

Public Document Pack

Date of meeting	Tuesday, 5th January, 2016
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Julia Cleary

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Tagedale Quarry, Eccleshall Road, Loggerheads. Renew Land Developments Ltd. 15/00015/OUT** (Pages 7 - 28)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE. TAYLOR WIMPEY (NORTH MIDLANDS). 15/00441/DOA**
Report to follow.
- 6 **Application for Major Development - The Hawthorns and Keele Campus, University of Keele. Keele Seddon Ltd. 15/01004/FUL & 15/1009/FUL** (Pages 29 - 52)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - CONSULTATION BY CHESHIRE EAST ON PROPOSALS FOR THE FORMER MMU ALSAGER CAMPUS, HASSALL ROAD, ALSAGER - DEMOLITION OF ALL BUILDINGS AND ERECTION OF 408 DWELLINGS WITH LAYING OUT OF NEW GRASS SPORTS PITCHES, TWO ARTIFICIAL GRASS PITCHES WITH FLOODLIGHTING AND FENCING, NEW CHANGING ROOMS ETC.**
Report to follow.

- 8 Application for Minor Development - Former Blue Bell Inn, New Road, Wrinnehill. J Littleton & Co Ltd. 15/00759/FUL (Pages 53 - 60)
- 9 Application for Minor Development - Broughton Arms, Newcastle Road, Balterley. The Broughton Propco Ltd. 15/00964/FUL (Pages 61 - 68)
- 10 Application for Minor Development - Former Silverdale Bowling Green, Kinsey Street, Silverdale. Milwood Ltd. 15/01001/FUL (Pages 69 - 78)
- 11 Application for Minor Development - Audley Community Centre, Audley. Audley and District Community Centre. 15/01022/FUL (Pages 79 - 86)
- 12 Application for Other Development - Old Hall, Poolside, Madeley. Mr G White. 15/01028/LBC (Pages 87 - 92)
- 13 Application for Other Development - 19 The Crossway, May Bank. Mrs R Killeen. 15/01052/FUL (Pages 93 - 98)
- 14 Application for Other Development - Former St Giles and St Georges Primary School, Barracks Road, Newcastle. Staffordshire County Council. 15 /01077/FUL (Pages 99 - 108)
- 15 Miscellaneous Item - 5 Boggs Cottages, Keele. 1400036207C3 (Pages 109 - 114)
- 16 TREE PRESERVATION ORDER - FINTRY, PINWOOD ROAD, ASHLEY HEATH. TPO172
Report to follow.
- 17 Half Yearly Report on Planning Obligations (Pages 115 - 126)
- 18 URGENT BUSINESS
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

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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, 8th December, 2015

Present:- Councillor Mrs Sophia Snell – in the Chair

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

Apologies Apologies were received from Councillor(s) Hambleton

1. APOLOGIES

Apologies were received from Cllr Mrs Hambleton.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

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

4. APPLICATION FOR MAJOR DEVELOPMENT - TADGEDALE QUARRY, ECCLESHALL ROAD, LOGGERHEADS. RENEW LAND DEVELOPMENTS LTD. 15/000015/OUT

Cllr Fear proposed a site visit which was seconded by Cllr Mrs Braithwaite, all Members voted in agreement.

Resolved:

That a decision be deferred for in order for a site visit to take place to enable the Committee to see the site itself, and to view White House Farm setting, related junctions, pinch points on Mucklestone Wood Lane, pedestrian crossing points and footpaths

5. APPLICATION FOR MINOR DEVELOPMENT - 10 SIDMOUTH AVENUE, NEWCASTLE. THE BIRCHES (STAFFS) LTD. 15/00724/FUL

Resolved:

That the application be permitted subject to the following conditions:

- Standard time limit;
- Approved plans;
- Materials;
- Submission and approval of amended plans of the proposed garage to the Birches, such plans to include the removal of the dormer window; Landscaping;
- All boundary treatments (including rear garden areas for the new dwellings);
- Retention and protection of all trees shown to be retained;

- Prior approval of tree protection measures
- Prior approval of an arboricultural site monitoring schedule.
- Alignment of utility apparatus (including drainage) outside the root protection or using a trenchless method;
- Arboricultural construction method statement to include details of construction access and use of protected surfacing, no-dig surfacing, and construction proposals for the garage;
- Schedule of works to retained trees;
- Contamination remediation;
- Demolition/ construction activity be limited to reasonable hours;
- Noise assessment indicating any mitigation measures required;
- Highway matters.
- Removing the permitted development rights to change the use of the properties from C3 to C4 and
- Requiring specific details of the reinstatement of the original end gable to be submitted for the Council's approval and thereafter implemented.

6. APPLICATION FOR MINOR DEVELOPMENT - WERETON ROAD COMMUNITY PARK, QUEEN STREET, AUDLEY. CHILDREN AND RESIDENTS OF AUDLEY. 15/00923/FUL

Resolved:

That the application be permitted, subject to conditions relating to the following: -

1. Standard Time limit for commencement of development.
2. Approved plans
3. Landscaping plan details to be approved
4. Final sections and heights to be approved.
5. Any external lighting to be approved
6. No soil (or soil forming materials) to be imported until information on their source, the results of any soil analysis and an assessment of their suitability for use has been submitted and approved by the LPA.
7. Prior approval of a scheme of tree protection for the existing hedgerow adjacent to the proposed BMX track for the duration of the construction phase.

7. APPLICATION FOR MINOR DEVELOPMENT - CHAPEL BARN, SHRALEY BROOK ROAD, HALMEREND. MR & MRS FRANKISH. 15/00919/FUL

Resolved:

That the application be permitted, subject to conditions relating to the following:

1. Standard Time limit for commencement of development.
2. Approved plans.
3. Prior approval of any alterations to joinery and ironmongery (doors and windows).
4. Removal of permitted development rights on the proposed and retained dwelling.
5. Alterations and replacement of front boundary wall to have matching materials and design.
6. New areas of hardstanding to have matching materials.

7. Highway conditions relating to access, parking and turning areas, closure of the existing access, visibility splays and no gates.

8. **APPLICATION FOR MINOR DEVELOPMENT - STONE QUARRY FARM, HIGH STREET, ALSAGERS BANK. MR EVANS. 15/00880/COU AND 15/01010/DOB**

Resolved:

(a) Permit planning application reference 15/00880/COU, subject to conditions relating to the following: -

1. Standard Time limit for commencement of development.
2. Approved plans.
3. Removal of permitted development rights on the proposed dwelling.

(b) That the applicant be advised that the local planning authority are willing to discharge the section 106 obligation (application reference 15/01010/DOB) subject to the necessary completed documentation to discharge the obligation being in place within 6 months of the date of the above approval. If the obligation is not discharged in that time period the matter will be brought back to the Planning Committee

9. **APPEAL DECISION - 22 BOON HILL, BIGNALL END**

Resolved: That the decision be noted.

10. **APPEAL DECISION - LAND ADJ WINDCLOSE COTTAGE, STONE ROAD, CHAPEL CHORLTON**

Resolved: That the decision and the comments from officers be noted.

11. **TREE PRESERVATION ORDER - LAND AT WREKIN, MUCKLESTONE WOOD LANE, LOGGERHEADS. TPO 171**

Resolved: That Tree Preservation Order No 171 (2015), land at Wrekin, Mucklestone Wood Lane, Loggerheads, be confirmed as made and that the owners of the site be informed accordingly.

12. **TREE PRESERVATION ORDER - LAND AT FINTRY, PINWOOD ROAD, NEWCASTLE.TPO 172**

Resolved: That the decision be deferred to enable officers to further assess issues on the site.

13. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - THE OLD VICARAGE, CONGLETON ROAD, MOW COP**

Resolved: That a grant of £751 be approved for the replacement of 4 timber windows at The Old Vicarage, Congleton Road, Mow Cop, subject to the appropriate standard conditions

14. **MEMBERS PROTOCOL ON PLANNING MATTERS**

Resolved: That the report and the Members Protocol on Planning Matters be noted.

15. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR MRS SOPHIA SNELL
Chair

**TADGEDALE QUARRY, ECCLESHALL ROAD, LOGGERHEADS
RENEW LAND DEVELOPMENTS LTD**

15/00015/OUT

The application is for outline planning permission for the erection of up to 128 dwellings. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval.

The application site lies on the north side of Eccleshall Road which is a B classified road outside the village envelope of Loggerheads and within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map. The site area is approximately 5.83 hectares.

A decision on the application was deferred at the meeting of the Committee held on 8th December 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 or that referred to by various parties at the Committee meeting.

The 13 week period for the determination of this application expired on the 10th June 2015 but the applicant has currently agreed an extension to the statutory period until 12th January 2016.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by 5th February 2016, securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £513,923 towards education provision ((on the basis that the development as built is for the full 128 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at St. Mary's CE Primary School, Mucklestone**
- iii. Provision of 25% of the dwellings as affordable units**
- iv. A contribution of £6,300 towards travel plan monitoring**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Status of various plans and drawings**
- 4. Contaminated land**
- 5. Construction hours**
- 6. Construction management plan**
- 7. Waste storage and collection arrangements**
- 8. Internal and external noise levels**
- 9. Arboricultural Impact Assessment**
- 10. Tree retentions and removals plan**
- 11. Boundary treatments**
- 12. Details of Root Protection Areas (RPA)**
- 13. Details of all special engineering within the RPA**
- 14. Levels details**
- 15. Travel plan**
- 16. Pedestrian crossing and speed reduction features on the A53**
- 17. Pedestrian/cycle only access to the site linking to existing footway**
- 18. Pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction**
- 19. Surface water drainage scheme**
- 20. Details of the disposal of surface water and foul sewage**
- 21. Approval of details of play facilities and timing of provision of open space and these facilities**
- 22. Any reserved matters application to comply with the Design and Access Statement and the Landscape and Design Character Study**

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

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites given that it does not have a full and objective assessment of housing need, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The key adverse impacts of the development - namely the fact that the development of the application site would not form a natural or logical extension to the village of Loggerheads, would involve development in part on open countryside and the likelihood of a somewhat high level of private car use - do not significantly and demonstrably

outweigh the key benefits of this sustainable development - the making of a significant contribution towards addressing the undersupply of housing in the Borough, the provision of affordable housing in the rural area, and the visual improvement of a gateway to Loggerheads. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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

Additional information has been requested and provided where necessary to progress the determination of the application. This is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

Key Issues

1.1 Outline planning permission is sought for residential development of up to 128 dwellings. Access from the highway network (but not the internal access within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning Statement and a Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 5.83 hectares in extent, is within an Area of Landscape Restoration, in the open countryside outside the village envelope of Loggerheads, all as indicated on the Local Development Framework Proposals Map.

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

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

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the development be contrary to policies on the development of employment land for other uses?
- Would the proposed development have any impact on the setting of any Listed Buildings?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?
- Would land contamination have an adverse impact upon either residential amenity or water quality?
- Would there be any issue of flood risk?
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

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

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

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

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

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

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

2.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole, or specific policies in the Framework indicate development should be restricted. The examples given of 'specific policies' in the footnote to paragraph 14 indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.8 The site is outside the village envelope of Loggerheads. Whilst the applicant's agent states that the site immediately abuts the village boundary of Loggerheads it is only the south-eastern corner of the site that adjoins the village envelope at the junction of Eccleshall Road with Mucklestone Wood Lane.

2.9 Loggerheads is identified within the CSS as being one of the three Rural Service Centres which are detailed as providing the most comprehensive provision of essential local services. Currently Loggerheads has a food store, a primary school, a public house, a pharmacy, a library, a cash point, a post office, a restaurant, a takeaway, a hairdressers, a veterinary surgery and a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury.

2.10 The centre of the site would be approximately 1100m (1.1km) walking distance from the village centre of Loggerheads, i.e. the food store, post office and library, and approximately 1500m (1.5km) from the primary school. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and are approximately 1000m from the site.

2.11 In the Transport Assessment that accompanies the application, it is concluded that the development is sustainable with good accessibility to the site provided to those travelling by foot and by bicycle and is served by a good bus service. It states that Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It goes on to say however that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km (2000 m).

2.12 A further Technical Note has been submitted by the Transport Consultant. It highlights guidance within the Chartered Institution of Highways and Transportation (CIHT) document, "Guidelines for Journeys on Foot" which states that the preferred maximum walking distance for commuters and education is 2km. It goes on to refer to guidance issued by the Department for Education which states that the "statutory walking distance" is 3.22km (two miles) for children aged under eight and 4.83Km (three miles) for children aged eight and over. The applicant's Transport Consultant notes that the guidance regarding the 2km distance is referred to within recent Planning Appeals and highlights four decisions for consideration.

2.13 It is the case in the decisions referred to that where consideration is given to walking, the key distance referred to by Inspectors is 2km. In relation to an appeal decision for 270 dwellings on a site just under 2km from Clitheroe town centre, the Inspector referred to the CIHT walk distance guidance. He went on to state that in assessing accessibility, a degree of realism must be applied and he argued that most journeys of less than a mile (1.6 km) are undertaken on foot.

2.14 In an appeal decision relating to residential development of up to 75 dwellings at Shepshed, Leicestershire, the Inspector stated that the 2km distance may indeed prove a deterrent to those with small children but to adults, as an alternative to the car, it still offers a reasonable distance for walking.

2.15 Your Officer has been unable to find any appeal decisions that take a contrary view in relation to a reasonable walking distance.

2.16 There will be at least a realistic opportunity for occupiers of the development to access the quite extensive range of facilities and services to be found in Loggerheads, as recognised by its designation as a Rural Service Centre, by means other than the private motor car. On a wider scale, this is not a remote, rural location and distances to higher order settlements and facilities are relatively short and taking all of the above into account it is considered that the site is in relatively sustainable location. That there is likely to be a somewhat high level of the use of the private car, is however a factor which weighs against the proposal and it needs to be taken into account in the planning balance.

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

2.18 The applicant states that in terms of the economic dimension, the proposal would have positive economic effects on the local economy, not only through direct job creation but also through the supply of goods and services to the construction activity on site. It is also stated that the creation of up to 128 dwellings would deliver additional spending power within the local retail sector and would support existing local full time employment positions within the local retail sector. Furthermore the delivery of dwellings would result in New Homes Bonus contributions to the area along with further contributions through a section 106 agreement.

2.19 The applicant states that there would also be social benefits in supporting local services and in addition, the proposal includes the provision of 10% affordable housing which would assist in creating a mixed and sustainable community. The proposal would also make a valuable contribution to the five year housing land supply position.

2.20 In terms of the environmental dimension of sustainable development, the applicant states that great care has been taken to ensure that the proposed development can take place in a manner that would respect environmental considerations and without causing material harm to the environment. The site currently has an untidy appearance and the proposal represents an opportunity to improve its appearance. Housing would be more in keeping with this edge of village location. The removal of the heavy goods vehicle movements from the local highway network associated with the existing use of the site would benefit the environment. It is argued that the proposal comprises the redevelopment of a brownfield site (at least in part) thus alleviating pressure to release other greenfield sites. The Landscape and Design Character Study concludes that the development would deliver an attractive and sustainable neighbourhood and the Transport Assessment concludes that the site is located within walking distance of the majority of the local services within Loggerheads.

2.21 Whilst your officer is in no position to confirm whether the implications of the development for the economy are as suggested, the development would undoubtedly create associated construction jobs, and it is not unreasonable to consider that it will at least support the retention of existing services within Loggerheads, by the provision of more custom. These factors are difficult to quantify in relation to relatively small scale developments such as this. Set against them is the more quantifiable loss of an employment site as a consequence of this development. Indications are that the existing offices and workshop on the site provide employment for in the order of 15 people. In the sense that the development involves the loss of one of the larger employers in Loggerheads and thus a reduction on local employment choice there is an argument that this is not “sustainable”. This aspect is however considered in more detail below in the next Key Issue.

2.22 An undoubted benefit is the construction of housing in the rural area in a district that does not have a five year supply of housing. Whilst the site is not the easiest to deliver, independent assessment suggests a build out period of in the order of 43 months (3.6 years) and that the site would, if approved, fully contribute to the next 5 years housing land supply.

2.23 In terms of the New Homes Bonus (NHB), expenditure of the Bonus in the Borough is not related to the residential developments that generate the Bonus and cannot therefore be anticipated to help to make the development acceptable in planning terms. Taking into account the National Planning Practice Guidance on this point it is not considered that the receipt of such money is a material consideration that can be given any weight in the determination of this application. A number of appeal decisions that have made reference to the NHB have not given any significant weight to such a local finance consideration in the absence of a direct connection between the payment of the NHB and the proposed development.

2.24 The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area. The public open space would be able to be used by both the residents and the wider population as well. They already have reasonable closer provision (which will be added to yet further if the development approved on Mucklestone Road (15/00202/OUT) proceeds), but fundamentally the open space should be seen as providing the appropriate required mitigation for the development rather than as a benefit per se. The same is true of the additional school places that are proposed – they are the appropriate required mitigation, not a benefit. The issue of the environmental impact of the scheme will be considered fully below.

2.25 In commenting on this proposal at pre-application stage, the Urban Vision Design Review Panel considered that the site is not a ‘natural’ extension of the existing village, and that there is an area of farmland between the site and the village which may come under pressure for development if the site is developed for housing. As to the latter point there is no substantive reason to consider that granting permission for this development would materially alter the consideration of any such proposals and in any case that is not the proposal that is here before the authority for determination. Whilst the site is contained on most sides by roads, trees and hedgerow features given that only the south-eastern corner of the site adjoins the existing development boundary and that the majority of the site is separated from the village by fields, the development of the application site would not form a ‘natural

or logical' extension to the village of Loggerheads which has a nucleated form. This is a material consideration which weighs against the proposal but whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report

3. Would the development be contrary to policies on the development of employment land for other uses having regard to both the policies of the development plan and the NPPF?

3.1 As already indicated part of the site is in active employment use. NLP Policy E11 states that development that would lead to a loss of good quality employment land and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The criteria for what constitutes 'good quality' business and general industrial land and buildings include the following:

- 1) Accessibility to and from the primary road network
- 2) Size
- 3) Topography and configuration
- 4) Ground conditions
- 5) Its location and relationship to adjoining uses

3.2 Strategic Aim 5 of the CSS refers to the need to foster and diversify the employment base of all parts of the plan area, both urban and rural, including the development of new types of work and working lifestyles, and supporting the office development sector, new technologies and business, capitalising on the inherent advantages of North Staffordshire. In identifying certain Rural Service Centres the CSS did so on the basis that they were those rural settlements that provided retail and other services to meet local needs. Whether or not they provided employment opportunities was not a specific factor in that designation.

3.3 CSS Policy ASP6 (2), setting out the Rural Area Policy, states that the Council will take a positive approach towards rural enterprise relating to the availability of the local workforce. In particular opportunities will be sought to encourage:

- The sensitive and sustainable diversification of traditional rural economies
- A positive contribution towards enhancing local landscape and biodiversity
- Appropriate re-use, conversion or replacement of existing buildings in sustainable locations
- Provision of essential rural services

There is no express reference to the retention of existing employment sites in the Rural Areas

3.4 The core planning principles of the NPPF include proactively driving and supporting sustainable economic development. It is stated that every effort should be made objectively to identify and then meet the housing, *business*, and other development needs of an area.

3.5 However paragraph 22 of the NPPF states that planning permission should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

3.6 The applicant has confirmed that there are fourteen people currently employed at the site and that should the proposed development be implemented, then those employees would be relocated to another site in Shropshire. Whilst there would be no redundancies therefore, the proposed development would result in the loss of a local employment site. Whilst there are relatively few employment opportunities in Loggerheads and the site might be considered, in comparison with other rural employment sites, to meet the criteria of a "good quality" site, as set out in NLP, demonstrating a need for rural employment sites is not at present possible and there are significant employment opportunities in the nearby Market Drayton. Loggerheads is not a remote, rural location and distances to other employment locations are not excessive. .

