planning Inspector took these issues into consideration on the previous application. The National Planning Policy Framework supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The Framework states that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, and promote the development and diversification of agricultural and other land based rural businesses.

There is a permitted touring park and winter storage at Bar Hill Villa, and this application seeks retrospective permission to expand the use. However, the benefits to the local economy that arise from the caravans on the extension to the existing caravan site have not been quantified, and the arguments concerning support for local businesses could be applied to most new development in the countryside. Any benefits to the local economy would not outweigh the harm caused by the development to the open countryside.

Recommended enforcement action

As the proposal is considered to be harmful to the countryside, it is recommended that the application is refused, and as the use is already in operation it will be necessary to take appropriate enforcement action to seek the removal of these caravans from this part of the site which is harming the character of the countryside.

This would involve serving an enforcement notice to seek removal of the caravans from the new site within a specified time frame. 3 months is considered an acceptable length of time for the owners of the caravans to seek alternative storage solutions and remove them from the site.

In terms of the raised bunding, this would not need to be removed as part of the enforcement proceedings as this in itself is not harmful.

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

| | |
|-------------|---|
| Policy T16: | Development – General Parking Requirements |
| Policy N17: | Landscape Character: General Considerations |
| Policy N19: | Landscape Maintenance Areas |

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

| | | |
|--------------|-----------|--|
| 00/00616/FUL | Refused | Siting of residential caravan for security purposes (appeal dismissed) |
| 01/00243/FUL | Refused | Engineering and earth moulding operations to form ornamental pool and associated landscaping |
| 01/00881/FUL | Permitted | Engineering and earth moulding operations to form ornamental pool and associated landscaping |
| 10/00227/FUL | Refused | Storage of domestic caravans (appeal dismissed) |
| 11/00025/ELD | Refused | Application for a certificate of lawfulness for existing use as General storage, parking of haulage vehicles also plant and equipment together with maintenance, including agricultural equipment. The storage of timber and building materials |
| 12/00333/ELD | Permitted | Use of site for general storage; parking of haulage vehicles with plant and equipment; maintenance of such vehicles and other vehicles and equipment such as earth moving vehicles, tractors and equipment. Storage of building equipment and materials. Laying of hardstanding and access roads |

Views of Consultees

The **Environmental Health Division** comments that the proposal is to use the existing waste storage and disposal arrangements to service the proposed extension. Waste from an additional 18 caravans may result in the current arrangements leading to an impact on the surrounding area. Therefore request a condition requiring prior approval of waste storage and collection arrangements. The Caravan Sites and Control of Development Act 1960 requires that caravan sites hold a licence issued by the local authority. There are a large number of exemptions from the requirement to hold such a licence and the applicant should satisfy himself that he qualifies for such an exemption or obtain a caravan site licence by calling the Housing Team on (01782) 717717.

This may have implications for the layout and facilities on site, including the provision of waste storage and refuse disposal

Also recommend external lighting is prohibited, and to seek prior approval of any external lighting. Recommend an informative regarding the importation of waste materials to facilitate construction

The **Landscape Development Section** has not got capacity to provide comments on the application

The **Highway Authority** has no objections

The **County Footpaths Officer** states that the proposal does not appear to directly affect the public footpaths.

Madeley Parish Council has no objections to the application providing that evergreen screening is adequate for neighbours and from the public footpath, including from lower down the hill. This should ensure that the white caravans will not dominate the landscape

Representations

14 letters of representation have been received, in addition to 3 letters of support submitted with the application submission. These are summarised below:

- Ideal caravan site close to Stoke on Trent
- Clean and welcoming site
- Frequently spend weekends at the camp site
- Easily accessible site and plenty of space between the vans
- The caravan site supports the local area including the Wheatsheaf Public House, the farm shop, cricket and golf clubs
- The caravans are hardly noticeable to any cars driving past and not visible to many houses
- The site facilitates the enjoyment of the area and contributes to the local economy
- The development will bring extra trade to the local area and is putting Onneley/ Madeley area on the map
- The countryside is for everybody to enjoy
- It is a peaceful and well-kept site
- When staying at the site, visitors use the local facilities such as the pub, shops and restaurants

Applicant's/Agent's submission

The documents is available for inspection at the Guildhall and searching under the application reference number 15/00638/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

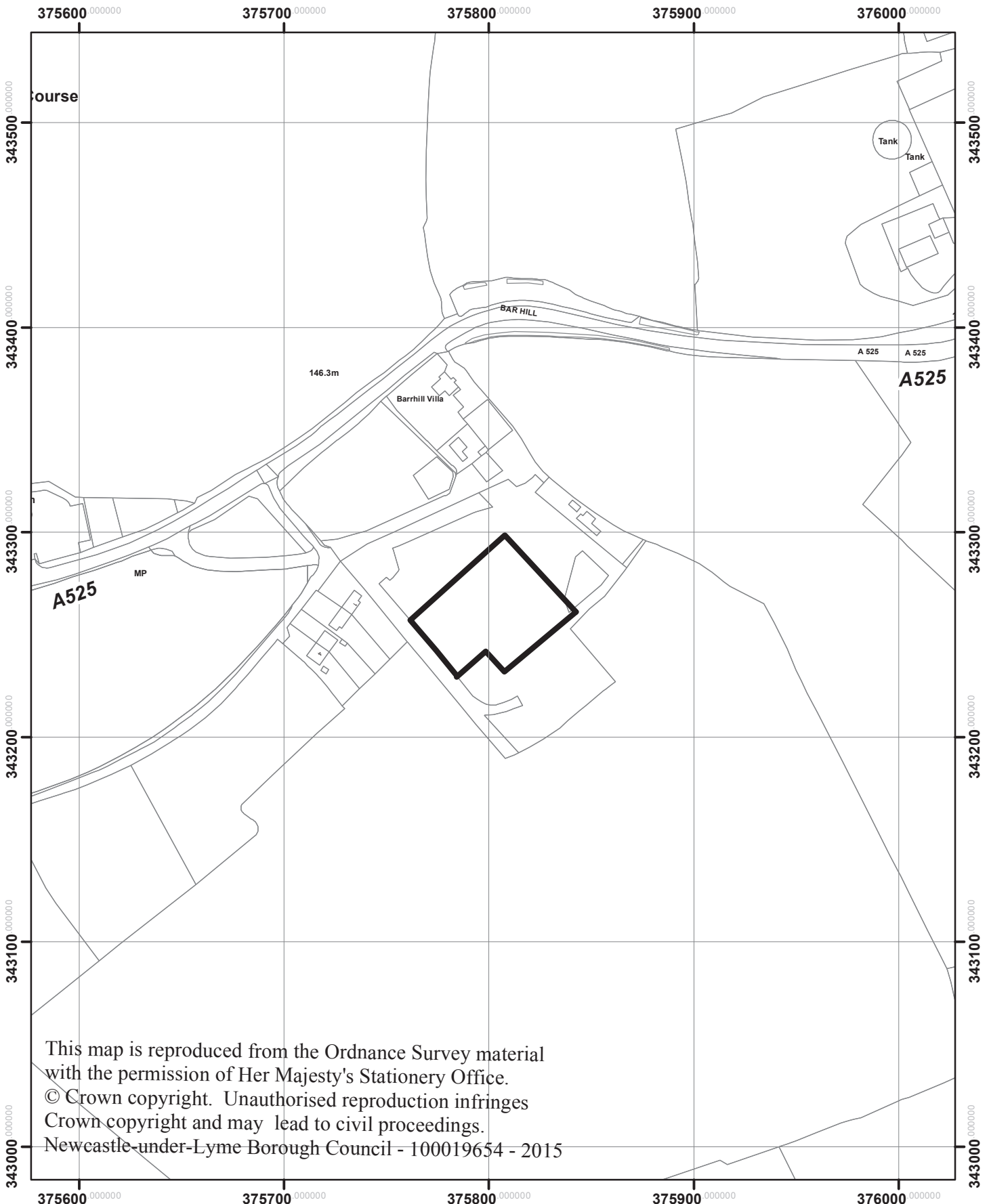
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