3.7 In conclusion it is not considered that the loss of the site as in part employment land would be contrary to policies of either the development plan or the NPPF.

4. Would the proposed development have any impact on the setting of any Listed Buildings?

4.1 There is a Grade II Listed milepost on Eccleshall Road to the south-west corner of the site. NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building and this would include such a feature. Given that the proposed access would be further to the east on Eccleshall Road, and taking into account the associated widening of the carriageway that is proposed it is not considered that the setting of the milepost would be adversely affected.

4.2 Objections have been received from the occupiers of White House Farm, a Grade II Listed building to the east of the site on Mucklestone Wood Lane, on the grounds that the proposal would affect the setting of that Listed Building. The listing description for the property states that it is "included partly as an imposing and prominent feature in the landscape". Given the considerable distance of the development site from White House Farm (approximately 450m), the tree lined nature of Rock Lane, and the lack of a planned or designed setting to that building extending to this site, it is considered that White House Farmhouse would remain "an imposing and prominent feature in the landscape" and that its setting would not be adversely affected.

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

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

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

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

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

5.4 Although an indicative layout has been submitted to show how the site may be developed, layout, scale, appearance and internal access arrangements are all matters reserved for subsequent approval, and therefore, it is not considered necessary to comment in detail on or consider the layout submitted. Up to 128 dwellings are proposed comprising a variety of house types, which would be limited to 2 storeys in height. The gross density of the proposed scheme (taking into account the whole site area including its open space) would be 22 dwellings per hectare. The net density (excluding the areas of open space) would still be relatively low at 27 dwellings per hectare.

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

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

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

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

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

5.10 Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being within a 'Sandstone Hills and Heaths' landscape character type. It states that this is a landscape varying from intensive arable and pastoral farming. The SPG was used in the NLP to set policies for landscape consideration. This site is within a Landscape Maintenance Area and NLP Policy N19 states that within such an area it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

5.11 A Landscape and Visual Appraisal (LVA) has been submitted to accompany the application. The LVA states that the site is currently well screened by the undulating landform and existing mature vegetation and as development will sit lower than the existing landform, this helps to lower the average ridge lines of the proposed buildings and therefore limits the effect the development of the site will have on the wider countryside and landscape character. Therefore the highest effects would be localised to the immediate vicinity of the quarry. Effects on the wider landscape are considered to be slight. It states that as the site has previously been used for quarrying, it can be considered as a damaged landscape. There are no landscape elements or features of value within the site apart from the trees and hedgerows that form the boundaries. It concludes that the proposed development would not erode the quality of the existing landscape and it could actually provide an overall benefit by causing an improvement to the site with appropriate landscape mitigation.

5.12 As stated in the LVA, due to the topography and the existing mature woodland and hedgerows that surround the site, views would be limited. The development would sit generally lower than the existing prevailing and surrounding landform, although it should be noted that part of the proposal is to increase the ground level at certain points and this needs to be taken into account.

5.13 From Rock Lane, which with the exception of two dwellings, forms the eastern boundary, views of the site would be filtered by mature trees and hedgerows and given that the development would be set down below the Lane, the proposed development would not be prominent in such views.

5.14 From Eccleshall Road the most visible part of the site is currently hardstanding occupied by some office and workshop buildings, parking and disused lorries. Previous planning consents for buildings on this part of the site (including one which has not been completed) included currently unsatisfied conditions requiring some additional landscaping particularly in the western part of the site, and the site is not being used in the same manner that it has historically (one of the accesses

having been blocked by lorries) As a consequence the site is particularly unattractive at present but even if such planting had been undertaken, the approved development completed and the site used more as it has been in the past, it still would have a detrimental impact on the landscape

5.15 Associated with the access proposals is some loss of trees on the Eccleshall Road frontage including ones categorised as of high and moderate quality and value (Categories A and B). Nevertheless travelling from the west it is a gateway site on the approach into Loggerheads and it is considered that the proposed development would overall have a positive impact on views. Taken as a whole, and allowing for the fact that there would be long distance views of the site from the west (from the Mucklestone direction), the topography and existing landscaping would limit the effect that the development of the site would have on the wider countryside and landscape character. Impact on the immediate surroundings could, over time be mitigated with the use of landscaping. In conclusion subject to a good quality layout and design and subject to conditions regarding proposed landscaping, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

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

6.1 Vehicular access to the development would be provided from the B5026 Eccleshall Road through the provision of a new access and the closure of the two existing accesses, and an associated widening of the carriageway to provide a priority controlled ghost island right turn lane junction. The proposal includes a pedestrian/cycle only access to the site from the south-eastern corner in the vicinity of the Eccleshall Road/Rock Lane/Mucklestone Wood Lane junction which will link onto the existing footway on Eccleshall Road. A pedestrian refuge is proposed at this junction. In addition an improvement scheme is proposed involving the introduction of a controlled pedestrian crossing to the west of the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction.

6.2 Concerns have been raised by residents on the grounds that the road network serving Loggerheads is already substandard and any significant increase in traffic would exacerbate this. The mini-roundabouts are, they say, notoriously dangerous and further traffic would further risk the safety of residents.

6.3 The application is accompanied by a Transport Assessment (TA) which states that the access and the surrounding network will operate within their practical capacity during peak hours with the additional development traffic. The TA states that visibility at the proposed accesses is acceptable and that the personal injury accident data does not represent a material concern. It considers that the development is sustainable with good accessibility for those travelling by foot and by bicycle and is served by a good bus service. The TA concludes that:

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

6.4 The Highway Authority (HA) has no objections to the application subject to the imposition of conditions, indeed they comment that the access junction and surrounding network will operate within their practical capacity during peak hours in future years with the development traffic added, and that the site is well located in terms of walking distances to most services within the village. The Highway Authority has confirmed that the provision of a right hand turning lane is essential in highway safety terms for a development of this size at this location.

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

6.6 With regard to the proposed introduction of a controlled pedestrian crossing to the west of the A53/Eccleshall Road/Mucklestone Road double mini-roundabout junction, your Officer has queried with the applicant whether the suggested crossing would actually enhance pedestrian safety in

crossing the A53 because the new crossing would require the majority of pedestrians, to make two additional crossings - one across Mucklestone Road to reach the proposed crossing, and a second across Eccleshall Road to reach the shops and the school. In response, a further Technical Note has been submitted by the applicant's Transport Consultant which states that the location was selected because it would still be possible for the mini roundabouts to operate in a safe and satisfactory manner with the pedestrian crossing signals in place. It goes on to state that there is insufficient footway width available to locate such signals to the east of the double mini roundabouts on both Mucklestone Road and Newcastle Road and locating the signals in between the mini-roundabouts would require a wholesale redesign of the junction and the cost would be unreasonable. Whilst the Note accepts that pedestrians would need to cross back over Eccleshall Road to the south of the mini-roundabouts to access the local facilities it states that flow along Eccleshall Road, which is a B classification, is significantly lower than that on the A53 and the road is narrower. As such it is stated that the proposed location for the signalised crossing would offer significant benefits.

6.7 The HA stated in its initial consultation response that such a pedestrian crossing would be of benefit to both prospective residents and current residents of Loggerheads. Your Officer has sought the further views of the HA on the matter following receipt of the applicant's Technical Note. The HA has confirmed that whilst it would be advantageous to have a crossing point on the eastern side of the double mini-roundabouts, without doing any major re-design work it appears that a crossing on the western side would be the preferred location as a crossing on the eastern side would need to be located too far from the junction to be fully used.

6.8 The HA have confirmed previously that the provision of a crossing is desirable but not necessary to make the scheme acceptable. Therefore, although it may be preferable for the crossing to be located to the east of the junction, given the difficulties in designing an acceptable scheme as referred to by both the applicant and the HA, it is accepted that a crossing to the west would provide some benefit including to other residents. It is a proposal associated with the development and therefore falls to be considered in the balancing exercise.

6.9 In terms of the accessibility of the site to the services within the village, the introduction of a pedestrian/cycle access linking the site to the existing footway on Eccleshall Road, the pedestrian refuge at the junction with Mucklestone Wood Lane and the introduction of a controlled pedestrian crossing on the A53 will improve linkages from the site to the village, will help to reduce the requirement for residents to use their car and to ensure a sustainable development.

6.10 Loggerheads Parish Council note that the proposal could involve the importation of 47,000 cubic metres of fill from off-site resulting in, they estimate, approximately 7000 large HGV return movements through Loggerheads village and along Mucklestone Road. This issue is being considered by your Officer and a further report will be given to Members on this matter.

7. Would land contamination have an adverse impact upon either residential amenity or water quality?

7.1 Paragraph 109 of the NPPF states:

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

7.2 Given the historic use of Tagedale Quarry as a landfill site and a haulage depot, land contamination is a potential issue. Representations have been received highlighting public health concerns and Loggerheads Parish Council has stated that the Geo-Environmental Report is inadequate and that a full soil investigation should be carried out.

7.3 In relation to residential amenity, the Council's Environmental Health Division (EHD) raises no objection to the application subject to the imposition of conditions. Whilst further intrusive investigations will need to be undertaken as acknowledged in the Phase I Assessment, the EHD is satisfied that those investigations can be required by condition and that an appropriate remediation scheme can be agreed to ensure that the development can be safely achieved.

7.4 A report has been submitted by a Consultant employed by the former owner of the site. A brief summary of the main points of the report is as follows:

- Tagedale Quarry was operated between 1977 and 1994 as a licensed landfill site which received liquid wastes from the pottery industry and other wastes from industrial sources, construction and demolition.
- The waste was received into open settlement lagoons in the central area of the site and a large proportion of the settled solids were placed in the northern area of the site. The solids were contaminated with various toxic metals such as lead, zinc, copper, chrome and cadmium.
- The landfill had no lining system and the free liquid was allowed to evaporate and drain through the base and sides of the lagoon.
- The fine particulate clay residues had the effect of providing an impermeable 'lining' to the site floor.
- The undisturbed residues have remained stable since the site closed in 1994 following an incident of phenol contamination of a lagoon
- A conceptual model of the site has been developed using data from Phase I and Phase II Studies produced by the applicant's consultants. The model has been based on incomplete material characterisation, site setting and risk assessment. There is a complete lack of understanding of the extent and nature of the former landfilling which has contributed to the defective conceptual model.

7.5 The EHD has considered the report and has confirmed that their comments remain the same, i.e. that they have no objections in principle to the development subject to additional site investigations and appropriate remediation.

7.6 Regarding the potential impact on watercourses, the site overlies a Principal Aquifer which has high vulnerability to surface contamination at this location. The EA is satisfied that subject to a condition requiring further site investigation, the development would not pose an unacceptable risk to the water environment. Although they state in subsequent correspondence that they have only recently been made aware of a Phase II Contamination Report, the report was on the Council's website along with the Phase I Report at the time that they were consulted. In any event, the Environment Agency maintains their position that they have no objections to the proposal subject to conditions.

7.7 Subject to conditions, it is not considered that an objection can be sustained on the grounds of land contamination concerns.

8. Would there be any issue of flood risk?

8.1 A Flood Risk Assessment and a Drainage Strategy have been submitted to accompany the application. Concerns have been expressed by objectors referring to a history of flooding in the area and stating that the existing surface water system has no capacity to accommodate the proposed development. Loggerheads Parish Council states that there are a number of factual errors in the assumptions made in the Drainage Strategy.

8.2 The site is located within Flood Zone 1 as designated by the Environment Agency (EA) which is an area with a low probability of flooding. The EA raise no objections to the proposal. Staffordshire County Council as Lead Local Flood Authority (LLFA) initially objected to the application on the grounds that the submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. A revised Drainage Strategy has now been received and the LLFA has no objections subject to a condition requiring submission of a detailed surface water drainage scheme for the site.

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

9. What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

9.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £513,923 towards education provision and a travel plan monitoring fee of £6,300. These contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

9.2 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

9.3 Staffordshire County Council has requested an education contribution towards the provision of spaces at St Mary's CE Primary School in Mucklestone and Madeley High School. There has been just one planning obligation entered into since April 2010 providing for a contribution towards St Mary's Primary School but more than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above. On this basis, it is considered that the contributions comply with CIL Regulation 123.

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

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

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

10.1 A Viability Appraisal has been submitted with the application which concludes that a policy compliant development would not be viable. That appraisal states that the development could support the required developer contributions but just 10% on-site affordable housing (rather than the 25% required by policy).

10.2 The NPPF states in relation to viability that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to

be deliverable. It goes on to state that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planning development being stalled.

10.3 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable.

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

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

10.6 The District Valuer's report has now been received and it concludes that the proposed residential scheme is viable and can therefore provide policy compliant affordable housing and Section 106 contributions. The principal reason for the difference in the conclusions of the applicant's consultant and of the District Valuer is the site value assumed by the two parties with the District Valuer considering that the site value submitted by the applicant is excessive. Your Officer has considered the report of the District Valuer and is satisfied with the advice given. On this basis therefore, it is considered that the full contributions towards education provision and travel plan monitoring as well as 25% affordable housing provision should be required.

11. 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?

To summarise, the development would not form a natural or logical extension to the village of Loggerheads, would involve development in part on open countryside and would result in the likelihood of a somewhat high level of private car use. However as explained above, this sustainable development would make a significant contribution towards addressing the undersupply of housing in the Borough, would provide affordable housing in the rural area, it provides a safer pedestrian crossing of the A53, and would result in the visual improvement of a gateway to Loggerheads. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation

Policy CSP6 Affordable Housing
Policy CSP10 Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1 Residential Development: Sustainable Location and Protection of the Countryside
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy N3 Development and Nature Conservation – Protection and Enhancement Measures
Policy N4 Development and Nature Conservation – Use of Local Species
Policy N17 Landscape Character – General Considerations
Policy N19 Landscape Maintenance Areas
Policy T16 Development – General Parking Requirements
Policy C4 Open Space in New Housing Areas
Policy IM1 Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

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

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

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

Relevant Planning History

77/04237/N Erection of a workshop and a lorry park in connection with haulage business - Approved
97/00122/CPO Staged infilling of quarry and use as agricultural land on completion – Approved
01/00308/CPO Variation of conditions 6, 23, 24, 25 and 28 of 97/122/CPO to extend time limits on restoration, submission of noise monitoring and aftercare and landscaping schemes and the erection of marker posts at Tagedale Quarry - Approved
01/00350/CPO Storage of soil prior to use for restoration purposes - Approved
04/00389/CPO Application not to comply with condition 1 of permission 97/122/CPO to extend the date of commencement by 2 years to 16 June 2006 – Approved
05/00356/ELD Certificate of Lawfulness for use of site as a lorry park/haulage yard for the parking, repair and maintenance of heavy goods vehicles, fuel storage and associated offices – Granted
05/01166/FUL New office building, workshop extension, alteration of two accesses and closure of further access – Withdrawn

- 06/00214/FUL New office building, workshop extension, alteration of two existing accesses and closure of existing access – Refused
- 07/00114/FUL New offices and replacement workshop – Refused and allowed on appeal
- 08/00659/FUL New offices and workshop (revised scheme to 07/00114/FUL) – Approved
- 10/00537/FUL Retention of two static mobile homes for residential use for security staff – Refused and a subsequent appeal against an Enforcement Notice was dismissed and the enforcement notice upheld, however planning permission for one mobile home was granted
- 11/00543/FUL Retention of portal framed building/amendments to previously approved application ref. 08/00659/FUL and associated landscaping – Approved
- 12/00004/FUL Retention of new basement area for new offices previously approved under planning application 08/00659/FUL – Approved
- 12/00498/FUL Retention of mobile home for storage associated with security purposes - Approved
- 14/00080/FUL Erection and retention of a canvas covered temporary building for a period of 2 years – Refused
- 14/00369/FUL Erection of a building for storage and workshop associated with the current use - Approved

Views of Consultees

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

The **Environment Agency** has no objections subject to conditions regarding contamination, surface water drainage and piling or other foundation designs. Subsequent comments have been received stating that they have recently been made aware of a Phase II Report submitted in support of this application, along with comments from members of the public and other consultees. They state that their original response was based on the contents of the Phase I report only and as such they agreed that development could take place on the site in principle, subject to conditions. They confirm that whilst their position remains unchanged they are not satisfied with the contents of the Phase II report.

Severn Trent Water has no objection to the proposal subject to the submission, approval and implementation of drainage plans for the disposal of surface water and foul sewage.

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

Staffordshire County Council as the **Mineral and Waste Planning Authority** confirms that there is no extant restoration or aftercare conditions relating to the site and therefore has no objections to the proposal.

The **Landscape Development Section** has no objections subject to conditions requiring a tree retention and removal plan, an Arboricultural Impact Assessment, details of all special engineering within the RPAs, details of boundary treatment, full landscaping proposals including detail of hedgerow proposals and SUDs treatment, full levels proposals and proposals for open space and play on-site, and its long term maintenance (secured by a S106).

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Assuming that 25% affordable housing is obtained and excluding the Registered Social Landlord (RSL) dwellings from the secondary calculation only, a development of 128 houses could add 27 Primary School aged pupils and 16 Secondary School aged pupils. St. Mary's Primary School would be full in all year groups and Madeley High School is projected to have insufficient places available in one year group only. The education contribution for a development of this size would be 27 primary school places (27 x £11,031 = £297,837) and 13 secondary school places (13 x £16,622 = £216,086). This gives a total request of £513,923. If the amount of affordable housing reduces the required education contribution will increase

The **Highway Authority** state that modelling of the access junction and surrounding network shown in the Transport Assessment (TA) shows that they will operate within their practical capacity during peak hours in future years with the development traffic added. The existing access from the B5026 Eccleshall Road will be upgraded to provide a priority controlled ghost island right turn land junction. The site is well located in terms of walking distances to most village services and the developer is proposing to improve this facility by providing a controlled pedestrian crossing on the A53 west of the Eccleshall Rd/Mucklestone Rd double mini-roundabout junction. The proposal will provide a safe crossing point over the A53 which will be of benefit to both current and prospective residents. This and associated measures will reduce the traffic speeds on this section of the A53. It is also proposed to introduce a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction to assist pedestrians in crossing Mucklestone Wood Lane, although turning manoeuvres for large vehicles need to be checked to stop encroachment. No objections are raised subject to conditions regarding full details of the site access, full details of the layout of the site, submission of a travel plan and submission of a construction method statement. It is requested that the developer enters into a Section 106 Agreement to secure a £6,300 travel plan monitoring fee, a controlled pedestrian crossing and speed reduction features on the A53 west of the A53/Eccleshall Rd/Mucklestone Rd double mini roundabout junction, the provision of a pedestrian/cycle only access to the site linking to the existing footway and the provision of a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction.

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

The **Urban Design and Conservation Officer** is not concerned, given where the proposed access to the site is proposed, that the listed milepost will be harmed or compromised by the proposal.

Loggerheads Parish Council objects on the following grounds:

- The site notices state that the proposal “does not accord with the provisions of the Development Plan in force in the area”.
- The Rural Area is at least 60% ahead of requirement thus negating the requirement for any further development in Loggerheads.
- The land has not been a quarry for 40 years; rather it has been a tip for various materials. The Geo-Environmental Report draws attention to potentially serious health risks but the report is wholly inadequate and the consideration of the application should be suspended to allow for the provision of a full soil investigation.
- The site is 800m from the village centre not 700m as suggested. The time to walk from the site entrance to Loggerheads is 15 minutes, not 5 minutes as claimed. Walking from the northern end of the proposed site will take considerably longer.
- The Visual Analysis fails to take account of the very open views from Rock Lane and Mucklestone Road to the west of the site.
- The bus service is limited and one of the reasons for refusal of a recent planning application at Baldwin’s Gate was based on the very poor bus service. Loggerheads is served by the same infrequent, unreliable service. It cannot be used by anyone seeking employment to the south.
- The site is considered incapable of being delivered as a housing development due to the very high costs of chemical remediation and specialist foundations to deal with the substantial amounts of tipped materials.
- This is not previously developed land and much of the site has not been developed in the past.
- A number of financial contributions as set out in LPC’s Neighbourhood Statement have been omitted.
- Most of the traffic information in the Transport Assessment appears to be out of date having being recorded in May 2013.
- Nearly half of drivers exceed the 30mph speed limit. There is a very active Speed Watch Group in the area and the 85th percentile is 37mph.

- A considerable length of Mucklestone Wood Lane has no footpath.
- The Design Review Panel was correct to state that this is not a natural extension of the existing village.
- There is not considered to be sufficient carriageway width for a pedestrian refuge at the junction with the B5026 and Mucklestone Wood Lane.
- Drainage concerns as there is a pronounced dip in Mucklestone Road where it crosses the Tadgedale Brook which is subject to continuous flooding whenever it rains. This has a resultant constraint on pedestrians crossing to the western side of the road which has the only footpath on this stretch of road. Vehicular traffic is also often restrained by the same regular flooding.
- The whole of the foul drainage system in Loggerheads south of the A53 needs an overhaul.
- The Tree Report is two years out of date and it is recommended that a Tree Preservation Order is made to prevent further destruction of the tree belt on the north side.
- The Parish Council has re-run the calculations in the Viability Report making a number of adjustments to determine whether the site is deliverable and a viable development. A revised calculation demonstrates that the site has a negative land value demonstrating that the development of the site for housing is a totally unrealistic proposition.
- There have been five major developments in Loggerheads in the recent past producing approximately 540 new houses. There are regularly upwards of 100 properties for sale within 2 miles of the centre of Loggerheads. The housing market in Loggerheads is being satisfied by existing stock.
- There are a number of factual errors in the assumptions made in the Waterco Consultants Drainage Strategy.

Further comments have been received relating specifically to the issue of land contamination. They state that the original agenda report fails to address the following issues:

- The 'quarry' was in fact a 'tip' for landfill between 1977 and 1994 and this is not referred to in the Committee report. A report has been submitted by a consultant but it is on the website as a representation from neighbouring residents.
- The geo-environmental reports fail to address all of the known history of the site and they haven't explored all relevant sources of local knowledge.
- The applicants are proposing a cut and fill exercise including importation of approximately 65,000 cubic metres. This would result in significant lorry movements and would risk mobilising contaminants that could pose a threat to the underlying aquifer. Neither of these aspects has been fully considered by the Planning Officer and should require Environment Agency approval and a separate planning approval from the Waste Planning Authority, in this case, Staffordshire County Council, and there is no evidence that the County has been consulted.
- Piling is being proposed to secure foundations but the Environment Agency has stated that piling shall not be permitted. The Committee report fails to address this.
- The Environmental Health Officer's response states that further site investigations are required that could result in additional remediation being recommended. Planning Officers are seemingly ignoring this.
- The Council appear to be ignoring the NPPF advice to take into account the cumulative effects.

Further correspondence has been received indicating that the Parish Council is concerned that many factors relevant to the application and the site visit have not been included in the Officer's report. The following is a summary of the points made:

- The yard stands on top of approximately 35 feet of unregulated fill
- The field to the west of the site is in fact fill material
- On the other side of the road is an area of designated landscape value
- The large depression in the ground is not a "quarry base", rather it is an area of fill
- The base has been described as 'gravel' but it is in fact road planings, a hazardous waste
- Beyond the small bungalow on the top of the bank is a lagoon seriously contaminated by phenol. The whole tip lies above the major drinking water aquifer on the area.

- Beyond the depression is an embankment topped by a plateau. This is processed waste overlying unregulated tipping.
- The former County Council Officer in charge of this tip before he closed it down following an incident involving phenol, has identified a number of chemicals present or permitted in the tip.
- Officers consider Rock Lane as a safe pedestrian route for unaccompanied children attending St. Mary's School in Mucklestone. Members will draw their own conclusions about this muddy and unlit route.
- There is no complete footpath route from the site to Loggerheads and this would be a danger to people who would have to cross Mucklestone Road.
- White House Farm is a Listed Building to the east and above the site with views down in to the site.
- There is insufficient health and well-being support within a reasonable distance of this site
- The applicant proposes to relocate 17,000 cubic metres of compacted waste material from the northern end of the site to the depression in the centre and then import 47,000 cubic metres of fill from off-site resulting in approximately 7000 large HGV return movements through Loggerheads village and along Mucklestone Road
- The County Council Minerals and Waste Department have confirmed that the relocation of waste fill and importation of approved additional fill will require a separate planning application to the County. Only after the County grant permission can the applicant then apply for a site license to the Environment Agency. Without Environment Agency approval this work cannot be carried out.

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

No comments have been received from the **Waste Management Section**, and the **Crime Prevention Design Advisor**. Given that the period for comments has ended it should be assumed that they have no comments to make upon the proposals.

Representations

Approximately 38 letters of objection have been received. A summary of the objections made is as follows:

- The development would be outside of the village envelope.
- Part of the site is greenfield.
- The village is not well served by public transport and most journeys are by car. As such the proposal is wholly unsustainable.
- This would not be a logical infill nor a ribbon development and is totally disconnected with any amenities in the village.
- There is a lack of a continuous footpath into Loggerheads.
- The road network serving Loggerheads is already substandard and any significant increase in traffic would exacerbate this. The mini-roundabouts are notoriously dangerous and further traffic would further risk the safety of residents.
- The local primary schools have reached capacity and there is no secondary school.
- The Ashley Doctor's surgery has reached its capacity.
- The car parking at the local shops has reached capacity and further vehicles would cause problems with health and safety regulations and would make it more hazardous for pupils walking to school.
- There is a large stock of available housing – there is no shortage.
- Loggerheads is lacking in facilities.
- There are no employment opportunities in the village.
- There are 1800 vacant properties in the Borough and a number of brownfield sites in the town that would lend themselves to residential development.

- The bus service is infrequent and unreliable.
- The electricity supply system has been overloaded for years.
- Loggerheads lacks community facilities for all ages.
- The current telephone and broadband availability are struggling to keep up with demand.
- Impact on property values
- The Loggerheads Parish Plan does not include this site for development.
- Public health concerns given that the quarry has been used in the past as a refuse tip. A variety of hazardous waste has been tipped. A full detailed survey of ground conditions is required to reveal exactly what has been dumped there.
- It would be better for the developer to make a contribution to affordable housing via commuted sum so that affordable housing can be directed at developments in areas of demonstrable need and/or sustainable urban locations.
- Impact on privacy
- Impact on the peaceful countryside.
- Impact on wildlife on or near the site.
- Increase in flooding
- The sewerage system is already unable to cope.
- Impact on White House Farm, a listed building.

Applicant's/Agent's submission

The application is accompanied by the following documents:

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

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website

Background papers

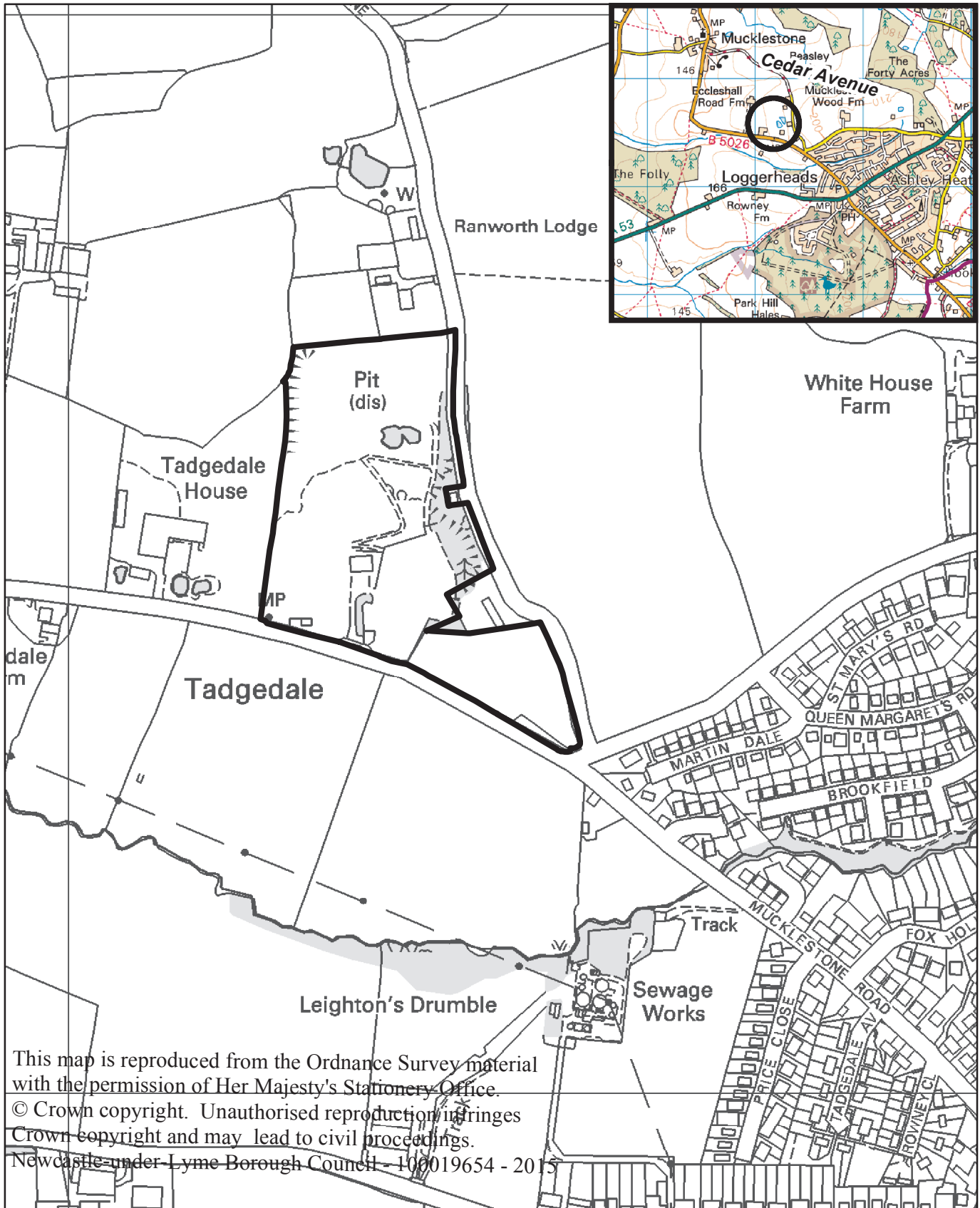
Planning files referred to
 Planning Documents referred to

Date report prepared

16th December 2015

Tadgedale Quarry, Loggerheads

15/00015/OUT



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THE HAWTHORNS AND KEELE CAMPUS KEELE SEDDON LTD

15/01004/FUL & 15/01009/FUL

These Applications are for full planning permission for the demolition of the Management Centre buildings at the Hawthorns, Keele and for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele.

The development on the campus would comprise 453 units of student accommodation in two blocks at Barnes Hall to the north-east of the campus. A total of 147 car parking spaces are proposed at two sites on the campus in the vicinity of the existing and proposed student accommodation at Barnes.

The existing student accommodation blocks and the University's Management Centre at the Hawthorns site would be demolished to allow for 83 dwellings (76 new dwellings and 7 units as a result of conversion of the buildings to be retained on the site). A school drop-off point and a local shop are also proposed.

The proposed student accommodation lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt, part of Policy area E8 (on development at Keele University and Keele Science Park), and lies within an Area of Landscape Maintenance.

The Hawthorns site is washed over by the Green Belt, although it lies within an area where "infilling", as defined in the Local Plan glossary, is permitted according to Policy S3. Saved Policy C14 on extensions of the Hawthorns Conference Centre affects part of the Hawthorns site.

The sites of the student accommodation lie within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall while the south-eastern part of the Hawthorns site is within the Keele Village Conservation Area.

Certain trees on the Hawthorns site and one tree adjacent to one of the proposed accommodation blocks at Barnes are the subject of Tree Preservation Orders (TPOs).

Station Road is a C classified road whereas Quarry Bank Road is unclassified and the roads within the University campus are private roads.

The 8 week period for the determination of the application for demolition expires on the 5th January 2016 and the 13 week period for the determination of the application for the construction of the student accommodation on the Campus and the residential development at The Hawthorns expires on 9th February 2016.

RECOMMENDATIONS

1. With respect to the application for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns (Ref. 15/01004/FUL)

(A). Subject to the applicant entering into a Section 106 obligation by 8th February 2016, or 5th March 2016 if the applicant agrees to similarly extend to that date the statutory period for this application and application 15/01009/FUL, to require:-

1. Affordable housing provision of 25%
2. A financial contribution of £326,094 (or a revised figure to reflect the reduction in the number of dwellings proposed) towards education places at Madeley High School and St. Johns' Primary School, Keele

or such provision/amounts, and such reappraisal requirements, as your Officer may recommend in a supplementary report following the expected receipt of the views of the District Valuer

PERMIT subject to conditions relating to the following matters:-

Campus

- Development to commence within 18 months
- Approved plans
- Landscaping scheme
- Arboricultural method statement
- Tree protection
- Details of all facing and surfacing materials
- Construction Method Statement
- Development in accordance with details of Flood Risk Assessment (FRA)
- Details of surface water and foul sewage drainage

Hawthorns

- Development to commence within 2 years
- Approved plans
- Prior to occupation of the dwellings on the Hawthorns development, the Barnes development to be completed
- Provision of accesses
- Closure of existing accesses
- Relocation of dragons teeth and 3mph roundels on Station Road
- Provision of visibility splays
- Length, gradient and surfacing of private drives
- Garages retained for parking
- Landscaping scheme
- Recommendations of Arboricultural Impact Assessment and Method Statement
- Details of on site open space and play provision, including a timetable for provision
- Boundary treatments
- Removal of permitted development rights
- Submission and approval of a scheme of investigation and Implementation of Archaeological works
- Historic building recording
- Details of treatment of any newly exposed elevations of The Hawthorns
- Contaminated land
- Construction method statement
- Development in accordance with details of FRA
- Details of surface water and foul sewage drainage

- **Mitigation measures for protected species**
- **Timing of requirement to provide the shop building and the drop off facility for the school**
- **Details of all facing and surfacing materials**
- **Levels details**

(B) Failing the securing of the above obligations by the date indicated above, that the Head of Planning be authorised to refuse the application on the grounds that in the absence of such obligations the proposal fails to provide an appropriate level of affordable housing which is required to provide a balanced and well-functioning housing market and fails to secure the provision/maintenance of off-site public open space; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

2. With respect to the application for the demolition of the Management Centre buildings at The Hawthorns (Ref. 15/01009/FUL)

Subject to the issuing first of planning permission for the development referred to in application 15/01004/FUL

Permit subject to conditions relating to the following matters:

- **Letting of contract for redevelopment prior to demolition of the building and commencement of demolition within six months of the demolition of the building**
- **Details of the treatment of the cleared site following demolition**

Reason for Recommendation

In this revised scheme, the concerns of the Inspector regarding the impact on heritage assets have been addressed and it is no longer considered that an objection could be sustained on such grounds. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted subject to conditions and planning obligations, the details of which it is expected the Committee will be able to be advised of.

The draft report of the District Valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to Members on this issue.

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

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

Key Issues

1.1 Planning permission was refused in December 2013 for the construction of 453 units of student accommodation at Keele University Campus and for the erection of 92 dwellings at The Hawthorns, Keele (Ref. 13/00424/FUL). The reasons for refusal can be summarised as follows:

- i. Overdevelopment of the site
- ii. Poor design quality and layout
- iii. Adverse impact on the Conservation Area by reason of encroachment of development into a key open space and the loss of trees
- iv. Adverse impact on trees
- v. Failure to make an appropriate contribution towards education provision
- vi. By virtue of its height and location on a ridge, the impact of the student accommodation on the character of the wider landscape

1.2 Conservation Area Consent was also refused for the demolition of the Management Centre buildings at The Hawthorns (Ref. 13/00425/CON) on the grounds that in the absence of approved and acceptable plans for the redevelopment of the site, there would be harm to the character and appearance of the Conservation Area.

1.3 In July 2015 appeals against both applications were dismissed by the Secretary of State.

1.4 Planning permission is now sought for the demolition of the Management Centre buildings at the Hawthorns (Ref. 15/01009/FUL) and for a revised scheme for the construction of student accommodation with car parking at Keele University Campus and residential development of 83 dwellings at The Hawthorns (Ref. 15/01004/FUL).

2. 15/01009/FUL – Demolition of the Management Centre buildings at The Hawthorns

2.1 Since October 2013, Conservation Area Consent is no longer required for demolition of unlisted buildings in Conservation Areas. Instead, works of relevant demolition of an unlisted building in a Conservation Area require planning permission and therefore, full planning permission is now sought for the demolition of the Management Centre buildings at The Hawthorns. The key issues for consideration in the determination of such an application are whether the principle of the demolition of the buildings is acceptable in terms of the impact on the character and appearance of the Conservation Area and whether the detailed plans for redevelopment are acceptable.

2.2 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The Conservation Area is to be viewed as an asset.

2.3 The NPPF recognises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as 'substantial harm' or 'less than substantial harm', as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

2.4 NLP Policy B11, a policy that broadly accords with the NPPF approach, states that consent to demolish a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:-

- i. The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii. Detailed plans for redevelopment are approved where appropriate.
- iii. An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

2.5 The buildings to be demolished are of no architectural merit and do not make any positive contribution to the character and appearance of the Conservation Area. In considering the appeals, the Inspector stated that the buildings detract from the Conservation Area and furthermore, their proximity diminishes the open character and setting of The Villa and Hawthorns House. She concluded that the removal of these buildings from within the Conservation Area would undoubtedly be a benefit in terms of the significance of the designated assets (which include Listed Buildings and Conservation Areas) and the undesignated heritage assets (those buildings included within the Register of locally important buildings). It is not considered therefore, that an objection could be sustained to the loss of the buildings on the grounds of impact on the character and appearance of the Conservation Area.

2.6 Regarding the appropriateness of the plans for redevelopment, the Inspector concluded that although the buildings to be demolished are detractors, if the appeal relating to the redevelopment of the Hawthorns site was dismissed there would be no satisfactory replacement scheme. She went on to state that in the circumstances, the demolition works would be contrary to saved Policy B11 of the Local Plan and that in such circumstances it would not be appropriate for consent to be granted. The determination of the demolition application therefore turns upon that of the other application. If the

scheme for the redevelopment of the Hawthorns site is considered acceptable, then a condition would be required to ensure the construction of the replacement scheme in a timely manner.

3. 15/01004/FUL - Construction of student accommodation at Keele University Campus and residential development at The Hawthorns

3.1 As previously, the applicant has submitted one planning application which seeks approval for both the Campus and the Hawthorns elements. The report will first consider the acceptability of the proposed student accommodation at the campus, and it will then consider the proposed development at the Hawthorns site.