29th September 2015

Bar Hill Villa, Bar Hill Road
Onneley
15/00638/FUL



Newcastle under Lyme Borough Council
Planning & Development Services
Date 13.10.2015



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APPEAL BY EARDLEY HALL KENNELS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR AN EXTENSION AND NEW PITCHED ROOF TO REPLACE AN EXISTING FLAT ROOF AT EARDLEY HALL KENNELS, EARDLEY HALL COTTAGE, CROSS LANE, BIGNALL END

Application Number **14/00970/FUL**

LPA's Decision **Refused by delegated authority on 21st December 2014**

Appeal Decision **Dismissed**

Date of Appeal Decision **26TH August 2015**

The Inspector considered the main issues to be whether the proposal represents inappropriate development in the Green Belt, and if inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

In dismissing the appeal the Inspector made the following comments:

- The appeal site is a kennel complex and the extension proposed would be for a kitchen, reception area and toilet. Paragraph 89 of the National Planning Policy Framework (Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt. It then goes on to list certain exceptions to this which include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the limited or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green belt and the purpose of including land within it than the existing development.
- The proposed extension would result in a 220% increase over the original volume of the building, clearly amounting to a substantial increase in size over and above that of the original building.
- The proposal would represent a disproportionate addition to the existing building, and would therefore be inappropriate development in the Green Belt for the purposes of paragraph 89 of the Framework.
- The Inspector was satisfied that the proposed location of the extension is previously developed land, and therefore the effect of the proposal on the openness of the Green Belt and the purposes of including land within it were also relevant.
- Openness is an essential characteristic of the Green belt and it means freedom from development. The proposed extension would bring the building closer to other buildings and fences within the kennel complex, therefore reducing the space that exists around the building, resulting in a more solid mass of built development on the site which would detract from its more spacious nature at this point. The effect would deplete the openness of the Green Belt.
- The Inspector considered that the proposal represents inappropriate development in the Green Belt.
- The extension is intended to improve facilities for staff and clients, however no specific justification is provided as to why such a large extension is needed, and whether or not these needs could be met by a more modest sized extension. The Inspector attached moderate weight to this consideration.
- The proposal would generate some economic benefits during the construction phase, although of limited duration. The proposal would also allow for the creation of two part time jobs (one full time equivalent) and would represent an investment in a rural business. These benefits weigh moderately in favour of the appeal scheme.
- The appeal site is brownfield and the Framework does encourage the use of previously developed land which weighs moderately in favour of the proposal.
- Even if it were concluded that the proposal would not be harmful to the character and appearance of the area this would be a neutral matter where a lack of harm does not weigh in favour of the proposal.

- The Inspector had regard to the Framework's presumption in favour of sustainable development, however paragraph 14 does state that this applies unless specific policies indicate that development should be restricted including land designated as Green Belt (footnote 9).
- In conclusion, the proposed extension would result in disproportionate additions over and above the size of the original building. The proposal would reduce the openness of the Green Belt and it would conflict with one of the purposes of including land within it, specifically to safeguard the countryside from encroachment. For these reasons, the proposal would be inappropriate development in the Green Belt and the weight given to the harm to the Green Belt by reason of inappropriateness is substantial.
- Although several benefits weigh moderately in favour of the proposal, the matters do not clearly outweigh the totality of harm identified and therefore very special circumstances necessary to justify the development do not exist and the proposal would conflict with paragraphs 88 and 89 of the Framework.
- The appeal was dismissed.

Recommendation

That the decisions be noted.

APPEALS BY KEELE SEDDON LTD AGAINST THE DECISIONS OF THE COUNCIL TO REFUSE FULL PLANNING PERMISSION FOR THE DEVELOPMENT OF STUDENT ACCOMMODATION BLOCKS AT KEELE UNIVERSITY CAMPUS AND RESIDENTIAL DEVELOPMENT AT THE HAWTHORNS, KEELE AND CONSERVATION AREA CONSENT FOR THE DEMOLITION OF THE EXISTING STUDENT ACCOMMODATION BLOCKS AND MANAGEMENT BLOCK AT THE HAWTHORNS, KEELE

| | |
|---|--|
| <u>Application Numbers</u> | 13/00424/FUL & 13/00425/CON |
| <u>Recommendations</u> | Permit subject to conditions |
| <u>LPA's Decisions</u> | Refused by Planning Committee |
| <u>Appeal Decisions</u> | Appeals dismissed |
| <u>Date of Secretary of State's Decision</u> | 20th July 2015 |

The decision letter together with the Inspector's Report (IR) is available to view on the Council's website (as associated documents to applications 13/00424/FUL & 13/00425/CON) that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

The following is accordingly only a summary of the key points.

The appeals were 'recovered' for the Secretary of State's determination on the grounds that the proposal involves significant development in the Green Belt. **The Secretary of State agreed with the Inspector's recommendations and dismissed the appeals.** In recommending that the appeals be dismissed, the Inspector commented as follows:

Consideration One: Whether the proposed development of The Hawthorns site is needed to meet the housing requirements of the Borough and contribute to any short term housing land supply deficit

- There is no dispute that the Council cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework and therefore the policies that restrict housing supply are out-of-date.
- It is therefore concluded that the proposed redevelopment of The Hawthorns would contribute to the short term housing supply deficit.
- This would be an important benefit which weighs in favour of the scheme.

Consideration Two: Whether the proposed development of The Hawthorns site is appropriate development in the Green Belt

- Although the Council has not objected on grounds of inappropriateness, this is a matter that has been contested by the Parish Council on the grounds that there would be a significant loss of openness.
- When considering openness there are both quantitative and qualitative measures. The most useful quantitative measures seem to relate to the footprint and volume of the buildings. On the evidence there would be a significant reduction as the number of buildings would increase but they would occupy less space and would be smaller and lower than what exists at present.
- There would be buildings on parts of the site where none currently exists but when viewed from the rural land to the west it is difficult to imagine that there would be an impression that there had been a material loss of openness or detrimental change in character.
- There would be a greater spread of development across the site but from many viewpoints the existing spaces between blocks are not apparent and the impression is of a mass of three and four storey development. When considering openness it is clear that in quantitative terms the open character of the site would be preserved. In

qualitative terms there is greater subjectivity but it is concluded that openness would not be materially diminished.