4. The Campus

4.1 A total of 453 units of student accommodation are proposed in two blocks at the existing Barnes development to the north-east of the campus. A total of 147 car parking spaces are proposed at two sites in the vicinity of the existing and proposed student accommodation. This part of the scheme is identical to in the previous application (Ref. 13/00424/FUL). In consideration of that scheme, the principle of student accommodation was considered acceptable by the Council but there was concern that the accommodation, by virtue of its height and location on a ridge, would fail to protect rural vistas and would have an adverse impact upon the distinctive character of the wider landscape.

4.2 The Council subsequently chose not to defend that particular reason for refusal at appeal but in her consideration of the appeal, the Inspector stated that while the new blocks would be substantial buildings, both would take advantage of the sloping nature of the site and would not dominate the skyline in the wider view. She concluded that in terms of scale and design they would integrate successfully with their surroundings. Given the conclusions of the Inspector on this matter and the Council's position at the appeal, it is not considered that it would be reasonable to object to this proposal on the grounds of its impact on the landscape.

4.3 The Council's Landscape Development Section (LDS) initially raised concerns regarding the loss of trees from the site stating that although many of the trees are not of high quality and a substantial proportion are relatively young, many are now beginning to develop enough to provide a more meaningful amenity contribution. In response to this concern, a Tree Replacement Strategy has been submitted which provides an assessment of the application site and wider Barnes Hall's capacity to accommodate new trees, provides an indicative plan identifying on and off-site planting locations and lists appropriate tree planting species. Further to consideration of this additional information, the LDS raises no objections subject to the imposition of conditions, and the issue raised is considered to have been satisfactorily addressed.

5. The Hawthorns

5.1 The site lies within the North Staffordshire Green Belt and an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map. The south-eastern part of the site (the Management Centre, its ancillary buildings and car parking) is within Keele Conservation Area. There is a Grade II Listed Building on the opposite southern side of Station Road and the former Villa and Hawthorns House are included within the Register of locally important buildings. Given the policy context, it is considered that the main issues for consideration in the determination of this element of the application are:

- Is the proposal appropriate or inappropriate development in Green Belt terms?
- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Does the proposed development have an adverse impact upon the character and appearance of the Conservation Area, the setting of any Listed Buildings or any locally listed buildings?
- Does the proposed development have any significant adverse impact on the trees on the site?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Will appropriate provision of open space be made?

- Would the proposed development have any impact upon highway safety and would it provide appropriate pedestrian access to village facilities?
- Would there be any significant impact upon any protected species?
- Would there be any issues of flood risk?, and,
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?
- 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?
- Conditions

6. Is the proposal appropriate or inappropriate development in Green Belt terms?

6.1 The site is located within the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. According to the NPPF the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of exceptions including the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), 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.

6.2 This scheme comprises the complete redevelopment of a previously developed site that is in continuing use and therefore whether the development comprises appropriate development or not, is dependent upon whether it would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

6.3 In refusing the previous applications and in consideration of the appeals, the Council accepted that the proposal was appropriate development in the Green Belt. The Inspector stated that when considering openness there are both quantitative and qualitative measures but the most useful quantitative measure in a consideration of openness seems to relate to the footprint and volume of the buildings themselves. She considered that there would be a significant reduction. 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 there would be no impression of 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.

6.4 The Inspector considered that in relation to openness, in quantitative terms the open character of the site would be preserved and whilst in qualitative terms there is greater subjectivity, openness would not be materially diminished. She concluded that the appeal scheme would not comprise inappropriate development in the Green Belt.

6.5 The applicant has undertaken a revised quantitative assessment for this scheme and given that the amount of development proposed is less than in the appeal proposal, the floorspace and volume reductions are greater when compared to the existing development on the site. On that basis, given that the Inspector concluded that the appeal scheme would not comprise inappropriate development, the same conclusion must be reached now. In summary it is concluded that the proposed development represents appropriate development in Green Belt terms and therefore there is no need for the applicant to demonstrate "very special circumstances".

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

7.1 In relation to the appeal, the Inspector concluded that the redevelopment of the Hawthorns would contribute to the short term land supply deficit and that this represented an important benefit that weighed in favour of the scheme.

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

7.3 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole, or specific policies in the Framework indicate development should be restricted.

7.4 In consideration of the previous scheme for this site, the Council considered that the village represents a relatively sustainable location. It has a particularly high frequency bus service into the centre of the conurbation and a primary school, public house and a church within walking distance of the Hawthorns site. The occupiers of the proposed dwellings would be able to access certain services and facilities within walking distance and would also have a choice of modes of transport. The proximity of employment and leisure opportunities at the University would also potentially reduce reliance on the private car.

7.5 Given that the Council remains unable to robustly demonstrate a 5-year supply of deliverable housing land, the principle of residential development on this relatively sustainable rural site continues to be acceptable. It follows that only if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (of the development), when assessed against the policies in the Framework, should consent be withheld.

8. Does the proposed development have an adverse impact upon the character and appearance of the Conservation Area, the setting of any Listed Buildings or any locally listed buildings?

8.1 The Inspector raised a number of concerns regarding the impact of the appeal proposal on the heritage assets. In relation to the impact on the setting of Hawthorns House, she was particularly concerned that 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 and the proximity of the roadway and houses to the eastern elevation (of Hawthorn House) would be a serious disadvantage. She stated that the remaining open space would retain little functional relationship with Hawthorns House and its significance in terms of providing a setting for this undesignated heritage asset would be largely lost. She went on to state that this would also diminish the contribution of Hawthorns House and its setting to the significance of the Conservation Area. 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.

8.2 The Inspector also had concerns regarding the loss of trees within the Conservation Area. She considered that sufficient trees would be lost to have a substantial adverse impact on the character of the visually important landscaped open space.

8.3 The revised application has sought to address the concerns of the Inspector with the removal of the 3 pairs of semi-detached dwellings from the greenspace between Hawthorns House and the road, the retention of more trees and the restoration of the historic setting for Hawthorns House. The impact of the revised scheme on trees is considered below.

8.4 The changes retain more of the open landscape and therefore the setting of Hawthorns House, its former parkland and of the Conservation Area. The proposal has removed roadways from around Hawthorns House and reinstated its setting by way of a garden and public open space. The revised scheme as submitted originally proposed two dwellings to the west of The Villa which were to encroach into the open space. Whilst the Inspector did not express any particular concerns about development in this area, these properties have now been omitted from the scheme enabling views from the road across the open space to Hawthorns House.

8.5 It is considered that the revised scheme successfully addresses the principal concerns of the Inspector in relation to the impact on the heritage assets and therefore, it is considered that an objection could no longer be sustained on such grounds.

9. Does the proposed development have any significant adverse impact on the trees on the site?

9.1 There are a significant number of mature trees on the site, many of which are the subject of a Tree Preservation Order (No. 140). A number of the trees covered by the TPO are within the Conservation Area.

9.2 NLP Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

9.3 In relation to the appeal scheme the Inspector stated that the most important tree losses would be those occurring within the Conservation Area itself. She made particular reference to the loss of the mature Horse Chestnut trees that form the visually impressive avenue flanking the current access road as well as the trees to be lost to the front of the site which she felt would have a substantial adverse impact on the character of the visually important landscaped open space. She concluded that overall the number of new trees would be significantly less than those to be lost and that the mature sylvan setting would be substantially and harmfully eroded even in the long term.

9.4 In the appeal scheme 161 of the trees on the site were to be felled. In this revised scheme, 138 trees are proposed for removal but importantly a significantly greater number of high quality trees will be retained. Due to layout changes to the proposed access and within the open space at the front of the site, the trees that the Inspector made particular reference to would be retained. A total of 230 replacement trees are proposed including 53 in the Conservation Area.

9.5 The Landscape Development Section has no objections to the revised scheme and considers that it has comprehensively addressed the concerns relating to the appeal scheme.

9.6 It is considered that the mature sylvan setting that the Inspector referred to would be retained and subject to conditions it is not considered that an objection could be sustained on the grounds of impact on trees.

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

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

10.2 In relation to landscape impact, the Inspector stated that there was no doubt that the appeal scheme would be viewed as an estate development and would undoubtedly be large in scale and

add considerably to the existing modest sized village. She went on to state that this would however, be countered by the removal of the incongruous and imposing accommodation blocks.

10.3 With respect to the design and layout of the development, she highlighted that one of the main criticisms of the appeal scheme was that it would be an inward looking suburban form of development which would be poorly integrated with the village. The Inspector stated that to some degree she agreed in that the layout would be mainly from a single access with houses grouped along cul-de-sacs. However, she went on to state that it is a sizeable site and it could not be expected to necessarily mirror the spatial characteristics of the host environment which has grown organically over many centuries. In addition, she pointed out a number of constraints including the shape and complex topography of the site and the abundance of trees. She felt that there would be a good range of house types which would provide an interesting and attractive townscape and a sense of place and that detailing has been taken from the local vernacular. She states that there is little harmony between the existing campus development and the remainder of the village in terms of scale, appearance and layout. Taking the appeal proposal in the round she concluded that the design and layout of the development would not have an adverse effect on the character and appearance of the area.

10.4 Although the Inspector made no adverse comment regarding landscape impact, the scheme has been revised to reposition garages that were previously proposed adjacent to the north-west boundary of the site. Buildings are no longer proposed on this boundary.

10.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted which concludes that the removal of the buildings proposed for demolition would have a 'minor beneficial' impact on the character of the site and the village. It adds that the development of the site would retain a good proportion of open space and mature trees and concludes that the impact of the development on views would range between 'minor adverse', 'neutral' and 'minor beneficial'.

10.6 Given the conclusions of the Inspector and the LVIA, it is not considered that an objection could be sustained on the grounds of impact on the character and appearance of the village or on the wider landscape.

11. Will appropriate provision of open space be made?

11.1 NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

11.2 In relation to the appeal proposal, the Inspector was satisfied that overall there would be a reasonable provision of amenity space, including around The Bowl. It would be publicly accessible, unlike now, and the provision of a children's play area would be a benefit in a village where none currently exists.

11.3 The current proposal provides a greater amount of public open space and now includes details of the play area. High quality timber equipment is proposed appropriate to the character of the site and its surroundings and the Landscape Development Section is satisfied with the play equipment proposed. The applicant has confirmed that the open space would be maintained by a management company as in the appeal proposal and this would be secured via a Section 106 Agreement.

11.4 Concerns have been raised in representations regarding contamination of The Bowl area. 'Phase I' and 'Phase II' Reports have been submitted for the site along with a covering letter. The Phase II Report (a more comprehensive one) states that given the likely extent of contamination in The Bowl, it would not be suitable for use as a domestic garden (due to plant uptake and digestion) without specific mitigation measures, but given that it is to be used as a play area, further testing is recommended and any necessary remediation works carried out accordingly. It goes on to state that the level of contamination does not give rise to concern and that any necessary works could easily be incorporated into the development scheme. The Environmental Health Division has no objections subject to the imposition of conditions requiring additional site investigations and on this basis it is not considered that an objection could be sustained on the grounds of land contamination concerns.

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

12.1 The site would be accessed, as at present, from both Station Road and Quarry Bank Road, however the majority of the proposed development would be accessed via Station Road. There would be no vehicular link between the accesses. Provision is made within the scheme for a drop-off facility for St John's Primary School.

12.2 The current scheme proposes a slightly repositioned access from Station Road in order to retain important trees and 15 dwellings would be served off Quarry Bank Road compared to 13 in the appeal proposal.

12.3 The application is accompanied by a Transport Assessment (TA) which states that the development will be accessed by a safe and efficient vehicular access arrangement, the proposed development can be accommodated on the local highway network and the traffic impact will have a minimal impact on the junctions in the area. Information has been received from the Highway Consultant confirming that the two additional dwellings to be served off Quarry Bank Road would result in one additional vehicle movement during peak periods when compared to the previous scheme which would have negligible impact on the Keele Road/The Village/Three Mile Lane/Quarry Bank Road junction. Overall, the TA concludes that the development will provide a sustainable development in transport terms and planning permission should be granted in accordance with the Framework.

12.4 The Highway Authority has no objections to the application subject to the imposition of conditions including the requirement for visibility splays. Your Officer is satisfied that the visibility splays would not have any adverse impact on the trees.

12.5 In relation to the appeal proposal, the Inspector did not consider that the evidence indicated that the scheme would cause unacceptable risk to highway safety. Although the position of the Station Road access has moved slightly to the north in this revised scheme, given the conclusions of the TA and the fact that the Highway Authority has no objections, it is not considered that an objection on highway safety grounds could be sustained now.

12.6 In relation to the appeal, the Inspector stated that in terms of accessibility for non-car modes, the site is well located. There is no reason to reach a different conclusion now.

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

13.1 An Ecological Survey and Impact Assessment has been undertaken and earlier surveys have now been supported by new survey work carried out in September 2015. The Surveys state that other than the presence of bats, there is no conclusive evidence of any specifically protected species regularly occurring on the site which would be negatively affected by the site development. In relation to bats, the Report proposes specific mitigation measures in the form of new roosts, boxes and tubes. There is no indication that the proposals would have an unacceptably adverse impact on protected species, including bats.

13.2 No comments have been received from Natural England but in relation to the appeal proposal the Inspector stated that in any event a licence would have to be applied for in due course for works that would affect bats. She stated that there is no reason why such a licence should not be approved and in any event a bat mitigation and monitoring strategy could be the subject of a planning condition. She concluded that in the circumstances there would be no harm to the protected species and the Habitats Regulations would not be offended. Given the conclusions of the Inspector and the more recent surveys that have been carried out, it is not considered that an objection could be sustained on the grounds of impact on protected species.

14. Would there be any issues of flood risk?

14.1 A Flood Risk Assessment (FRA) for the Hawthorns site states that the site is within Flood Zone 1 where flood risk is very low. The FRA concludes that the most likely form of flooding for the site is pluvial flooding, resulting from a sudden intense summer downpour, and any flooding is likely to be

concentrated to the south of the site within the low lying open space. A number of recommendations are made to counter the effect of any increase in surface water run-off from drained areas, and the anticipated effects of climate change. A Drainage Assessment has also been submitted to be considered in conjunction with the FRA.

14.2 In relation to the previous scheme, the Environment Agency had no objections to the proposal subject to conditions including a requirement to carry out the development in accordance with the FRA and the mitigation measures included within the FRA. Since April 2015 the Lead Local Flood Authority (LLFA) has become a statutory consultee on planning applications for major development in relation to surface water drainage. The LLFA has requested further information including proposed discharge rates and calculations to demonstrate that there is sufficient space for the required attenuation volume and the applicant is currently producing an addendum to the FRA. The LLFA has advised that with the additional details, it is likely that they will have no objections to the proposals subject to conditions.

14.3 Notwithstanding this, it is the case that in considering the appeal scheme, the Inspector was satisfied that planning conditions could require full details of the drainage scheme and also details of future maintenance and management. There has been no material change in planning policy since the appeal decision and therefore it is not considered that it would be reasonable to raise any objection to this revised proposal on flood risk grounds.

15. What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

15.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing (or a financial contribution towards off-site provision) and a contribution of £326,094 towards education provision (a revised figure has been requested from the Education Authority to reflect the reduction in the number of dwellings now proposed). These contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

15.2 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

15.3 Staffordshire County Council has requested an education contribution towards the provision of spaces at St John's Primary School, Keele and Madeley High School. There has been just one planning obligation entered into since April 2010, relating to planning permissions granted for development, providing for a contribution towards St John's Primary School but more than 5 such obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above. On this basis, it is considered that the contributions comply with CIL Regulation 123.

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

16.1 The previous application for this site was accompanied by a viability assessment that was updated at appeal stage. The viability work was reviewed by the District Valuer and the conclusion was that the scheme would not be viable with contributions towards affordable housing or education. Notwithstanding the viability issue, the applicant agreed to make a payment towards secondary

education through a Section 106 Agreement and the same is being offered in relation to the revised scheme.

16.2 Your officers have agreed that a further viability appraisal is not required to accompany this revised application. Rather, the District Valuer has been instructed to undertake a revised viability assessment. The report of the District Valuer has not yet been received. A further report will be given to Members on this matter.

17. 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?

17.1 In her assessment of the planning balance, the Inspector concluded that the appeal scheme would have a number of benefits. These were a significant contribution towards addressing the undersupply of housing in the Borough, the removal of the unattractive buildings from the Conservation Area, the refurbishment and re-use of the historic buildings on the site, the provision of publicly accessible open space, a dedicated drop off parking facility for the primary school and a new permanent population to support existing facilities in the village. However, she considered that the adverse impacts of the proposal, namely the irreversible and serious damage to the Conservation Area, would significantly and demonstrably outweigh the benefits.

17.2 In this revised scheme, the concerns of the Inspector regarding the impact on heritage assets have been addressed and it is no longer considered that an objection could be sustained on such grounds. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted subject to conditions and a planning obligation, the details of which the Committee will be advised.

18. Conditions

18.1 Keele Parish Council has requested conditions withdrawing permitted development rights for change of use from C3 to C4 and requiring that if no commercial partner can be found for the shop, the building be designated for community use. In relation to the appeal, the Inspector considered a number of conditions that had been recommended by the various parties and stated that given that C4 (Houses of Multiple Occupation) is a separate use class to a dwelling house, planning permission would be required for such a change. She concluded that a condition would thus be unnecessary. Your Officer does not consider there is in this case the exceptional circumstances required to justify such a condition. Regarding the use of the shop, there is no evidence of a need for a building for community use and it is not considered that a condition requiring the use of the building for such a use is either necessary or reasonable.

APPENDIX

Policies and Proposals in the approved Development Plan relevant to the decision on the application (15/01009/FUL) for demolition:-

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

Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B9: Prevention of Harm to Conservation Areas

Policy B11: Demolition in Conservation Areas

Policies and Proposals in the approved Development Plan relevant to the decision on the application (15/01004/FUL) for the construction of the student accommodation on the Campus and the residential development at The Hawthorns:-

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy H9: Conversion of Rural Buildings for Living Accommodation
Policy E8: Keele University and Keele Science Park
Policy T16: Development - General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy C4: Open Space in New Housing Areas
Policy C14: Extension of the Keele Conference Centre at The Hawthorns
Policy C22: Protection of Community Facilities
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy N19: Area of Landscape Maintenance
Policy B3: Other Archaeological Sites
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B8: Other Buildings of Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (PPG) (2014)

Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

Conservation of Habitats and Species Regulations (2010)

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

Supplementary Planning Guidance

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

Space Around Dwellings (SAD) (July 2004)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

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

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

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

Relevant Planning History

10/00531/FUL Construction of student accommodation blocks at Keele University Campus and residential development and an older persons care village at The Hawthorns - withdrawn on 7th March 2011

13/00424/FUL Proposed student accommodation with car parking at Keele Campus and residential development of 92 dwellings with school drop off point, shop and linked area of green space at The Hawthorns – Refused and dismissed at appeal in July 2015

13/00425/CON Demolition of existing buildings at The Hawthorns – Refused and dismissed at appeal in July 2015

Views of Consultees

Historic England states that in view of the observations made by the Planning Inspector in her report of July 2015 regarding the previous proposals for this site, they have no comments regarding the principle of development. They note that the applicant appears to have addressed many of the Inspector's previous concerns. The Inspector made reference to the local importance of Hawthorns House, The Villa and its associated Barn and their contribution to the significance of the Keele Conservation Area. Therefore, it is recommended that careful consideration is given to their renovation and conversion and in particular the opportunity to retain as much original fabric as possible. Given the presence of the Keele Conservation area and the Keele Hall Registered Historic park and Garden, careful consideration should be given to all materials, architectural details and finishes of the new development.

Regarding application 15/01009/FUL, the **Conservation Advisory Working Party** has no objections to the proposed demolition and partial demolition of the buildings within the Conservation Area. It is however concerned about the possibility of the demolition leaving an untidy and derelict site over a

long period of time and would like this permission to be linked to 15/01004/FUL and time limited via a condition. Regarding 15/01004/FUL, the Working Party approves of the attempts made to improve the setting of Hawthorn House and to improve permeability across the site. It also recognises the attempt to reflect the 'character' of houses within the existing village but members see the proposal as a missed opportunity for more innovative design with a 'greener' focus. The Working Party has concerns over the scheme and resulting increase in traffic within the village and sees the amount of houses as overdevelopment. The Working Party objects to the visual impact that plots 77 and 78 will have at the front of the site on the setting of Hawthorn House.

The **Urban Design and Conservation Officer** states that the building attached to the management centre does not have any special character that would harm the Conservation Area if it were removed. It is generally out of scale against the Villa and it will be beneficial to the area if it is demolished. The accommodation blocks do not add any positive contribution to the character of the Conservation Area so it will be beneficial if they are removed. The extensions to Hawthorns House whilst historic, have been considerably altered in the mid-1950s and are not important enough to retain. Their contribution to the overall setting of Hawthorns House is not positive anymore and the proposals to take the building back to its historic footprint of the late 19th century is a beneficial change in terms of the character and significance of Hawthorns House which in turn is beneficial to the Conservation Area.

The Inspector highlighted the harm caused by the 3 pairs of semi-detached houses facing towards The Village, the associated parking and road and the impact of the proximity of the road close to the side elevation of Hawthorns House on the significance of the house and its views of the church. The amended application removes these 6 houses along the frontage and reduces the overall number of properties within the whole scheme but especially around Hawthorns House. These changes retain more of the open landscape and therefore the significance of the setting of Hawthorns House, its former parkland and of the Conservation Area.

There is (she writes prior to the amendment of the proposal) currently some contention over the two properties at plots 77 & 78 as they do impact on that part of the Conservation Area and open space fronting the village. It should be noted that in the previous appeal proposal 3 detached properties were proposed in this location in very regular plots, indeed the roadway was very suburban in this location. The current proposal has removed roadways from around Hawthorns House and given it room to breathe. There are some proposed informal pathway networks which will allow access around this open space and allow for some views of Hawthorns House. Development has been pushed back away from this part of the site and whilst plot 77 & 78 are at the front of the site, they are less formal in their orientation and could have a positive connection with the open space. Views are currently limited from the front of the site of Hawthorns House due to trees and shrubs. The current scheme will open up some of those views and allow greater access into the former parkland. There is concern that given the proposed style and positioning of the properties at plots 77 & 78, which are large detached mock Victorian houses, that they might compete with the villa. Most new build houses never mimic to the same degree in terms of quality of design, which may be to the detriment of the character and appearance of the Conservation Area.

It is noted that the tree issues have been dealt with to a greater degree and more trees are now being retained, specifically within the Conservation Area and those of a higher category. This will help to maintain the important landscape character which contributes to the special character of the area.

Staffordshire County Council Archaeologist states that taking into account the demonstrable archaeological potential of the area as set out in the desk based assessment it is considered that the development has the potential to impact upon below ground remains of medieval and later date. Consequently, it is advised that an archaeological evaluation be undertaken to include geophysical survey followed by targeted trial trenching, the results of which should inform the need for and scale of further archaeological investigations. The evaluation would only take place once demolition is complete and any grubbing out of foundations carried out as part of the demolition process. A programme of historic building recording should also be carried out prior to any works to The Hawthorns and its associated outbuildings and The Villa and its barn. This would most appropriately be secured via a condition.

Urban Vision Design Review Panel considered this scheme at pre-application stage and made a number of recommendations. A revised scheme was then considered and a summary of the main points made by the Panel is as follows:

- The applicants have made a positive response to the points raised by the Inspector to many of the points raised by the Panel previously.
- The Inspector was concerned regarding the loss of an important area of greenspace to the front of Hawthorns House. The now minimal loss, the removal of units from the refused scheme, the reorientation of two units and the relocation of the access road are all significant improvements.
- The revised scheme now shows fewer trees to be lost from the Conservation Area and the Arboricultural Impact Assessment considers that this new provision is adequate and appropriate.
- The amendments satisfactorily address previous concerns regarding harm to the setting of Hawthorns House and a weakening of its contribution to the Conservation Area. The revised scheme would in fact strengthen the presence and longevity of Hawthorns House, improve its look and create a safer more attractive place in the Conservation Area.
- The conversions seem to be an improvement on the existing.
- The loss of open space proposed will be minimal, the overall layout plan works well with good use of the 'Bowl' and with the setting and space in front of the Hawthorns being well handled.
- The overall layout plan integrates well with the retained trees and hedgerows.
- The introduction of extra heavy standard trees will provide limited short term impact and the management plan should ensure that these new trees are protected and replaced if damaged or destroyed.
- The area of adoptable highway around the Bowl has been reduced as suggested by the Panel. The road layout has an improved and acceptable variety of widths and surface materials and the adoptable highway is not a dominant factor. However an alternative material to 'black top' should be used in the site access road to provide a more distinctive and sensitive character.
- A range of house types has been developed with a good variety of size and form and good use of windows to prevent blank gable walls. However, the design approach is rather conservative and perhaps too sensitive to the setting and context of the development. The opportunity is being missed to add quality and local distinctiveness by contrasting new and contemporary bespoke designs with the historic character of the retained buildings. More variety in elevational materials with some contrasting brickwork or more render in places would lighten the approach.
- The shop is welcomed but the elevation is scarcely different from the houses. A different window and door configuration should be used.
- Category B trees can still be trees of considerable merit and category and should not automatically be considered lower quality.
- Overall, the layout, tree and hedgerow retention, open space and highway issues have all been tackled in a manner which is to be welcomed. However, the proposed house types will now be the weak link in what otherwise promises to be a well-considered development. Further work is recommended to introduce an element of high quality 21st Century design which enhances the character of the conservation area whilst not compromising the quality of the external materials used.

The **Crime Prevention Design Advisor** states that the Design and Access Statement for the student residences clearly demonstrates that crime prevention has been considered as part of the design process. Well-lit routes around the blocks will be provided and there will be overlooking of the paths and landscaped areas.

Although the Design and Access Statement for The Hawthorns development is less explicit about crime prevention matters, the site plan clearly demonstrates that crime prevention has been considered and crime prevention features incorporated. There are many positive crime prevention elements. Elements of concern include the number of footpath cut-throughs to Quarry Bank Road and that some boundaries need to be more robust.

The **Landscape Development Section** has no objections to the current scheme for the Hawthorns which is considered to have comprehensively addressed the concerns with the previous application. Comments are made regarding the excessive height of some boundary walls, the lack of overlooking to the public open space to the rear of Plots 31 and 32 and the need for more robust plant species around the proposed play area. Conditions are recommended requiring all the recommendations of the Arboricultural Impact Assessment and Method Statement to be carried out and requiring the provision of management proposals for the public spaces and play area.

Regarding the campus development there are concerns that it is proposed to remove almost all of the existing trees. With only minor layout amendments more trees in groups G1 and G9 could be retained. Larger growing species would be better suited to the site and the number of trees should be increased. Further information is required to demonstrate that the trees adjacent to Barnes Hall Road would not be affected by the proposed parking provision. Protection measures should be extended to protect the protected beech tree, T2. Conditions are recommended requiring a detailed Tree Protection Plan and Arboricultural Method Statement based on the recommendations of the Arboricultural Impact assessment and Method Statement, and a detailed landscaping scheme.

The **Highway Authority** has no objections to the proposed development. With respect to the Hawthorns development, conditions are recommended regarding provision of access and internal road layout, provision of visibility splays, relocation of dragons teeth road markings and 30mph signs on Station Road, provision of parking and turning areas, closure of existing access on Station Road, gradient, length and surfacing of private drives, provision of drainage interceptors, retention of garages for parking and submission of a Construction Method Statement. In relation to the Campus development, conditions are recommended regarding the provision of the access, parking and turning areas and details of secure weatherproof cycle parking.

The **Education Authority** states that the development falls within the catchments of St. John's CE (C) Primary School and Madeley High School. The development could add 16 Primary School aged pupils and 11 High School aged pupils. Madeley High School is projected to have insufficient places available to accommodate all of the likely demand from pupils generated by the development and is projected to have limited places available in one year group only. St. John's Primary School is also projected to have insufficient places available to accommodate all of the likely demand and is projected to be full in all cohorts in addition to any pupils from this development. An education contribution for 16 primary school places (16 x £11,031 = £176,496) and 9 high school places (9 x £16,622 = £149,598). This gives a total request of £326,094. A revised figure has been requested from the Education Authority to reflect the reduction in the number of dwellings now proposed.

The **Environment Agency** has no comments to make regarding the application.

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

Staffordshire County Council as **Minerals and Waste Planning Authority** has no objection.

Keele Parish Council state that this application is a significant improvement on the previous application as the Inspector's comments on the importance of the Conservation Area and the mature trees have resulted in a more balanced design with 10 fewer new dwellings. The proposals for Hawthorns House are welcome and The Barn conversion is an imaginative addition to the whole site. The Parish Council is also pleased that the revised layout has taken considerably more notice of the mature trees on the site and has made efforts to retain them and incorporate them into the development.

However, the Parish Council objects to plots 77 and 78 in the application. Both plots are in Keele Conservation Area in an area that was a principal focus of the appeal and represent a considerable intrusion into the open space. By projecting far into the open space these structures restrict openness and obscure views of Hawthorns House and so deprive it of context. The houses do not follow the boundaries of either The Villa and its original garden or the Conference Centre main building. The proposals at this point represent unacceptable degradation of the setting of a heritage asset. The

Conservation Area was designed to incorporate the whole of the green space which preserves the eighteenth century setting of Hawthorns House. The integrity of the entire area was fully recognised in the appeal decision. The only justification provided by the applicant for the intrusion of plots 77 and 78 is that by overlooking the green space the properties ensure 'good natural surveillance' but that can be maintained by other plots should plots 77 and 78 be removed from the plan.

A former planning application to develop in the garden of No. 28 The Village which is almost directly opposite the proposed plot 77 was also refused on appeal in March 2005 on the grounds that it would reduce the open aspect of the site and undermine existing views across the Conservation Area.

Two Planning Inspectors have now determined that development in this area would have an adverse effect on the Conservation Area and it is considered that these two dwellings should not be built. If these plots were to be withdrawn then Keele Parish Council would withdraw its objection.

All the conditions listed in Annex 3 and Annex 4 of the Inspector's report should be included in any planning permission granted with additional conditions requiring that if no commercial partner can be found for the shop, the building be designated for community use, withdrawing permitted development rights for change of category from C3 to C4, tree protection measures, and stipulating the use of hedges for boundaries. The Section 106 contribution agreed at the Public Inquiry should also be a requirement.

The development on the Barnes Hall site is welcomed.

Additional concerns raised by local residents are traffic problems, inadequate drop-off provision for the school, density of the development, closure of the pub, provision for bat colonies, absence of any major contribution to social facilities, contamination of the 'Bowl' and mitigation for bats.

No comments have been received from **Natural England**, **Severn Trent Water**, **Staffordshire Wildlife Trust**, the **Garden History Society**, the **Lead Local Flood Authority**, the **Waste Management Section** and the **Housing Strategy Section**. Given that the period for comments has ended it should be assumed that they have no comments to make upon the proposals.

Representations

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

- The latest application does not address the issues highlighted by the Planning Inspector
- The quantity of student accommodation will go down and the average cost on campus will rise leading to more students commuting to campus and living in private rented accommodation.
- Highway safety concerns
- Impact of plots 77 and 78 encroaching into the Conservation Area green space obscuring the view of Hawthorns House
- Safety concerns of a children's play area over land that is known to be contaminated with chemicals
- All of the conditions agreed at the Public Inquiry should be part of any planning consent and should include the withdrawal of permitted development rights for change from C3 to C4
- Hedges should be used for boundaries
- The number of trees to be removed remains unacceptable
- Impact on bat roosts
- Keele University should consider the provision of affordable accommodation within the Barnes site

Four letters of support have been received. The following comments are made:

- The revised plan meets many of the earlier objections.
- The University needs more and newer accommodation and this development is part of the means of funding that.
- Having a residential development would enhance the village feel.

Applicant's/Agent's submission

The applications are accompanied by the following documents:

- Planning Statement
- Design and Access Statements
- Heritage Impact Assessment
- Site Investigation Reports
- Flood Risk Assessments
- Drainage Assessment
- Ecological Surveys and Impact Assessment
- Delivery Information Report (Bats)
- Tree Survey Reports
- Arboricultural Impact Assessments
- Transport Assessment including Travel Plan Framework
- Archaeological Report
- Landscape and Visual Impact Assessments
- Sustainability Statement

These documents are available for inspection at the Guildhall and searching under the application reference number 15/01004/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

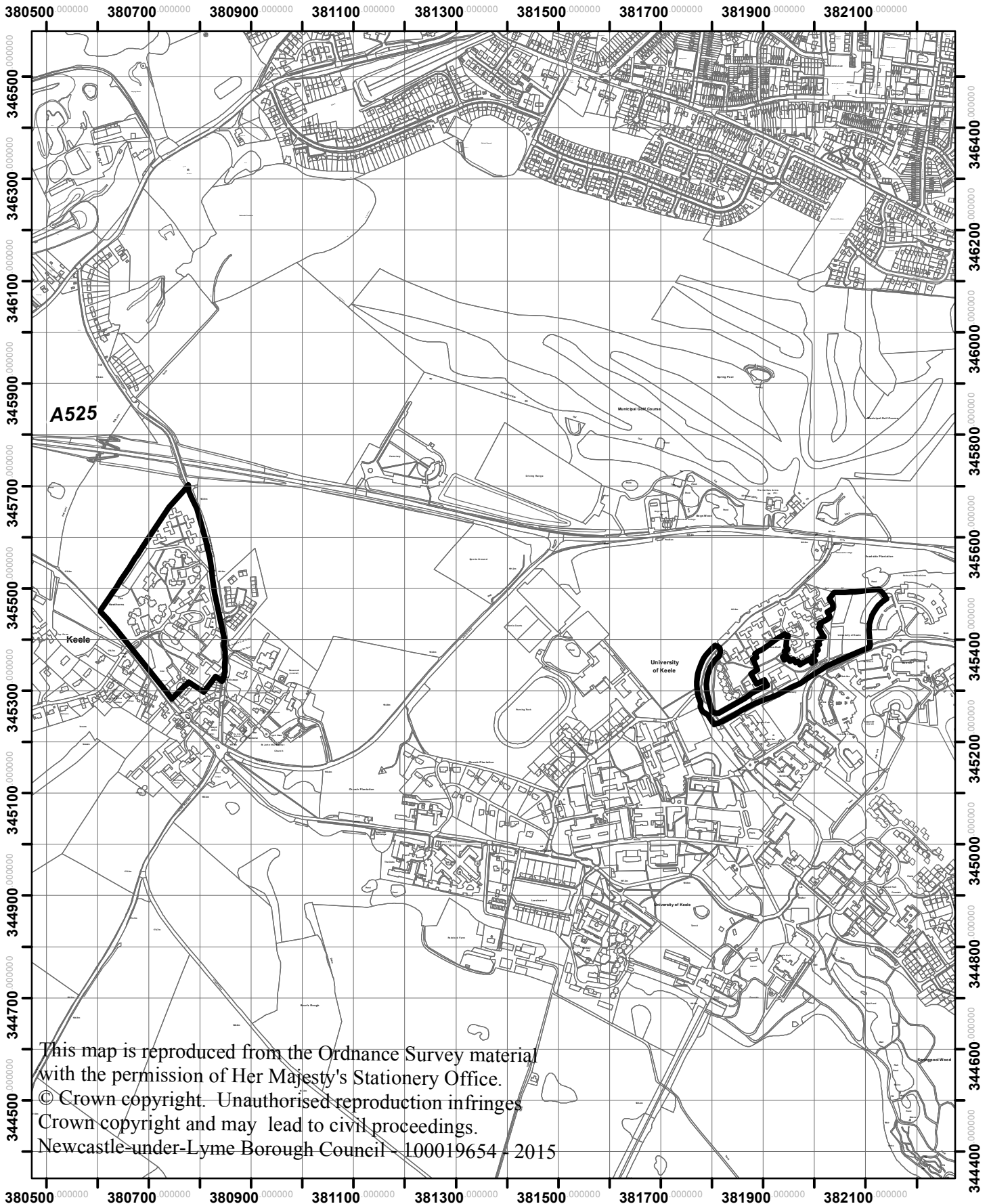
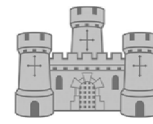
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th December 2015

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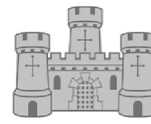


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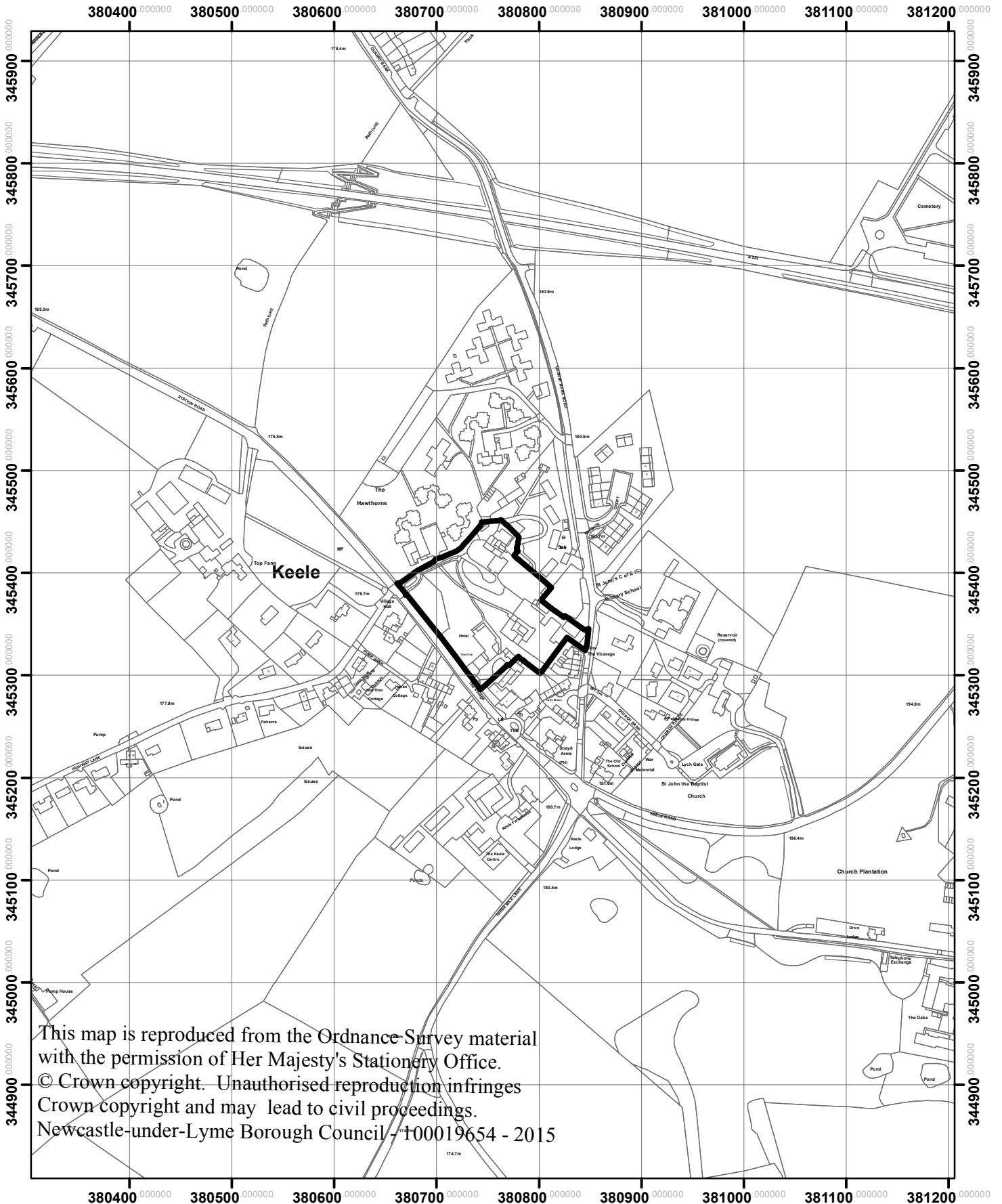


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The Hawthorns and Keele Campus
Three Mile Lane, Keele
15/01009/FUL



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL



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FORMER BLUE BELL INN, NEW ROAD, WRINEHILL
J LITTLETON & CO. LTD

15/00759/FUL

The application is for full planning permission for five detached dwellings.