- The appeal scheme would not be inappropriate development in the Green Belt (GB) and there is therefore no need to consider the matter of very special circumstances.

Consideration Three: The effect of the proposed development at The Hawthorns, including the loss of trees, on heritage assets

- The Design and Access Statement accompanying the planning application included a Statement of Significance but it is a rather superficial piece of work which does not address Paragraph 128 of the Framework. The Council has not undertaken a formal Conservation Area (CA) appraisal and the main evidence to be relied upon when assessing the significance of the heritage assets and the effect of the proposal upon them, is that provided by the heritage witnesses to the Inquiry. This includes a *Rapid Conservation Area Appraisal* which was undertaken by the Council's heritage expert for the purposes of the appeal.

The significance of the heritage assets

- The designated heritage asset is the CA and the non-designated assets are The Hawthorns, The Villa and its associated Barn. These contribute to the significance of the CA but they also have significance in their own right.
- It was generally agreed between the parties that the setting of the CA could be relatively widely drawn to include the agricultural landscape in which it is experienced. The remainder of the appeal site forms part of its setting. The green open spaces and mature trees within the Hawthorns site provide a green backdrop that contributes positively to significance.

The demolition of the existing buildings

- All buildings on the appeal site except Hawthorns House, The Villa and its associated Barn would be demolished. It is not considered that any of the institutional development, which is utilitarian in design and relatively uncompromising in appearance, contributes positively to the CA. In terms of scale and form there is little that reflects the features that characterise the estate village. The proximity of the buildings diminishes the open character and setting of The Villa and Hawthorns House. The removal of these buildings from within the CA and the accommodation blocks from within its setting would undoubtedly be a benefit in terms of the significance of the designated and undesignated heritage assets.

The renovation of the undesignated heritage assets

- Hawthorns House would be retained, renovated and converted to two apartments. The extensions and additions to the side and rear would be removed but the evidence suggests that some of the elements may have been built contemporaneously to the main house or as an early addition. Their removal would diminish the historic and architectural interest of the undesignated heritage asset to some degree.
- The front elevation, with its impressive entrance porch, and the eastern elevation, with its bay window, would be retained and refurbished. The overall proposal would improve the appearance of Hawthorns House and would introduce a new active use that would be likely to ensure its viability in the longer term. The benefits would outweigh the disadvantages and The Hawthorns would continue to contribute positively to the significance of the CA as a whole.
- The Villa would be converted into a dwelling and its setting would be improved by the removal of the conference suite to the rear. The Barn would be refurbished and converted into a garage for The Villa thus re-establishing the likely historical association between the two.
- The renovation and re-use of the undesignated heritage assets is considered to be a significant benefit of the appeal scheme.

The effect on the setting of Hawthorns House

- Looking at the historical records it is clear that the appearance and function of the open area of land in front of The Hawthorns has changed considerably over time with the establishment of the University campus.
- As a result the setting of Hawthorns House has been damaged but it is not considered that it has been destroyed. The mature limes along The Village frontage remain and the horse chestnut avenue marks the former route of the driveway to the farmhouse. There are some fine trees within this open space and its character as a front garden can still be distinguished. The walled garden to the east of the house can also be identified and the bay window on this elevation allows what may have been a planned view across to the spire of St John's Church. There is sufficient of heritage value remaining to contribute positively to the significance of the CA and there are still glimpses of Hawthorns House between the trees and more prolonged views when the deciduous trees are devoid of leaf.
- The appeal proposal would have a dramatic and adverse impact on the qualities that have been outlined above. Most importantly, the size of the open space in front of Hawthorns House would be substantially reduced through the erection of the 3 pairs of semi-detached houses facing towards The Village. Roadways would run along the northern and eastern edges of the open space. The proximity of the roadway and houses to the eastern elevation with its bay window looking towards the church, would be a serious disadvantage. The remaining open space would retain little functional relationship with Hawthorns House and its significance in terms of providing a setting for the undesignated heritage asset would be largely lost. This would also diminish the contribution of Hawthorns House and its setting to the significance of the CA. Whilst a treed open space would remain, its reduction in size and functionality would result in a serious loss of significance to the designated heritage asset.

The effect on trees

- Trees and green vegetation make an important contribution to the significance of the CA, both within the designated area and within its setting. These include the 298 trees on the appeal site.
- In total 161 of the 298 trees would be felled, including 107 protected by a TPO. On the whole those around the site boundaries would be retained.
- The most important tree losses would be those occurring within the CA itself. In particular those would be necessary to accommodate the northwards movement of the access road and the six semi-detached houses facing towards The Village. Felling would include 6 of the 10 mature Horse Chestnut trees that form the visually impressive avenue flanking the present access road into the site. The loss would have a considerable effect on the group value of these mature specimens. Also the protected Wellingtonia would be felled which was planted as a memorial tree and clearly has communal heritage value to those living in the village.
- The construction of 6 new dwellings would result in the removal of the group of 5 protected Horse Chestnuts, which are Category A trees and therefore of high quality and value. These are relatively close to the Horse Chestnut avenue and together provide a prominent and visually important landscape feature close to the front of the site. Whilst it is acknowledged that some of the important trees within this part of the CA would remain, sufficient would be lost to have substantial adverse impact on the character of this visually important landscaped open space.
- There was considerable debate at the Inquiry about whether the Root Protection Areas (RPAs) indicated by the Appellant were realistic. Other than in respect of the two Limes at the front of the site, it is considered that with suitable methodology and careful supervision, the health of the trees would be unlikely to suffer.
- However, there is considerable concern about the future health of 2 large protected Limes on The Village frontage. This is because the road and the trees are at a higher level and there is a bank down to the lower land within the site itself. The 6 frontage houses would be built on a raised platform and steps constructed down from the

pedestrian gateways and up to the front door. The RPA of these 2 trees would extend across much of the garden areas of these properties. The technical drawings show the use of no-dig construction methods for the descending steps from the road and a block paved raft on the level ground.