The site extends to approximately 0.21 hectares, is within the Green Belt boundary and is also within an Area of Landscape Enhancement (Policy N20) designation as defined by the Local Development Framework Proposal Map.

The 8 week period for the determination of this application expired on 27th October 2015 but the applicant has currently agreed an extension to the statutory period until 19th February 2016.

RECOMMENDATION

A. Subject to the applicant first entering into a section 106 obligation securing a commuted off-site affordable housing contribution of £45,000 by 16th February 2016, permit the application subject to conditions relating to the following matters:

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Protection and retention of existing trees and hedgerows**
- 5. Compliance with Arboricultural Method Statement**
- 6. Specific and detailed landscaping scheme**
- 7. Provision of access, parking and turning areas prior to occupation**
- 8. Off-site highway works to include 1.8m wide footway and Checkley Lane junction improvements**
- 9. Submission and approval of Surfacing, drainage and visibility details**
- 10. Garages to be retained for parking**
- 11. Gates to be in the position shown on the approved plans and to open away from Birks Drive.**
- 12. The existing Checkley Lane access permanently closed**
- 13. Submission and approval of a Construction Method Statement**
- 14. The erection of a 'Private Road' sign at the site entrance**
- 15. Unexpected land contamination**
- 16. Noise mitigation measures**
- 17. Construction hours**

B. Should the matters referred to in (A) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to ensure a commuted sum towards affordable housing or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

An extant planning permission remains on the site for a residential development and whilst the proposal is inappropriate development within the Green Belt it is considered in this particular instance that there continues to be the required very special circumstances which outweighs the harm to the inappropriateness of the development, namely:-

The site is strategically important inasmuch as it provides an appropriate and attractive gateway development providing an introduction to the village of Wrinehill. It is important, therefore, that this redundant site is redeveloped in the interests of the appearance of Wrinehill. In addition the proposal would secure a contribution to affordable housing provision off site.

The site has ready access to public transport connections. The proposal provides an acceptable layout and design for its location which is in accordance with planning policy and design guidance. Planning conditions would make the proposed development acceptable, the development accords with the provisions of the development plan and there are no other material planning consideration that would justify refusing the proposed development.

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 which has lead to independent advice being received from the District Valuer in a prompt manner. 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 erection of 5 large detached dwellings on the former Blue Bell Inn (public house) in Wrinehill. The public house has been demolished following the grant of planning permission for a residential development of 5 dwellings and 2 apartments, application no. 13/00065/FUL. The permission remains extant and would have been implemented had a Registered Social Landlord (RSL) been interested in taking on the two Affordable Housing units that were secured in the permission as required by with local planning policy. The development, however, has not secured any interest from an RSL which has led to the reconsideration of the residential redevelopment of this site.

The application is therefore a resubmission with an amended scheme for the site which is located in the open countryside on Green Belt land and designated locally as an Area of Landscape Enhancement.

National and Local Planning Policy has not changed and whilst the previous permission remains extant and the principle of residential development has been accepted previously it is considered that the following key issues need to be considered now that no onsite affordable housing units are proposed;

- The appropriateness or inappropriateness of this development in Green Belt terms
- Is the proposal acceptable in terms in design and character of the area
- Does the proposal provide an appropriate level of residential amenity
- Parking and the impact on highways safety
- Provision of affordable housing
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

The appropriateness or inappropriateness of this development in Green Belt terms

Paragraph 79 of the NPPF states that “The Government attaches great importance to Green Belts. 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.”

It further outlines in paragraph 89 that the construction of new buildings is inappropriate within the Green Belt. There are a number of exceptions to this but none are considered relevant in this instance so the development remains inappropriate development within the Green Belt.

As with previous Green Belt policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para.87).

Design and impact on the character of the area

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. The section of the NPPF on “Requiring Good Design” discusses the

importance of the design of the built environment, and to plan positively for the achievement of high quality and inclusive design for all developments. The NPPF states that new development should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing appropriate innovation
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and landscaping

The site lies within an area of landscape enhancement, as indicated on the Local Development Framework Proposals Map which indicates that the Council will support proposals that enhance the character and quality of the landscape. The rural environment section of the Councils Urban Design SPD (2010) states that development in rural areas should respond to the unique character and setting of each, including a thorough understanding of the settlement pattern, its setting within the wider landscape and how this has developed over history.

The site is on the corner of the A531 New Road and Checkley Lane, thus having two road frontages. The road access for the proposed development would be taken off the A531 frontage. Concerns have been expressed from the Environmental Health Division about the noise impact on the rear garden areas of the properties that are adjacent to the two highways. This objection may result in high boundary fences adjacent to the highway but it is not considered that this would have such an adverse impact on the street scene/ visual amenity. This matter is currently being addressed and further information should be provided by the applicant prior to the meeting.

Notwithstanding the outstanding details it is considered that the layout, scale, landscaping and appearance of the scheme would enhance the appearance of the site and subject to good quality materials and confirmation of the planting proposed the design of the scheme is considered to be in accordance with policies N17 and N20 of the local plan and the guidance and requirements of the NPPF.

Does the proposal provide an appropriate level of residential amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form. (point 6)

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

The closest existing residential properties are those to the north and east of the site. Given the scale of the proposal and the separation distances involved, it is considered the proposed development would not conflict with the guidance.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advice at R16 stating that "Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers."

As referred to above, the Environmental Health Division has objected to the application on the grounds that private amenity spaces adjacent to roads would cause an adverse noise impact. A noise assessment has been submitted to support the application but this is out of date because it relate. The applicant has been asked to address this issue and provide mitigation measures.

Whilst the 4 bedroom properties would technically breach the Supplementary Planning Guidance (SPG) relating to Space about Dwellings given they don't provide a mean rear garden length of 10 metres, these plots do provide areas of private garden within each curtilage and given the sites rural location it is considered these plots provide an appropriate level of residential amenity. It is considered appropriate given the plot sizes to remove permitted development rights.

Parking and the impact on highways safety

The proposed scheme would have an internal private road off New Road with each plot having a driveway and garage. This would allow at least three cars to be parked.

The Highways Authority has raised no objections subject to a number of conditions. These are all considered acceptable in the interests of highways safety, including the restriction of the garages to be retained for the parking of motor vehicles and cycles and should not be converted to living accommodation.

Subject to the conditions advised the proposal scheme is unlikely to cause significant parking and highway safety concerns, which would meet the guidance and requirements of the NPPF.

Affordable Housing

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 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.

The previous scheme secured two affordable units which was agreed would be shared ownership apartments. However, since the previous decision the owners have been unable to secure an interest from an RSL. The Councils Housing Policy section has confirmed that whilst they initially indicated that one affordable unit should be provided no RSL's are interested in a unit in this location.

The provision of an off-site commuted sum for affordable housing has therefore been explored. The Affordable Housing SPD indicates that in such circumstances, the payment will be collected to help finance the development of the relevant proportion of affordable housing equivalent to that which would have been required on site.

The applicant has provided a valuation report and independent advice has been received from the District Valuer who has agreed that the commuted sum should be £45,000 index linked and subject to a review mechanism which should be secured by a S106 agreement. This is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Do very special circumstances exist to justify inappropriate development?

The previous application was permitted on the grounds that whilst it represents inappropriate development within the Green Belt there are very special circumstances that would outweigh the harm caused, these being that it is an important site and the redevelopment of this gateway site into the village of Wrinehill would improve the appearance of the area. In addition the proposal would secure much needed affordable housing in this rural location.

Whilst on site affordable housing cannot be secured an off-site commuted sum could be allocated to be spent on Affordable Housing within the area but if this mechanism cannot be achieved then it should be spent within the Borough. Further advice will be sought in this regard and reported prior to the committee but regardless of this matter the proposed development, subject to a S106 agreement being secured for an off-site Affordable Housing contribution, would result in Affordable Housing provision.

In light of the above it is considered that the very special circumstances required to justify the proposed development still remain, this being in accordance with the requirements of the NPPF.

APPENDIX

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 SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP6: Affordable Housing

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy H1: Residential development: sustainable location and protection of the countryside
Policy H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N20: Area of Landscape Enhancement

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: Space about Dwellings (July 2004)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

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

Relevant Planning History

12/00357/OUT Demolition of former Public House and the erection of 9 dwelling, formation of vehicular access, associated garaging, car parking and landscaping Refused

13/00065/FUL Demolition of former public house. Erection of 5 No. Houses & 2 No. Apartments, vehicular access, associated garaging and landscaping Permitted

Views of Consultees

The **Landscape Development Section** raises no objections subject to conditions regarding the retention of existing trees and hedgerows that are identified as being retained in this application, the protection of retained trees and hedgerows in accordance with BS5837:2012, completion of works on site in accordance with Arboricultural Method Statement provided and approval of landscaping proposals.

The County Council as the **Education Authority** have stated that the development is scheduled to provide fewer than 7 dwellings. No education contribution will be requested as this is below the threshold as stated in their current policy.

Betley, Balterley and Wrinehill Parish Council objects in the strongest terms to this application in the absence of any provision for affordable housing and that it is therefore not in accordance with planning policy.

The **Highway Authority** raises no objections subject to access, parking and turning area being retained, a 1.8m wide footway across the A531, improvements to the Checkley Lane, submission and approval of surfacing, visibility and drainage details, the existing access off Checkley Lane permanently closed and reinstated, the garages being retained for parking of vehicles, a sign at the entrance indicating that it is a private road; and the submission and approval of a Construction Method Statement.

The **Environmental Health Division** object to the application on the grounds that acoustic environment within outdoor amenity areas significantly exceeds noise levels recommended within BS8233:2014 2014 Guidance on sound insulation and noise reduction for buildings and WHO Guidelines for Community Noise, no mitigation measures are proposed and the mitigation measures that would be required would substantially alter the appearance of the development from the highway.

The **Housing Strategy Section** have indicated that in this case, only 1 unit will have to be designated as affordable and in line with the previous application – this be a shared ownership unit. The design and the standard of construction of the affordable housing should as a minimum be the same as the open market dwellings to be constructed on the development.

Applicant/agent's submission

The application has been supported by the following supporting documents;

- Design and Access Statement,
- Phase 1 and Phase 2 Contaminated Land Reports,
- Noise Impact Assessment,
- Arboricultural Method Statement,
- Tree Survey and Assessment

These documents are available for inspection at the Guildhall and searching under the application reference number 15/00759/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

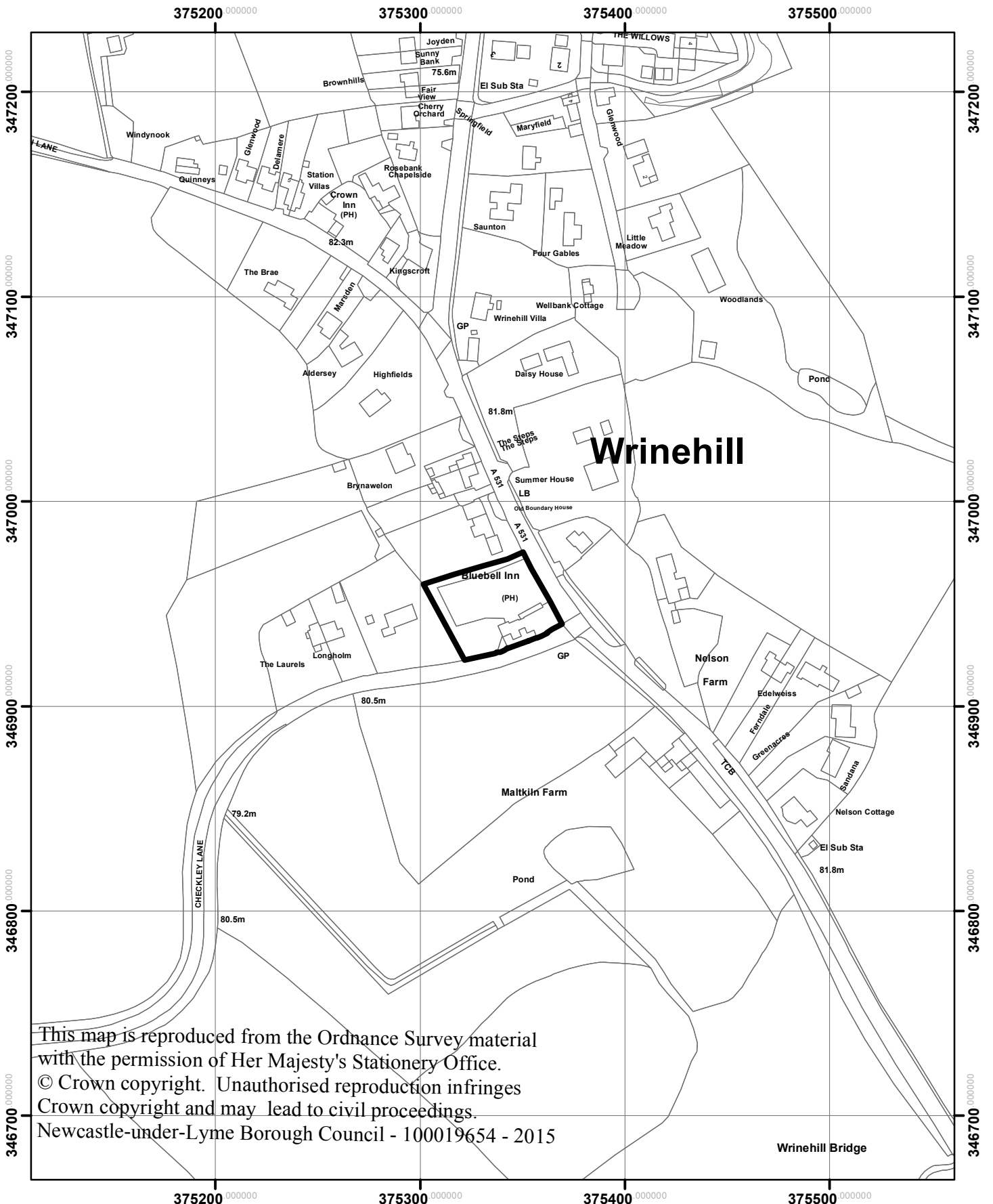
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th December 2015

Former Bluebell Inn
 New Road Wrinehill
 15/00759/FUL



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BROUGHTON ARMS, NEWCASTLE ROAD, BALTERLEY
THE BROUGHTON PROPCO LTD. (MR RICHARD COLCLOUGH)

15/00964/FUL

The application is for full planning permission for the partial demolition and renovation of the existing public house (and restaurant) with a new build extension to restaurant, extension of the car park and associated landscaping.

The site extends to approximately 0.63 hectares and is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expires on the 11th January 2015

RECOMMENDATION

A. Subject to the applicant submitting amended plans to reduce the volume of the proposed extensions and reducing the amount of land to be used as car parking by the 22nd December 2015, permit the application with the following matters to be reserved by condition:

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Submission and approval of external materials**
- 4. Construction and demolition hours**
- 5. Ventilation and odour abatement**
- 6. Control of noise**
- 7. Prevention of food and grease debris entering the drainage system**
- 8. Submission and approval of external lighting**
- 9. Approval of full landscaping proposals to include boundary treatments**
- 10. Submission and approval of Tree Protection measures**
- 11. Arboricultural Method Statement**
- 12. Retention of trees**
- 13. Submission and approval of new boundary treatment to (A531) Newcastle Road**
- 14. Access, car parking and turning**
- 15. Car park shall remain ungated**

B. Should the matters referred to in (A) above not be achieved, then the application should be refused by virtue of the development representing inappropriate development within the Green Belt and the very special circumstances would not outweigh the harm caused to the openness of the Green Belt which would be contrary to local and national planning policy.

Reason for Recommendation

Subject to amended plans being received to reduce the volume of the proposed extensions and reducing the amount of land to be used as car parking, the development, whilst representing inappropriate development within the Green Belt, would have limited additional harm on the openness of the Green Belt and the purposes of including land within the Green Belt to that which currently exists. Any harm would be outweighed by the benefits, namely the acceptable design and the enhancement to the landscape and the development supporting a rural business. It is therefore considered that very special circumstances exist that justify approval of planning permission.

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

Pre application discussions were undertaken and further discussions have resulted in amended plans being requested. Subject to these amended plans being received the development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for replacement extensions, an extension to the car park and associated landscaping to the Broughton Arms Public House. The Public House has a number of existing extensions that would be replaced to accommodate the new scheme.

The application site is located on a busy junction within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Enhancement (policy N20), 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?
- Design of the proposals and the impact on the area of landscape maintenance,
- 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 further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. Another exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original dwelling.

The applicant has provided volume calculations and it is clear that the existing building has had substantial extensions previously. Whilst these extensions will be replaced as part of this application and an original building will also be removed the proposals include further extensions and so the starting point has to be that the proposals do not meet the exceptions outlined in paragraph 89 due to the volume of the replacement and new extensions proposed being disproportionate in scale above the size of the original building.

An extension to the car park is proposed which would result in a change of use of land from agriculture. Paragraph 90 indicates that other forms of development are classed as inappropriate development other than in a number of identified exceptions. Changes of use of land do not fall within one of these exceptions and so the development has to be considered to represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Therefore the proposals represent inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Design of the proposals and the impact on the area of landscape enhancement

The NPPF details in paragraph 60 that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness. Furthermore, in paragraph 63 it also indicates that great weight should be given to outstanding or innovative designs.

The main public house will be retained due to its character and appearance but the existing extensions would be replaced with extensions that would have a more modern or contemporary rural appearance. The fundamental designs of the proposed extensions are acceptable but officers have requested reductions to the size of the proposals and amended plans are awaited. Subject to the

amendments being received the replacement of old fashioned extensions would result in the proposals having a landscape enhancement.

The land to be used as car parking is overgrown and represents low grade agricultural land. The applicant has indicated that the proposed car park surfacing would be reinforced grass which is not synthetic 'astroturf' but a grid of matting that allows grass to grow through whilst adding enough resilience to prevent cars from churning the surface into mud. The amount of land to be changed to car parking is being reduced by the applicant due to the harm caused and amended plans should be received prior to the committee.

Landscaping improvements are also proposed which will enhance the appearance of the site, including the car parking and areas around the buildings.

In summary the proposals would significantly enhance the site and landscape in general which would comply with policy N20 of the Local Plan and the general design requirements outlined in the NPPF. It is therefore considered acceptable.

The impact on highways safety

The proposals include improvements to the existing access arrangements and the removal of the car parking to the front of the building. The existing car parking would also be reconfigured and as discussed an area of land outside the existing site curtilage being used as an overflow carpark.