- However there was no indication that the ascending steps would be treated in any special way, apparently on the basis that the Appellant expects there to be little root penetration into this area as the trees would draw some of their nutrients and oxygen from rooting systems under the adjoining roadway. If this is not correct then a significant part of the RPAs would be likely to be within the area occupied by the ascending steps. These are very important trees in terms of their public amenity value and their contribution to the significance of the CA. It is not unreasonable to take a precautionary approach and in the circumstances, the future long term health of the 2 protected Limes is a considerable concern.
- New residents would be aware of the protected status of many of the trees before purchase and it is unlikely that the Council would find it difficult to resist requests for radical pruning or felling of protected trees.
- However there is concern about the semi-detached houses at the front of the site where the Lime trees are large mature specimens with canopied that would spread well into the front garden areas. One of the features of these trees is their 'epicormic' growth which sprouts thickly from the lower parts of the trunk. Regular pruning would be necessary to keep this under control. In the summer the front gardens would be overshadowed for parts of the day and the sole window in the living rooms of these houses would face in this direction. The trees would give a rather oppressive outlook in the summer months. This adds to the concerns about the suitability of the development on this part of the site.
- It is appreciated that the proposal includes 125 replacement trees and that these would provide some mitigation for tree losses within and around the site. However the success of the new planting would depend on good soil preparation and a careful maintenance programme, including a rigorous watering regime. Without such aftercare there is a likelihood that the trees would fail to prosper.
- Around the new entrance to the site a number of Lime trees would be planted but it would be many years before they would reach the height of the existing frontage trees. Overall the number of new trees would be significantly less than those to be lost and there is little doubt that the mature sylvan setting would be substantially and harmfully eroded even in the long term. Furthermore the context in which the new trees would be experienced, especially in terms of the open space within the CA, would be significantly diminished for the reasons given above.

The effect of the scale, form and layout of the development

- In the Design Review by MADE the semi-detached houses at the front of the site were viewed positively in townscape terms. However the undeveloped frontage along this side of The Village has been a feature since the mid-19th century. The diminution of the space in front of Hawthorns House by the insertion of these houses would be an important negative feature and it is not considered that this would be compensated by extending the frontage development. There may be some social benefit in integrating the new development with the remainder of the village but there is already social benefit from the enjoyment of the open space.
- The appeal scheme would be large and add considerably to the existing modest sized village but this would be countered by the removal of the incongruous and imposing accommodation blocks. It is acknowledged that there would be a greater spread of development across the site however the visual consequences would not be readily apparent from within the CA because the wider rural setting is provided by the farmland rather than the site itself and there would be no encroachment of development beyond the site boundaries. Views of the farmland from within the CA or views of the CA from the farmland would change little even taking account of the tree loss. In these terms the effect of the new built form when compared with what currently exists, would be largely neutral.

Conclusions on Consideration Three

The designated heritage asset is the CA. For the reasons given above the appeal proposal would result in some benefits including the refurbishment of the undesignated assets that contribute to significance and the removal of the existing campus buildings that are incongruous detractors. However there would also be considerable harm, including the unacceptable diminution of the open space in front and to the side of Hawthorns House. New tree planting would not compensate for the loss of mature species especially within the front part of the site and around the existing access.

There was considerable debate at the Inquiry about whether any harm to the designated heritage asset would be substantial or less than substantial in terms of the Framework. In this case the significance of the CA as a whole would not be destroyed and there are benefits as well as harm. The latter is relatively specific and relates to the front part of the site around Hawthorns House. Overall this would result in less than substantial harm to the CA as a whole. In the circumstances it is necessary to weigh this harm against the public benefits and to consider whether the appeal scheme would preserve or enhance the character or appearance of the CA. This will be assessed under Consideration Eight.

Consideration Four: The effect of the design and layout of the proposed development at The Hawthorns on the character and appearance of the area

- The Council appeared to rely particularly on the comments of MADE Design Review Panel. It became apparent that the Panel did not visit the site and this is considered a shortcoming.
- The layout would be mainly from a single access with houses grouped along a series of cul-de-sacs but the development could not be expected to necessarily mirror the spatial characteristics of its host environment which has grown organically over many centuries. Indeed the existing campus site fails in most respects in this regard.
- Furthermore there are a number of constraints which have to be borne in mind including the need for a single point of access, the shape of the site, the complex topography, an abundance of trees and The Bowl in the centre. It is rather unfair to describe the proposal as a poor example of a volume-builder layout as MADE and some objectors suggest.
- There would be a good range of house types, which would be sufficiently different to provide an interesting and attractive townscape and a sense of place. The designs have sought to pick out detailing from the local vernacular. This does not seem to be pastiche architecture and MADE commented positively on the external appearance of the dwellings.
- There would be a reasonable provision of amenity space which would be publicly accessible and the children's play area would be a benefit in the village where none currently exists. The spaces would not be so fragmented as to be unusable and the retention of trees and new planting proposed would make them reasonably attractive and functional.
- MADE were critical about legibility but it is not considered that the layout would be confusing or illogical. It would seem relatively straightforward to negotiate to destinations within the site. Pedestrian routes appear a bit convoluted and permeability could be improved in terms of external links, particularly between the northern part of the site and Quarry Bank and in the vicinity of The Villa.
- However there is little harmony between the existing campus development and the remainder of the village in terms of scale, appearance and layout. It is concluded that the appeal proposal would not have an adverse effect on the character and appearance of the area.

Consideration Five: Whether there is sufficient justification for the lack of affordable housing provision and contributions towards mitigating impacts, including education provision

- The obligations relating to education, affordable housing and open space would be necessary, directly related and fairly and reasonably related in scale and kind to the development and therefore would be in accordance with Regulation 122 of the CIL Regulations and with the Framework.

- The basis for the Newcastle Urban Transport Strategy Sum is set out in the Transport and Development Strategy which covers the period 2008 to 2013 and seeks to promote sustainable travel. Whilst it has been stated that a review of the document is being prepared this has not yet happened. Whilst a contribution towards sustainable travel would not be unreasonable, it is not possible to be confident that the amount of money being sought has a sound and transparent basis. It cannot be concluded that it is fairly related to the scale of the development proposed on the appeal site.
- The County Council sought to justify compliance with a County Monitoring Fee. The obligations to be monitored relate to education and transport but it has been concluded that the transport payment cannot be justified. The sum is intended to cover both and therefore would not be correct if only the education contribution had to be monitored. Even so the County Council has not indicated what special costs would be involved in this case over and above what would be expected in terms of carrying out its statutory functions and duties as Education Authority. In this case the Monitoring Fee is not necessary or reasonable.
- The obligations relating to the Newcastle Urban Transport Strategy Sum and the County Monitoring Fee would not meet the necessary tests and cannot therefore be taken into account.

Consideration Six: Other Matters

The accommodation blocks on the University Campus

- The appeal proposal also includes the erection of 2 accommodation blocks within the University Campus site. In terms of scale both blocks would integrate successfully with their surroundings and this part of the proposal would not adversely affect the character or appearance of the campus site or its wider environs.
- The site is within the Historic Park and Garden but the site is at the northern end of the parkland where modern campus architecture of considerable scale is prevalent. The significance of the parkland landscape would not be materially diminished.
- Whilst some trees would be removed they are relative new thicket planting and have no heritage significance. The significance of the conservation area, listed buildings and their setting would be preserved.
- The two parts of the appeal proposal are closely linked because the redevelopment of The Hawthorns site is intended to contribute to the funding of the new accommodation blocks on the Barnes site. Objectors contended that there would be other ways for the University to raise the necessary funding without selling off The Hawthorns site but there is no evidence of what other assets would be available to fund this project. Subject to a condition that ensures that the two parts of the scheme are linked together, the new student accommodation can be treated as an educational and economic benefit that is supported by development plan policy.

Public consultation and local facilities

- Although local people do not consider that they have been properly consulted or that the University has listened to their objections, there was clearly engagement with the Council and various changes were made.
- There was particular local concern that the scheme should have contributed to more local facilities, for example funding for improvements to the village hall. However there is no policy basis for requiring improvements to the village hall and no Council document to set out how a fairly related sum would be worked out. No details were provided of any funded project to which any contribution would be put and it could not be concluded that such a contribution would be necessary in order for the development to go ahead.
- There was a belief that the village pub would be unable to survive without the regular custom of students and their visitors. However, if it is an important local social facility and community asset then it is difficult to understand why it is so dependent on student trade. If village residents support the pub then the development would reinforce this by providing an additional source of custom.

- There is currently a small shop that provides a useful local facility. The appeal proposal includes a local shop to serve as a local top-up function for those living in the village. Nevertheless the evidence is insufficient to be confident about its future viability or whether a subsidy would be forthcoming to get it off the ground. It would replace a facility that already exists in the site and whilst the timing of its provision could be subject to a planning condition it is a neutral factor in the overall balance.

Ecology

- There is a maternal bat roost within the roof of the conference suite and a transient roost in another building. Natural England has no objection to the proposal on ecological grounds and in any event a licence would have to be applied for in due course. There is no reason why a licence would not be approved and a bat mitigation and monitoring strategy could be the subject of a planning condition. There would be no harm to the protected species.
- The southern part of The Hawthorns site is a Biodiversity Action Plan (BAP) priority habitat but there is no evidence of harm occurring in terms of the BAP priority habitat.
- Whilst the whole area is designated as an Area of Landscape Maintenance there was no evidence that the proposal would be harmful in this respect.

Flooding and drainage

- Planning conditions could require full details of a surface water and foul drainage scheme to be approved but also details of future maintenance and management.

Highway safety and parking including for the school

- In terms of accessibility for non-car modes, the site is well located. It seems that there would be many opportunities to undertake shopping, employment, school and leisure trips by modes other than the private car.
- Staffordshire County Council as Highway Authority has raised no objections to the scheme and does not contend that the local road network would not be able to safely accommodate the traffic generated. It is not considered that the evidence indicates that the appeal proposal would cause unacceptable risk to highway safety.
- There has been much local concern about the parking arrangements for the school. There is currently no dedicated drop-off facility and parents use the University car park on an informal basis. The proposed drop-off parking, which would be specifically for this purpose, would be a benefit both in terms of convenience and safety. Details and timing of its provision could be secured by a planning condition.

Consideration Seven: Whether any conditions and obligations are necessary to make the development acceptable

- The planning obligations have already been dealt with under Consideration Five above. Justification has been provided for the conditions listed and it is considered that they are reasonable, necessary and otherwise comply with the Framework.
- If the Secretary of State is minded to allow the appeal he will need to be satisfied that the transport and education contributions would not exceed the “five-obligation limit” as set out in Regulation 123 of the CIL Regulations. If there are already five planning obligations for the project in question, then the planning obligation relating to that project could not constitute a reason for granting planning permission.

Consideration Eight: Overall conclusions and planning balance

- The statutory requirement is that a proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons given in Considerations One and Three the scheme would not accord with the development plan read as a whole in terms of the location of housing and heritage assets. If the Secretary of State does not agree with the GB conclusion then there would also be conflict with GB policy.

- As the Council cannot demonstrate a 5 year supply of deliverable housing sites, the housing supply policies in the Local Plan are not up-to-date and therefore the weight to be given to the policy conflict is reduced. In such circumstances the relevant policy comes from Paragraph 14 of the Framework. Paragraph 14 contains two limbs and it is clear from the use of the word “or” that they are alternatives.
- The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. If the Secretary of State does not agree with the GB conclusion, the second limb would apply. Footnote 9 gives other examples, including those policies relating to designated heritage assets. It has been concluded that the proposal would be harmful in these terms.
- However the Council makes a persuasive point that Footnote 9 refers to policies in the plural, which would mean the inclusion of circumstances where there was substantial harm as well. It seems that if the second limb was only expected to apply to heritage assets where there was substantial harm it would have said so. In the circumstances the presumption does not apply in this case and it is necessary to balance benefits and harms. However if the Secretary of State does not agree with this analysis, the second limb to Paragraph 14 of the Framework is considered below.
- The Hawthorns would make an important contribution towards remedying the shortfall in housing and whilst no contribution towards affordable housing would be made initially, there is provision for this to happen should land values increase over the course of the development period. These are matters that can be afforded considerable weight.
- Other benefits from The Hawthorns element include the re-use of previously developed land and the removal of the unattractive campus accommodation blocks and administrative buildings which are significant detractors to the CA. It would result in the refurbishment and re-use of Hawthorns House, The Villa and its associated Barn which are undesignated heritage assets. There would be provision of publically accessible open space including a children’s play area, and a dedicated drop off parking facility for the primary school. There would be a new permanent population that would support existing facilities in the village. All of these benefits can be afforded significant weight.
- The housing development would also provide funding towards the new student accommodation on the Campus. The University is very important to the local economy and therefore this would be a benefit of significant weight.
- However against these benefits must be weighed the harm. This relates solely to The Hawthorns part of the scheme.
- The harm would primarily relate to the heritage assets. Although the harm to the CA would be less than substantial in terms of Paragraph 134 of the Framework that does not mean that it would be unimportant or of little consequence. On the contrary it is considered that it would have very great importance and weight. The aforementioned advantages are insufficient to outweigh the irreversible and serious harm that would be caused to the CA. It is concluded that the appeal proposal would fail to preserve the character and appearance of the CA and it is considered that Appeal A should not succeed.
- The Secretary of State may disagree with the conclusions regarding the GB and may consider that the proposed development would be inappropriate development. If this is the case then Footnote 9 would apply and the Framework policy is that such development should not be granted permission unless the harm by inappropriateness and any other harm is clearly outweighed by other considerations. This again is a balancing exercise and added to the harm to heritage assets would be harm to the GB. The negative impacts would be even greater would not be outweighed by the benefits. Very special circumstances would therefore not exist and Appeal A should not succeed.
- The Secretary of State may disagree that this is the case where the presumption in favour of sustainable development does not apply and the correct test in Paragraph 14 of the Framework is the first limb of that policy. The Framework establishes that there are three dimensions to sustainable development. The proposal would satisfy

the economic role and in many ways the social role as well. However its failure to protect and enhance the historic environment is a very serious shortcoming. Even recognising the importance of the contribution of the housing element of the scheme, the heritage impacts would significantly and demonstrably outweigh this and other benefits, when assessed against the policies in the Framework taken as a whole. For this reason the appeal proposal would not be sustainable development and Appeal A should not succeed.