Policy T16 of the local plan indicates that for a public house a maximum of 1 space per 6m² of proposed floor area should be available and 1 per 10m² for a restaurant. The proposal is for a mixed use and so a maximum of 1 per 8m² is advisable.

The applicant has detailed that the site has a total of 65 spaces and an additional 89 spaces are proposed (41 within the overflow car park). This well exceeds the maximum requirements and the applicant has been advised to reduce the number of spaces. Amended plans are expected prior to the committee which would reduce the number of spaces to an acceptable level for this rural business.

The Highways Authority has raised no objections subject to conditions which should improve the existing access and car parking arrangements on a busy junction.

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

The NPPF details 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 applicant has indicated that the shift in focus from 'Pub with Restaurant' to 'Restaurant with Public Bar' would significantly increase the profitability of the rural business. Projected staff numbers are to be 35 full time and 15 part time, compared with the 10 full time and 5 part time staff currently employed by the Broughton Arms. They consider that the proposed development would benefit not only the owners but the local community by creating local jobs and helping to maintain a diverse rural economy. It would also secure the renovation and upkeep of a prominent local landmark building.

Officers have sought amendments to the scheme which would reduce to the amount of extensions proposed so that the proposals would directly replace extensions and original buildings only. Therefore the harm to the Green belt would be no greater than the existing disproportionate extensions. The appearance of the landscape would be improved by the design of the extensions which would clearly be a benefit.

It is accepted that some additional car parking is required to support this rural business and make it sustainable. Subject to the amended car parking arrangements being received the harm caused by this additional car parking would be outweighed by the benefits and the mitigation of using a reinforced grass surfacing material.

It is considered that the above represent the very special circumstances that are required to justify the proposed development in this instance, this being in accordance with the requirements of the NPPF.

APPENDIX

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

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)
Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011

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

Relevant Planning History

N13999 (1985)	Improvements and extension	Permitted
N17707 (1988)	Extension to form function room	Permitted

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding construction and demolition hours, control of ventilation, odour, noise, food/ grease debris and external lighting.

The **Landscape and Development Section** raises no objections subject to conditions for prior approval of Tree Protection Proposals, Arboricultural Method Statement, Retention and protection of all trees shown as retained on dwg 0899-104, prior approval of appropriate boundary treatment and approval of full landscaping proposals.

The **Highways Authority** raises no objections subject to conditions that require the submission and approval of boundary treatments on the (A531) Newcastle Road frontage, the access, turning and parking being provided and the access remaining un-gated.

Betley, Balterley & Wrinehill Parish Council has no objection in principle to what is proposed and welcomes the retention of the original 19th Century building. It considers that the Local Planning Authority (LPA) needs to be satisfied that the scale, location and use of materials are acceptable. The LPA also needs to be satisfied that the extension of the car park into the Green Belt is necessary and

that there are exceptional reasons to justify an exception being made to that aspect of the Borough Planning Policy. Concerns are expressed about the location of the car park entrance and HA should be satisfied that no hazard would be caused by poor visibility.

Natural England raises no objections and indicates that the proposed development is not likely to have a significant effect on the interest features for which Midland Meres & Mosses Phase 2 Ramsar has been classified. It will also not damage or destroy the interest features for which the Black Firs & Cranberry Bog SSSI has been notified. Standing Advice should be applied for the impact on protected species.

Representations

No letters of representation have been received.

Applicant/agent's submission

The application has been supported by a design and access statements which makes the following key points;

- The Broughton Arms is located on the Staffordshire / Cheshire boarder near Balterly, at the junction of the A513 (Newcastle Road) and the B5550 (Four Lanes End / Nantwich Road).
- From a commercial point of view, The Broughton Arms is not currently fulfilling the full potential of an A3 or A4 business in this prime location.
- Establishing a sustainable business model for The Broughton Arms is clearly of benefit not only to the owners but to the local community too - it will create local jobs and help maintain a diverse rural economy whilst also securing the renovation and upkeep of a prominent local landmark building.
- Projected staff numbers are to be 35 full time and 15 part time, compared with the 10 full time and 5 part time staff currently employed by the Broughton Arms.
- It is important to mention the proven track record already established by the Applicant, who have extensive experience of renovating and managing restaurants and pubs. The Orange Tree (Stoke on Trent), The Swan with Two Necks (Blackbrook) and The Wayfarer (Stone) are all similar projects undertaken by the applicant in recent years.
- Vehicle access is currently at several points along Four Lanes End due to an irregular parking layout. Our intention is to rationalise the parking and make a single access, in approximately the same location as the current principal entrance.
- A second access will be created for deliveries, with a dedicated off road parking space for unloading supplies.
- The area of the site currently occupied by 65 tarmac parking spaces will therefore be re-organised and re-surfaced to provide 51 spaces (plus one space for deliveries), as well as a safer pedestrian access route including level access ramp.
- It is believed that this will be sufficient for most hours of business, however, an overflow carpark will be required at certain peak times, particularly during the Christmas period. We therefore propose a further 41 spaces on the adjacent meadow.

The full document, application plans and other supporting information can be inspected at the Guildhall and searching under the application reference number 15/00964/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

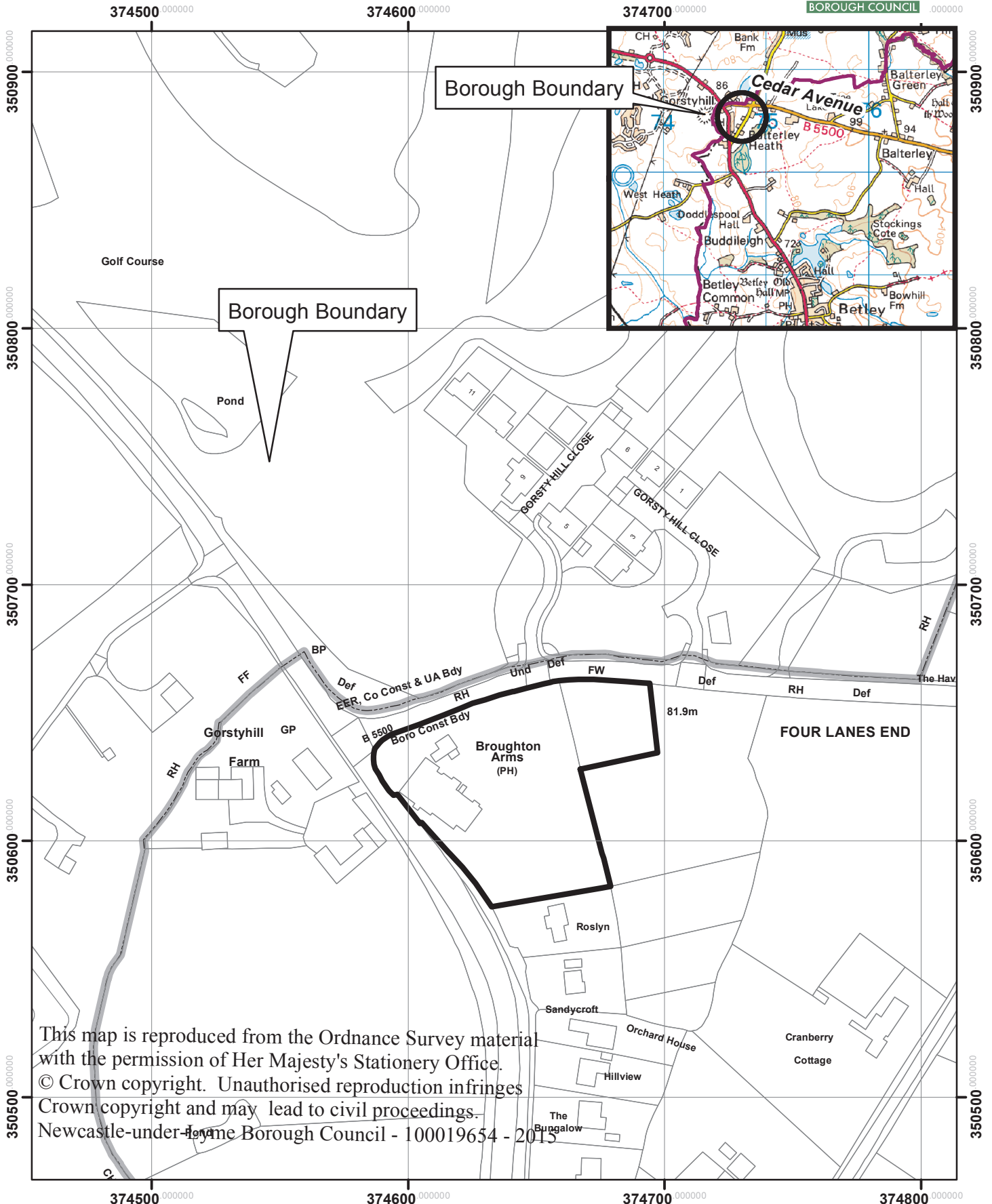
Planning files referred to
Planning Documents referred to

Date report prepared

16th December 2015

Broughton Arms, Newcastle Road, Balterley

15/00964/FUL



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**KEV RYDER / MILWOOD LTD
FORMER SILVERDALE BOWLING GREEN**

15/01001/FUL

The application is for 8 semi-detached dwellings. The dwellings measure 10.5m by 7.8m in footprint by 9m in overall roof height. Each of the dwellings is to have 3 bedrooms.

The application site lies within the Silverdale Conservation Area and the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about highway safety in terms of access, car parking and traffic as well as the appearance of the development within the Conservation Area.

The 8 week period for the determination of this application expired on 1 January 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:

- **Time Limit**
- **Plans**
- **Prior approval of external facing materials**
- **Landscaping**
- **Removal of permitted development rights for front boundary treatments**
- **Contamination remediation**
- **Limitation of construction and demolition activity to reasonable hours**
- **Protection of highway from mud and debris**
- **Dust mitigation during construction**
- **Waste storage and collection arrangements**
- **Noise levels to be achieved.**
- **No occupation until access, parking and turning areas provided in accordance with approved plans.**
- **Prior approval and implementation of surfacing and surface water drainage for the private drive**
- **Provision of visibility**
- **No occupation until the access drives have been surfaced in a bound material for a minimum distance of 5m back from the highway boundary.**
- **Private access drive to remain ungated.**
- **Surface water drainage interceptors at rear of highway boundary on all driveways.**
- **Construction Method Statement**

Reason for Recommendation

The site is located within a sustainable location for new housing within the urban area of Newcastle and within walking distance of local services and public transport provision. It is considered that the design of the development will complement the positive elements of the special character and appearance of the Conservation Area. There would be no material detriment to highway safety or to neighbouring amenity.

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

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

Key Issues

The proposal involves the construction of 8, 3 bedroom semi-detached dwellings. Pitched roof dormer windows are proposed on the front and rear elevations of all the properties. The site lies within the boundary of the Silverdale Conservation Area on a site which previously operated as a bowling green. The main issues for consideration in the determination of this application are:

- Is the principle of residential development in this location acceptable
- Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Conservation Area, acceptable?
- Is the impact to surrounding trees acceptable?
- Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
- Is the impact on highway safety acceptable?

Is this an appropriate location for residential development?

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

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.

This site is in a sustainable location within the urban area. The site is in easy walking distance of the shops and services of Silverdale and there are regular bus services that run frequently close by the site. It is considered that the site provides a sustainable location for additional residential development.

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), because it does not have a full objective assessment of housing need, and its 5 year housing land supply statement is only based on household projections. The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

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

Is the design of the proposal, with particular regard to the impact upon the special character and appearance of the Silverdale Conservation Area, acceptable?

Due regard must be paid to requirements to protect the special character and appearance of Conservation Areas which includes the existing built development as well as landscaping and trees.

In terms of the Development Plan, Core Strategy Policy CSP1 – Design Quality lists the broad criteria of how new development will be assessed which includes amongst other things the need to promote the image and distinctive identity of Newcastle through the enhancement of strategic and local gateway locations and key transport corridors. It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to be read in conjunction with the broad requirements of Policy CSP1.

Core Strategy Policy CSP2 states that the Council will seek to preserve and enhance the character and appearance of the historic heritage of the Borough.

Saved Local Plan policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B13 also requires applicants applying for planning permission to demonstrate how they have taken into account the need to preserve and enhance character or appearance of Conservation Areas.

Paragraph 17 of the Framework sets out various Core Planning Principles for Local Authorities to adhere to which includes the need to secure high quality design. Heritage protection policies defined in the Framework are consistent with that of the Development Plan.

The design of the housing proposed draws upon the features present in the neighbouring terraced houses present along Kinsey Street which have a distinctive blue brick plinth and arched yellow brick headers around doors and windows.

The Council's Conservation Officer has no objections to the layout of the scheme proposed but has encouraged a number of design improvements covering issues such as window design, the appropriateness of dormer windows over roof lights. In light of those comments amended plans have been submitted extending the amount of soft landscaping against the internal access road, introduction of a slight window reveal and also clear glazing is to be used for the dormer windows rather than opaque glass. The front boundary treatments serving the properties are to be kept open with soft landscaping.

The existing plot which is fenced off provides no positive contribution to the appearance of the Conservation Area. The new dwellings proposed are slightly taller than surrounding terraced properties (around 0.3m). The difference in height is not considered to be inappropriate given the development would be viewed in the context of a break between the line of the traditional terraced block immediately to the north and east of the site. The development has been designed to complement traditional terraced properties and subject to the approval of high quality materials the impact to the form and appearance of the area would be acceptable.

Is the impact to surrounding trees acceptable?

There are several tall trees close to the western boundary of the site. Subject to standard protection measures during construction those trees can be retained unharmed.

Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

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 each other and with neighbouring properties sufficient distances are proposed dwellings in compliance with the Council's SAD SPG. In addition all but one of the plots achieves the recommended garden area and length. One of the plots (plot 7) has slightly smaller garden area but the shortfall is not deemed to be significant.

Environmental Health Division advised that a noise assessment is undertaken which identifies any mitigation measures needed to ensure future residents will not be adversely impacted upon by road traffic noise. That has been undertaken by the applicant and an appropriate level of mitigation can be secured.

Subject to planning condition acceptable living conditions can be secured for both surrounding residents and future occupiers of the development.

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

It is proposed that each of the 8 properties will have 2 car parking spaces. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The Local Plan indicates that 2 parking spaces should be provided for dwellings with three bedrooms as proposed, and as such the proposal does not provide significantly less parking than the maximum level specified.

Representations received raise concern that the development will result in the loss of on street parking. It is not considered, however that it could be demonstrated that the proposal will create or aggravate a local on-street parking problem as adequate parking provision is secured to meet the needs of the development. The proposal therefore complies with the relevant policy.

The Highway Authority initially objected to the proposal on the basis that the application failed to provide adequate information to assess the visibility requirements for vehicles to safely turn in and out of the proposed internal road access off Kinsey Street. Taking into account that advice a speed survey has been submitted to show that vehicles travel at speeds considerably slower than the allowed limit. In acknowledgment of the speed survey submitted by the applicant the Highway Authority has confirmed that they have no objection to the application.

In light of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, it is considered that the proposed development is acceptable in this regard.

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 site is in a sustainable location for new housing and the benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF.

APPENDIX

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

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

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
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 B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of Conservation Areas
Policy B12	Demolition in conservation areas
Policy B13	Design and development in Conservation Areas
Policy B14	Development in or adjoining the boundary of Conservation Areas
Policy B15	Trees and landscape in conservation areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)

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

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

Relevant Planning History

None relevant to this proposal.

Views of Consultees

The **Education Authority** comment that the development of this size could add 2 Primary School aged pupils and 1 High School aged pupil. However all schools in the catchment area are projected to have sufficient space to accommodate the likely demand from pupils generated by the development.

Silverdale Parish Council resolved that to request adequate parking spaces are made available as the properties may become student accommodation. There are also drainage concerns as the rear of the site is flooded on a regular basis and there could be additional water run off onto the highway if it is a non-permeable surface. The Parish Council would also like to see the access to and egress from the site via the service road detailed on the plans for all vehicles, rather than via the current proposal where some will approach directly from

the street. This would also reduce the need for residents on the new development to reverse into the street. This may also provide scope for additional parking spaces on the site.

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

- No occupation until access, parking and turning areas provided in accordance with approved plans.
- Prior approval and implementation of surfacing and surface water drainage for the private drive
- Provision of visibility
- No occupation until the access drives have been surfaced in a bound material for a minimum distance of 5m back from the highway boundary.
- Private access drive to remain un gated.
- Surface water drainage interceptors at rear of highway boundary on all driveways.
- Construction Method Statement

The Council's **Urban Design and Conservation Service** advises that the proposed properties reflect the character of the rest of the terraced street, with a building line that is close to the back of the pavement. The detail of the design is important for the scheme to appear successful and the following is suggested:-

- If there are boundary treatments proposed along the front elevations these should be conditioned to ensure no fussy details are included.
- Dentil course to eaves should be replicated. Windows should be set back to a similar reveal as seen in other properties.
- The full height dormer window with opaque glass may not be appropriate and a roof light may be preferable.
- Ground floor windows serving the kitchens should have a matching casement design to other windows.

The **Conservation Advisory Working Party (CAWP)** has no objections to the proposal. The Working Party approves of the efforts made to reflect the historic street pattern and brick detailing on the existing terraces.

The **Environmental Health Division** has no objections subject to conditions relating to the following:-

1. Construction and demolition hours restrictions.
2. Protection of highway from mud and debris.
3. Dust mitigation during demolition and construction.
4. Noise levels.
5. Waste storage and collection arrangements
6. Contaminated land conditions.

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

1. The provision of a detail landscaping scheme – not to include Ash due to the outbreak of Chalara ash dieback and the resultant restrictions ash.
2. Provision of a detailed, dimensioned Tree Protection Plan to BS5837:2012.

Representations

29 letters of representation have been received objecting to the proposal on the following grounds:-

- The development will exacerbate an existing on street car parking problem in Kinsey Street which features terraced housing due to driveway access directly off the highway. Off road parking to the rear of the dwellings would be more favourable.
- Consideration to extending the existing drive off High Street would be a better option for minimising the parking reduction impact on Kinsey Street.
- The development would create safety issues from the amount of traffic that would need to travel along Kinsey Street.
- The development could be used for student housing.