- Appeal B relates solely to the demolition of the existing buildings in the CA. Although the buildings are detractors, if Appeal A is dismissed there would be no satisfactory replacement scheme. In the circumstances the demolition works would be contrary to Saved Policy B11 in the Local Plan and in the circumstances it would not be appropriate for conservation area consent to be granted.

Your Officer's comments

The Secretary of State's decision letter acknowledges the considerable benefits of the appeal scheme but states that they are insufficient to outweigh the irreversible and serious harm that would be caused to the Conservation Area by the appeal proposals. The Inspector identifies in some detail which aspects of the proposals were considered either acceptable or unacceptable, and the Secretary of State effectively invites an amended proposal, stating that "It is for the appellant to consider how the deficiencies of the proposals identified in the IR (Inspector's Report) might be rectified in order to preserve the character and appearance of the conservation area".

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APPEAL BY MR TS REEVES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR THE CHANGE OF USE FROM GRANNY ANNEX TO DETACHED DWELLING WITH MINOR ALTERATIONS TO EXTERNAL APPEARANCE. AT ROWNEY FARM, NEWCASTLE ROAD, LOGGERHEADS

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|---------------------------------------|--|
| <u>Application Number</u> | 14/00884/FUL |
| <u>LPA's Decision</u> | Refused by delegated authority on 27th February 2015 |
| <u>Appeal Decision</u> | Allowed, subject to conditions |
| <u>Date of Appeal Decision</u> | 26TH August 2015 |

The Inspector considered the main issue in this appeal is whether the appeal scheme would represent an acceptable form of sustainable development with due regard to the provisions of the development plan and the National Planning Policy Framework (the Framework).

In allowing the appeal the Inspector made the following comments:

- The proposal is of a modest scale but it would make a contribution to the vitality of Loggerheads, by contributing one net dwelling to the Borough's housing supply which in turn would assist in maintaining the viability of local shops and services. The site is located immediately off the A53 only about 400 metres from the boundary of Market Drayton and less than about 5 kilometres from the larger settlement of Market Drayton. The A53 leads directly to both settlements from Rowney Farm. As a result it was considered that the appeal proposal is not at odds with the Framework.
- It is recognised that whilst the appeal property would notionally be within easy walking and/or cycling distance to local services, that the A53 is a very busy road with a significant amount of heavy goods traffic and a speed limit of 50mph as it passes Rowney Farm.
- There is no alternative route available nor are there any footways or street lighting along the road's faster section. Consequently, the volume and type of traffic in combination with the road's speed limit create potentially hazardous conditions that would be likely to discourage travel on foot. Bus stops along the A53 are about a quarter of a mile from the appeal property which would also be impractical to access on foot for similar reasons.
- It is therefore reasonable to conclude that the occupiers of the appeal property would be predominantly reliant on travel by private car to access local services. This potentially places the appeal proposal within the realm of being unsustainable in terms of transport access. However, Framework paragraph 14 requires that development should be permitted unless its benefits would be outweighed by significant and demonstrable adverse effects or where other specific policies indicate that it should be restricted.
- The Council argues that the differences in the requirements of occupants of a granny annex to those associated with a standalone dwelling, would result in increased vehicle movements and a further reliance on a private motor vehicle. However, the fact that the appeal property is currently an annex to the main farm house does not preclude its occupants from having their own independent private transport.
- The distance between the appeal property and the nearest local services would be very modest so trips to both Loggerheads and Market Drayton would be of short duration. Consequently, a change to the appeal property's planning status would not represent such an increase in the reliance on the private motor car to conclude that the resulting effects would be 'significant and demonstrable' and therefore at odds with the Framework. Any effects would be minimal and outweighed by the appeal proposal's benefits, albeit modest, in supporting local shops and other services and the contribution to the supply of housing in the Borough.
- Permitted development rights are removed in order to restrict the enlargement of the dwelling subject to the grant of planning permission.

Recommendation

That the decisions be noted.

QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

a) That the report be noted

b) That the Head of Planning continue to report on a quarterly basis on the exercise of his authority, to extend the period of time for an applicant to enter into the Section 106 obligations.

Introduction

The Committee have usually, when resolving to permit an application subject to the prior entering into of a planning obligation, also agreed to authorise the Head of Planning to extend the period of time for an applicant to enter into the Section 106 obligations if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought.

This report covers the period between 23rd June 2015 (when the Committee last received a similar report) and the date of the preparation of this report (1st October 2015). During this period the development management service and legal services have both had a number of long term staff absences which has had a negative impact on performance. This has resulted in S106 agreements not being dealt with as efficiently as they might otherwise have been and in some cases in concerns being expressed by applicants. In other cases agreements have been able to be promptly concluded. Such cases are not referred to in this report, which is concerned only with those cases where more time has been permitted for the completion of planning obligations. In that sense the report does not present a comprehensive picture.

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, with respect to some 9 applications.

It is recognised that the Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Expectations and requirements vary considerably.

Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning

Authority have agreed in writing that the application is to be determined within an extended period. This applies to applications received after the 1st October 2013. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the signing of the final document he retains the right to bring the matter back to the Planning Committee. Applicants are also asked to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period is defined as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) Application 13/00245/FUL – Old Springs Farm, Stoneyford (HLW Farms)

The proposal for the retention of an agricultural building for chopping and storage of Miscanthus came before the Planning Committee at its meeting on the 4th June 2013 (at around week 7). The resolution of the Committee was that planning permission should be granted subject to the prior securing of a planning obligation (relating to the routeing of hgvs) by the 17th July 2013, and that if the obligation was not secured by that date, then the Head of Planning should consult with the Chairman and Vice Chairman prior to making any decision on whether to extend the period within which the obligation could be secured.

A series of extensions were agreed (to the period within which the Section 106 should be completed). These were reported in detail to Members by means of the quarterly reports

A further report came before the Committee on the 21st July 2015 (at around week 118) on a proposal to vary the terms of the proposed obligation and the Committee resolved to permit the application subject to that amended obligation being agreed by 31st July 2015.

In the event of that not happening your Officer was 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 considered it appropriate, to agree to extend the period of time within which the obligations can be secured.

The Committee also resolved that if the obligation was not entered into by that date the Council's solicitor was authorised to issue an Enforcement Notice to secure removal of the building.

That date passed without completion of the agreement, although by that point an agreement was in circulation for signing by the applicant, their Bank (a mortgagee) and the Council. A further extension was requested and agreed (but only to the 7th August, the expectation being that would provide sufficient time for the agreement to be signed by all of the parties) but that too passed without completion of the agreement.

Further correspondence has since been sent to the solicitor asking where matters are up to, but, at the time of writing, no response has yet been received to such approaches.

A supplementary report will be provided to the Committee.

At the time of writing some 128 weeks have passed since the application was received (before the introduction of the Planning Guarantee).

(2) Application 14/00027/FUL Land adjacent to 31 Banbury Street

This application for permission for the erection of 13 dwellings came before the Planning Committee at its meeting on the 11th March 2014 (at around week 7). The resolutions of the Committee inter alia required that obligations securing financial contributions to NTADS, education provision and open space improvement be secured by the 14th April 2014.

Various developments resulted in the matter not progressing - these being reported in detail in previous quarterly reports to the Committee.

At its meeting on the 3rd March 2015 (week 58) following a viability appraisal, the Committee received a detailed report on this application. It resolved again to permit the application but this time subject to the applicant first entering into a Section 106 obligation, by 14th June, requiring the review of the financial assessment of the scheme if there is no substantial commencement within 14 months of the grant of planning permission (and appropriate NTADS, open space and education contributions then being made if the scheme is evaluated at that time as able to support such contributions).

The 14th June deadline was not met, due to delays on the Council's side in preparing and agreeing a draft agreement for circulation. This delay is because Council is seeking to devise a standard or model approach wording of agreements which require a viability reassessment. Members received at the last meeting a report about this same delay in relation to the London Road Baptist Church proposal. Your Officer, on the 27th August, considered it appropriate to extend the period (which within the Section 106) could be completed to the 30th September 2015. That date has however passed now. Progress has been made to the extent that a 'without prejudice' draft agreement has now been sent to the applicant's solicitor and the County Council and responses are now awaited.

A further extension of the period within which the agreement can be completed would be appropriate, and a further supplementary report will detail how much additional time has been agreed to.

Some 87 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(3) Application 14/00767/FUL Former Woodshutts Inn, Lower Ash Road, Kidsgrove

The application for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows came before the Planning Committee on the 9th December 2014 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to public open space and education contributions, with the usual caveat that your Officer could extend that period if he considered it appropriate, and the Coal Authority withdrawing its objection by no later than 20th January 2015.

Members have been advised previously that the Coal Authority have withdrawn their objection and the applicant had subsequently informed the authority that the levels of contributions sought towards education and POS would make the scheme unviable. This resulted in a further report, following a viability appraisal, coming before the Planning Committee on 21st July (at around week 41). This time the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 21st September to secure 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.

A draft S106 agreement reflecting the above is being prepared by the Council's legal section but has yet to be circulated to the applicant's representatives and the deadline of the 21st September has now passed. Again this delay is related to that for the Baptist Church and Banbury Street agreements, in which similar obligations are being sought. These other agreements are now at a more advanced drafting stage and it is envisaged that the draft agreement for this proposal can be prepared in a timely manner.

A new deadline has not been set but one is likely to be given following the delays by the Council in preparing a draft. A new deadline will be indicated to the applicant and a further update provided prior to the Committee meeting.

At the time of writing some 52 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(4) 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle-under-Lyme

The application for full planning permission for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development containing 14 two bed units and 8 one bed units with the formation of a new access (onto Vessey Terrace) and associated car parking was deferred at the Committee's meetings on the 9th December and the 6th January to allow for the receipt and consideration of the advice of the District Valuer regarding viability. At its meeting of the 3rd February 2015 (at around week 32) the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 17th March 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission (and the potential requirement to make the policy compliant contributions).

There have been delays on the Council's part and members will recall that an urgent report came before the Planning Committee on the 15th September 2015 in the light of the request by the applicant that different terms be agreed. The Committee confirmed the revised basis upon which it is seeking an agreement. Since the 15th September the applicant's solicitor has confirmed that his client is willing to enter into a Section 106 agreement on the terms outlined in the report to the Planning Committee.

In terms of the date by which the agreement must be completed the Committee resolution does not provide such a date. Whilst there is every indication that the applicant wishes enter into such an agreement as quickly as possible, it may be appropriate for the Committee to formally resolve what that date should be. A suggested date will be provided in a supplementary report, based upon the progress made by that date.

At the time of writing some 67 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(5) 15/00166/FUL Jubilee Baths, Nelson Place, Newcastle

The application for full planning permission for the demolition of the former swimming baths and construction of a 244 room student development on six floors came before the Planning Committee on the 3rd June 2015 (at around week 13). The resolution of the Planning Committee included a time limit for the securing of planning obligations, by the 3rd July, for a substantial public open space contribution and a contribution to be used to fund Resident Parking Zones in the event that it is subsequently demonstrated through surveys that the development has resulted in on-street parking problems.

The 3rd July deadline for the completion of the agreement was not achieved – a draft Section 106 not being circulated by the Borough Council until close to the end of this period. There were further delays principally on the Council's side at this stage and an extension was agreed to the 17th August. In recognition of the fact that the relatively slow progress was on account of key personnel on both sides being absent on holiday during this period and in recognition that progress had been made in preparing the draft agreement your officer subsequently agreed to a further extension to the 7th September.

The 7th September deadline has passed without completion of the agreement due to the applicant raising concerns about the trigger points for the payment of the contributions. Views of the key consultees have been sought by the Instructing Service on this matter.

With respect to the period of time within which the Council is prepared to allow such obligations to be secured, further consideration is being given to this and a supplementary report will provide details on what by the Committee meeting will have been agreed.

At the time of writing some 31 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

(6) 15/00368/OUT Land at West Avenue, Kidsgrove

This application, for outline planning permission for the erection of up to 44 dwellings, came before the Planning Committee on 21st July 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing, by the 15th August, of planning obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities.

A draft agreement has been forwarded by legal services to the Instructing Service for comment, but because that comment has not yet been provided no further progress has been made. The 15th August accordingly passed without completion of the agreement. An update will be given prior to the committee meeting.

At the time of writing some 22 weeks has passed since the original receipt of the application.

(7) 15/00077/OUT Land to the rear of former Randles Garage Higherland

This application, for outline planning permission for the erection of up to 12 dwellings, came before the Planning Committee on 31st March 2015 (at around week 7). The resolution of the Planning Committee included a time limit for the securing, by the 7th May, of a planning obligation relating to the payment of a public open space contribution.

The agreement was not secured by the 7th May. As reported to the 23rd June meeting your Officer subsequently agreed to extensions first to the 2nd June and then to the 30th June, having taken into account the circumstances of the case.

Despite considerable efforts by the other side's solicitor, solicitors acting for other parties and in particular one of the mortgagees, delayed the final completion of the agreement which was not secured until the 7th July. Your officer agreed to allow further time to allow for this, and the decision notice on the application was issued on the 24th July (some 24 weeks since the original receipt of the application) and with the applicant's agreement was made "in time".

(8) 14/00968/FUL Former TG Holdcroft site, off Knutton Road, Wolstanton

This application, for full planning permission for the erection of 31 self-contained units of sheltered accommodation for the elderly, came before the Planning Committee at its meeting on the 23rd June 2015 (at around week 14). The resolution of the Planning

Committee included a time limit for the securing, by the 24th July, of a planning obligation relating to the payment of various contributions, and a financial reappraisal/ contributions review mechanism in the event of substantial commencement not being achieved within 12 months of the date of the consent.

The agreement was not completed by the 24th July, but on the basis that reasonable progress had been made, such that an agreement had been reached between the developer and the Council on a draft, and the draft was now with the owners of the site, your Officer concluded that it was appropriate to extend the period within which the obligations could be formally secured – to the 13th August.

The agreement referred to was completed within that extended period.

The decision notice on the application was issued on the 26th August (some 23 weeks since the receipt of the application). The decision, with the agreement of the applicant, was made “in time”.

(9) 15/00376/FUL Plot 34, Eastwood Rise, Baldwins Gate

This application, for full planning permission for the erection of a detached dwelling and garage, came before the Planning Committee at its meeting on the 23rd June 2015 (at week 7). The resolution of the Committee included a time limit for the securing, by 31st July, of a planning obligation concerning a previous permission.

The agreement was not completed by 31st July, due to the applicant’s solicitor being ill during the period leading up to that date. Your Officer, on that basis, concluded that it was appropriate to extend the period within with the obligation could be formally secured – to the 11th August.

The agreement referred to was completed on the 6th August.

The decision notice on the application was issued on the 11th August (some 14 weeks since the receipt of the application). The decision, with the agreement of the applicant, was made “in time”.

Date Report prepared
1st October 2015

Planning Committee 13th October 2015

QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED

The purpose of this report is to provide details of progress made on those cases where enforcement action has been authorised either by the Planning Committee or under delegated powers. Members should note that many breaches of planning control are resolved without recourse to the taking of formal enforcement action.

Two new cases have been added since the previous report, provided to the Planning Committee at its meeting on the 26th May 2015, giving a total of 3 cases where enforcement action has been authorised. Details of all the cases, the progress made within the last Quarter, and the target for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

| Report Ref | Address and Breach of Planning Control | Date When Enforcement Action Authorised | Progress/Action particularly that within last Quarter | Target for Next Quarter |
|----------------|---|---|---|---|
| 15/00037/207C2 | <p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p> | 20.4.15 | <p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24th April 2015. The SN took effect on 30th April 2015. The EN took effect on 27th May.</p> <p>The SN required all activity specified to cease by limiting the number of lorries entering and leaving the land to no more than 10 per day and by not permitting lorries to access or egress the site before 0800 hours and after 1600 hours weekdays or at all on weekends or Bank Holidays.</p> <p>The steps set out in the EN repeated matters covered in the SN but included the following additional matters, which also address breaches of condition:</p> <ul style="list-style-type: none"> • Submission of a plan showing an appropriate location for material that was deposited on the site • Remove portacabin, commercial trailer/cabin and screening/processing machinery. • Submission of a report that assess the impact of the development on Betley Mere SSSI • Submission of plans showing location and amount of peat and top soil that is to be integrated into the existing unit. • Cease unauthorised importation of material on the land. <p>The Council is not aware that there has been a breach of the SN. It is aware, however, that the portacabin and commercial trailer/cabin remains on site beyond the one month time period set out in the EN. It is intended to pursue prosecution to secure compliance with the terms of the EN.</p> <p>More recently complaints have been made that a large number of used tyres have been imported and deposited on the site. In addition it is understood that the lake is being used by a fishing club. These are being investigated. In addition it is understood that the Environment Agency are also investigating the importation of the tyres.</p> | <p>Monitor compliance with the Stop Notice. Pursue prosecution of the breach of the Enforcement Notice. Progress the investigation of the tyre importation and fishing club use of the site to an appropriate resolution.</p> |

| Report Ref | Address and Breach of Planning Control | Date When Enforcement Action Authorised | Progress/Action particularly that within last Quarter | Target for Next Quarter |
|----------------|---|---|---|------------------------------|
| 14/00049/207C2 | <p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p> | 5.8.15 | <p>Instructions have been sent to Legal Services to issue an Enforcement Notice in respect of the unauthorised use of land for siting of a caravan and shipping container for residential use, associated change of use of land to residential use, and operational development ancillary to the wider change of use of land.</p> <p>The reasons for the decision to authorise enforcement action is because the development is inappropriate in the Green Belt and is contrary to the purposes of including land within the Green Belt and to its openness. No material considerations of any weight exist as to clearly outweigh the harm that would be caused by the development and accordingly the required very special circumstances do not exist.</p> | Issue the Enforcement Notice |
| 14/00048/207C2 | <p>Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley</p> <p>Unauthorised subdivision into two dwellings</p> | 13.7.15 | <p>A retrospective planning application was received for the subdivision of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings. An appeal has been lodged against the refusal of planning permission. It is considered appropriate to issue an Enforcement Notice so that if an appeal is lodged against the two appeals could be dealt with together.</p> | Issue the Enforcement Notice |

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Report on Open Enforcement Cases

Purpose of the Report

To inform members of the current situation regarding the enforcement caseload.

Recommendations

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

Background

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the last quarter a further 62 new cases have been reported, higher than the previous quarter (50). The current number of open cases is 243 (17 less than at the end of the last quarter). The number of open cases this quarter has therefore decreased.

The issue of resources within enforcement has been identified as part of the Planning Peer Review's recommendations and it has been a new Senior Planning Enforcement Officer post has been agreed to address the current backlog which is too high. It is anticipated that progress will be made on the recruitment of this post in the near future.

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (6 as at 1st October 2015).

Conclusions

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has lead to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression, and will continue to be undertaken.

Current Outstanding Enforcement Cases

The Table below shows the current statistics in comparison to the previous Quarter.

Current Enforcement Status

| Year | Total | Open | C1 | C2 | C3 | BOC | L | M | H |
|------|-------|------|----|----|----|-----|---|---|---|
| 2015 | 176 | 66 | 1 | 44 | 15 | 6 | - | - | - |
| 2014 | 212 | 57 | 0 | 43 | 14 | - | - | - | - |
| 2013 | 219 | 32 | 5 | 23 | 4 | - | - | - | - |
| 2012 | 229 | 27 | 8 | 12 | 7 | - | - | - | - |
| 2011 | 204 | 11 | 2 | 7 | 2 | - | - | - | - |
| 2010 | 206 | 9 | 2 | 6 | 1 | - | - | - | - |
| 2009 | 233 | 10 | - | 6 | 1 | 1 | - | 1 | 1 |

| | | | | | | | | | |
|------|-----|----|---|---|---|---|---|---|---|
| 2008 | 276 | 10 | - | - | - | - | 3 | 7 | - |
| 2007 | 353 | 6 | - | - | - | - | 1 | 4 | 1 |
| 2006 | 280 | 6 | - | - | - | - | 2 | 3 | 1 |
| 2005 | 227 | 3 | - | - | - | - | - | 1 | 2 |
| 2004 | 252 | 1 | - | - | - | - | 1 | - | - |
| 2003 | 244 | 1 | - | - | - | - | - | 1 | - |
| 2002 | 247 | 3 | - | - | - | - | - | 2 | 1 |
| 2001 | 204 | 1 | - | - | - | - | - | 1 | - |

Open Cases **243**
(inc Backlog)

Previous Quarter 260

Note for Table – C1, C2 and C3 are the categories agreed by the Planning Committee at its meeting on 17th February 2009 when it approved the Council’s Planning Enforcement Policy; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

Date report prepared

1st October 2015