- The bowling green should be kept as a recreational facility for local residents.
- The proposed dwellings are around 0.5 metres taller than other existing dwellings.
- The development could block natural light levels of other dwellings.
- The development could result in the fear of crime as a result of people having to park in neighbouring streets.
- A construction method statement should be required to safeguard the safety of people in the area including children.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Design and Access Statement, Noise Assessment, Contaminated Land Phase 1 Study and Speed Survey. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01001/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

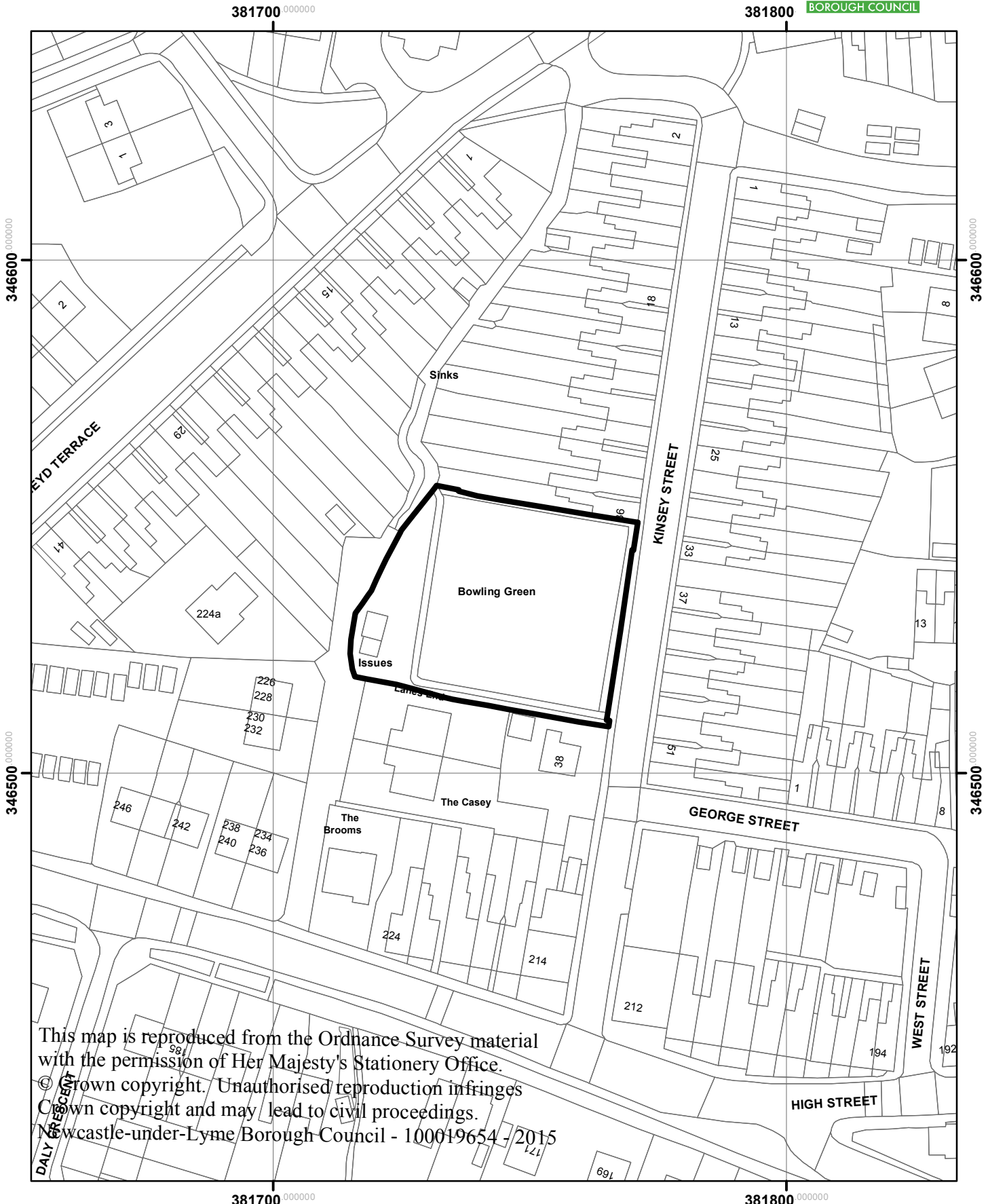
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

15 December 2015.

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AUDLEY COMMUNITY CENTRE, AUDLEY
AUDLEY AND DISTRICT COMMUNITY CENTRE

15/01022/FUL

The application is for full planning permission for the retention of an existing storage unit and a proposed storage unit at Audley Community Centre.

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

The 8 week period for the determination of this application expires on 5th January 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**

Reason for Recommendation

Although the proposed development is inappropriate in Green Belt and would have some impact upon the character and appearance of the landscape, such impact would be small scale and limited to a relatively small area. No demonstrable substantiated harm to other interest exists in this case. Weighing the harm of the proposal arising by definition from inappropriate development against the very small scale of the containers in terms of their height and capacity and the benefits arising for this community facility in providing storage it is considered that the very special circumstances exist to justify the proposal. The proposed development would adhere with the overarching aims and objectives of both local and national policy in this regard.

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

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

Key Issues.

This is an application for full planning permission for the retention of an existing storage unit and a proposed storage unit at Audley Community Centre, which is located within the Green Belt and an Area of Landscape Restoration as indicated by the proposals map.

The storage unit to be retained and the proposed unit are/will be sited at the front of the Centre, behind two existing storage units. Both units are flat roofed, and match the design and appearance of the existing units.

The main issues to be considered with this proposal are:

- Is the proposal appropriate or inappropriate development in the Green Belt and if inappropriate, do the required very special circumstances exist to justify approval?
- The impact of the proposed development on the character of the landscape and visual amenity in general
- The impact on the adjacent Audley Conservation Area

Is the proposal appropriate in the Green Belt?

Policy S3 of the Local Plan presumes against any form of development with certain exceptions. The proposals sought do not fall within any of the categories outlined. Structure Plan Policy D5B does not address this type of proposal.

The National Planning Policy Framework states that new buildings within the Green Belt are not appropriate, unless for one of the exempted development types specified in the framework. The new storage container does not fall within any of the categories that are identified as appropriate, therefore the development is considered to be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Consideration will be given to whether there are very special circumstances that justify approval of the development, below.

The impact of the proposed development on the character of the landscape and visual amenity in general

The NPPF advises at para.61 that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design go beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The site is within an Area of Landscape Enhancement. In these areas, the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape.

The new storage containers would be single storey in height and would be of steel construction and proposed to be painted green, to help them to blend with their surroundings. The siting of the containers would be on a car park and not widely visible from the landscape beyond the community centre, and for the above reasons, it is considered that the impact of the development on the character of the landscape would be minimal.

The impact on the adjacent Audley Conservation Area

Policy B14 of the Local Plan states that special regard will be given to the acceptability or otherwise of a developments form, scale and design when related to the character of its setting within a conservation area. Exceptionally, where proposed development immediately adjacent to the Conservation Area would be likely to affect the Conservation Area adversely, similar constraints may apply.

The proposed storage container would be sited approximately 27 metres outside of the Conservation Area boundary. This distance, coupled with the fact that the storage container would be sited adjacent to existing storage containers, and separated from the Conservation Area by the community centre car park, it is considered that the storage container would have no impact upon the character and appearance of the adjacent Audley Conservation Area.

Do the very special circumstances exist to outweigh any harm to the openness of the Green Belt?

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.

A case for very special circumstances has provided by the applicant. Their submission states that the storage space is required for fund raising activities of the Community Centre, which the Centre relies upon to remain solvent. The Centre has seen a decrease in activities / income during 2015. The storage units are used to store goods donated by the public, and then offered for sale at various fund raising activities organised by the Centre. The funds raised play a vital part in maintaining the activities provided by the Community Centre, providing a valuable service to the local community.

The size of the containers are relatively small and they would be sited behind two existing containers so would not be fully visible from most vantage points. It is considered that, because of their level of

inconspicuousness and size, the storage containers would have a limited impact upon the wider landscape and Green Belt area.

In conclusion, it is your officer's opinion that, due to the minimal size of the containers in terms of their height and volume, very special circumstances exists which outweighs the harm caused by inappropriate development in the Green Belt.

APPENDIX

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N17: Landscape Character - General Considerations
Policy N20: Area of Landscape Enhancement
Policy S3: Development in the Green Belt
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Space around Dwellings Supplementary Planning Guidance (2004)

Relevant Planning History

09/00713/FUL	Permitted	Proposed repositioning of the existing storage unit & new storage unit
12/00203/FUL	Permitted	New metal storage container

Views of Consultees

The **Environmental Health Division** has no objections

Audley Parish Council have until 18th December to comment, any comments received will be reported.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01022/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

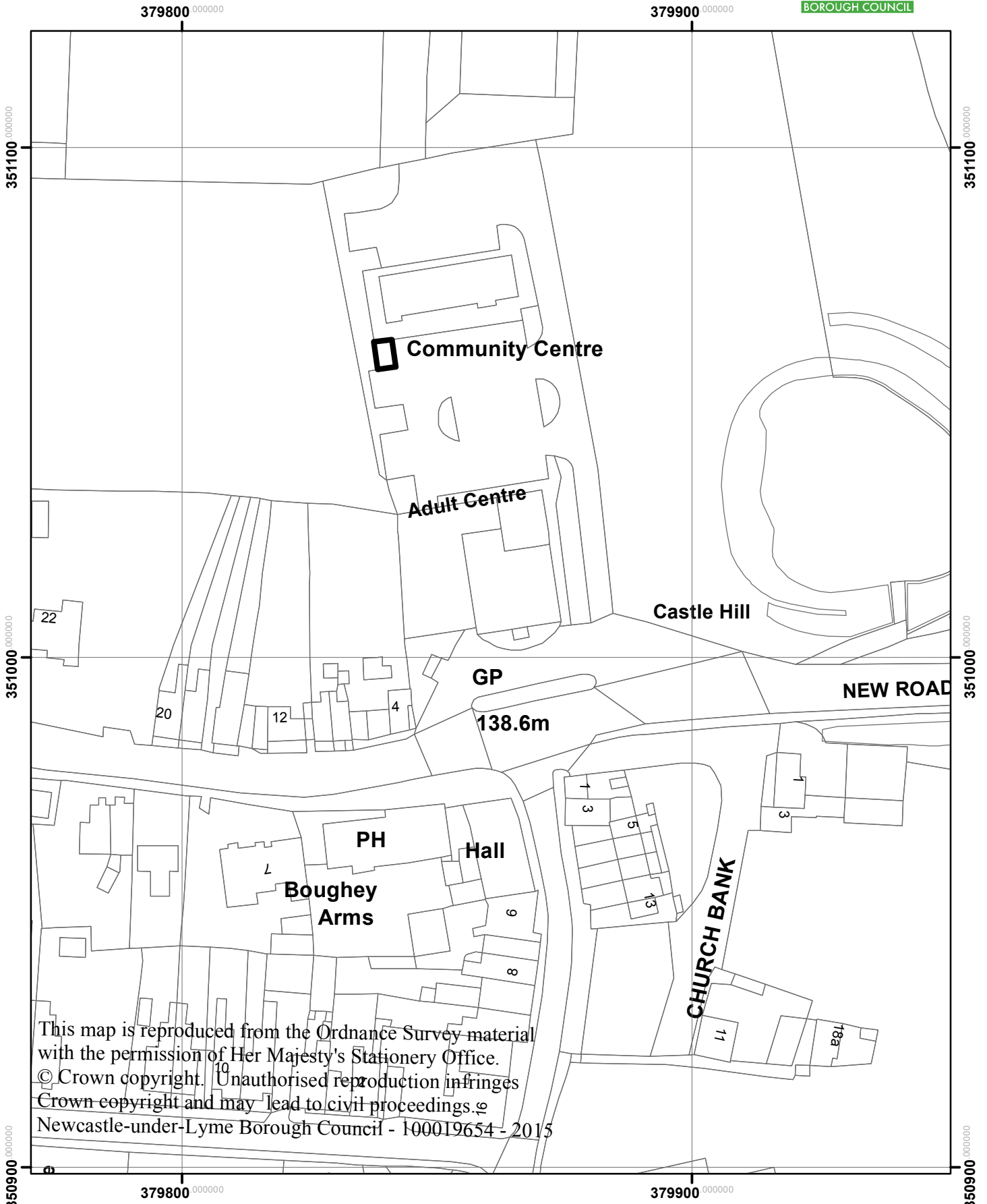
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th December 2015

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OLD HALL MADELEY
MR GARY WHITE

15/01028/LBC

The application is for listed building consent for the reinstatement of a staircase from first floor to the attic to create a bedroom and shower room with associated partition walls and removal of part of a Victorian beam.

The Old Hall is a Grade II* listed building within the village of Madeley, as indicated on the Local Development Framework Proposals Map.

The statutory 8-week period for the determination expires on the 11th January 2016.

RECOMMENDATION

Permit, subject to the following conditions relating to;

- **Time limit condition**
- **Approved plans**
- **Submission and approval of an insulation system for the roof**
- **Submission and approval of drainage, extraction and ventilation details**
- **Submission and approval of staircase details**

Reason for Recommendation

The development does not harm the significance of the Grade II* Listed Building, and subject to conditions which secure approval of further details, it is considered that the internal works would comply with policy B6 Newcastle under Lyme Local Plan 2011, policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 – 2026, and the guidance and requirements of the National Planning Policy Framework 2012.

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

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

KEY ISSUES

Listed building consent is sought for the reinstatement of a staircase from the first floor of the building to the attic in order to create a bedroom and shower room with associated partition walls and removal of part of a Victorian beam.

The building is in use as bed and breakfast accommodation and is a Grade II* listed building which is described in the list description as a 15th Century Timber framed cottage with 17th century additions.

The applicant indicates in their heritage statement that existing windows in the north and west gables of the attic level suggest that in the past there has been access to this level which has been used as habitable rooms. Further confirmation of this is evidenced by a cupboard off the first floor landing which contains some steps ascending towards the attic.

It is also indicated that the reinstatement of the original staircase to the attic has been done to limit the effects on the historic building whilst looking to return this key element to its fully functional potential. It is also stated that the only un-avoidable factors in this design is the removal of sections of the 19th century Victorian beams and one original beam which would *“unlock the buildings full potential and to restore it to its original and fully functional nature”*.

Paragraph 132 of the NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy B6 of the local plan details that the council will resist alterations and additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

The application is supported by structural information and following a site meeting the Council's Urban Design and Conservation Officer and Historic England (HE) both confirmed that they have no objections to the application as original concerns raised about the potential implications of the loss of fabric, specifically the existing roof structure, have now been addressed. HE has recommended a condition regarding details of drainage, extraction and ventilation to be approved by the Councils conservation specialist. Details of an insulation system and the staircase are also to be secured by condition. Subject to these conditions the works to the grade II* listed building would not result in a significant harm to the heritage asset and would comply with policy B6 of the local plan and the guidance and requirements of the NPPF.

APPENDIX

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)

Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

Policy B5: Control of Development Affecting the Setting of a Listed Building

Policy B6: Extension or Alteration of Listed Buildings

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Relevant Planning History

There is an extensive planning history relating to The Old Hall and its outbuildings but none are considered relevant to the determination of this application. An identical application was withdrawn whilst structural information was prepared, application number 15/00764/LBC.

Views of Consultees

Madeley Parish Council raises no objections.

Historic England raises no objections subject to appropriate conditions regarding details of drainage, extraction and ventilation.

The **Urban Design and Conservation Officer** raises no objections subject to conditions which secure the approval of an insulation system and details of the staircase prior to works commencing.

The **Conservation Advisory Working Party (CAWP)** advised as part of the previously withdrawn application (15/00764/LBC) that the overall significance of the building will not be harmed by the proposal and it supports the full use of the building. The original historic fabric should not be altered and concern was raised over the cutting and bracing of the Victorian beam to ensure the building remains safe and structurally sound. Prior to the work being undertaken an archaeological recording exercise should be completed and the staircase details submitted as a condition of any permission.

Representations

One letter of objection has been received indicating that it is considered that the changes are unnecessary for the continued use of the building and could be of detriment to Madeley's heritage. The changes are removing the internal structure of the grade II* listed building forever and I feel very strongly that this is going to destroy the historic fabric of the building. The changes are not necessary for the continuation and success of the owners business and on balance I feel that the changes will harm the building to a greater extent than it will enhance his business.

Applicant/agent's submission

The application has been supported by a Heritage Statement, a supporting letter from a structural company and supporting plans. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01028/LBC on the website page that can be accessed by following this link

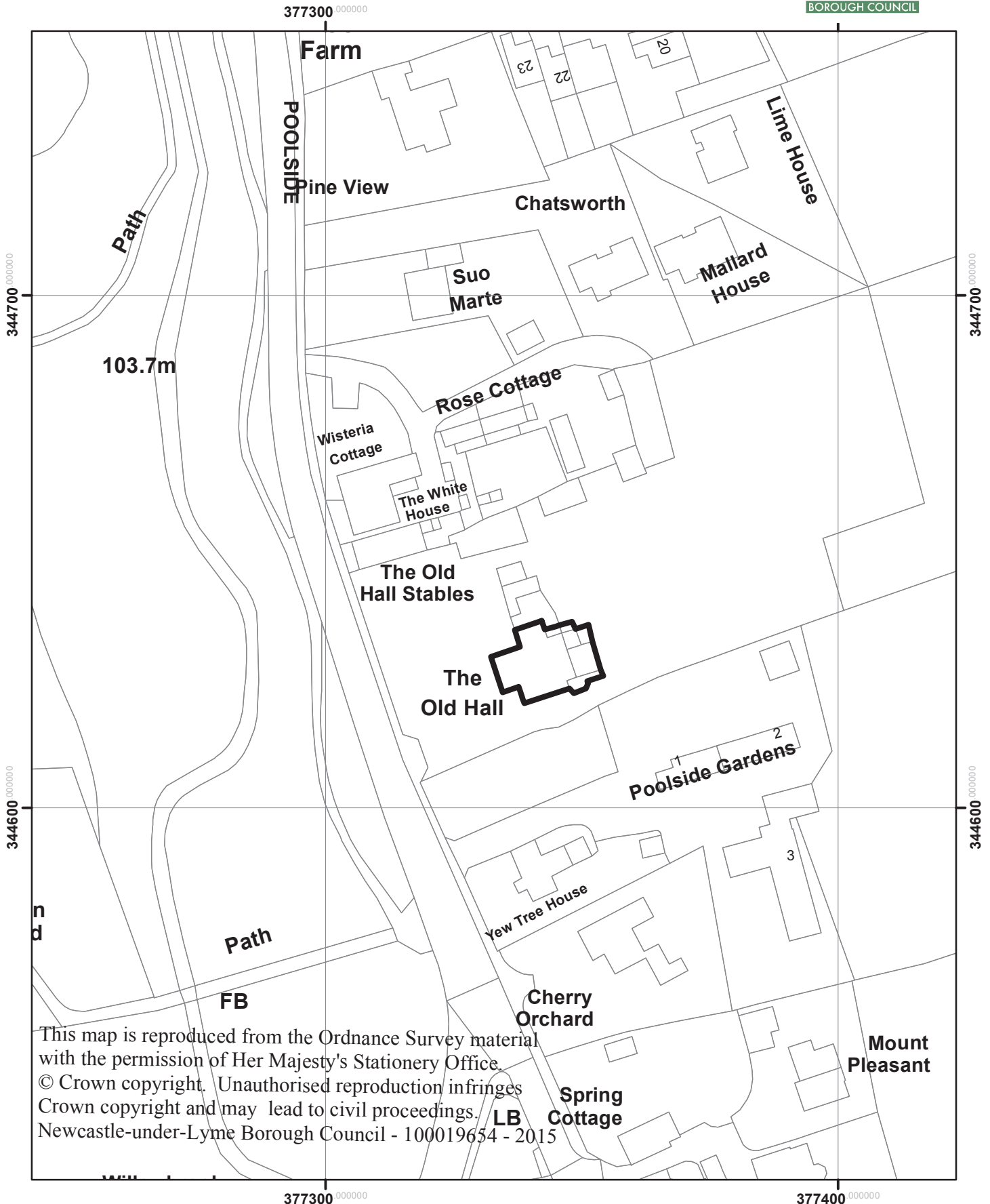
Background Papers

Planning File

Development Plan

Date report prepared

15th December 2015



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19 THE CROSSWAY MAY BANK NEWCASTLE
MRS R KILLEEN

15/01052/FUL

The application is for full planning permission for a two storey side extension and ground floor rear extension to this semi-detached property.

The application site is located within the major urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

This application has been brought to Planning Committee as the applicant is an employee of the Borough Council.

The 8 week period for the determination of this application expires on 19th January 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Facing materials to be as specified and matching finishing colour of render**

Reason for Recommendation

Given the design and appearance of the proposed extensions it is considered that they represent an acceptable development that would not harm either the character or integrity of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene. The proposal will not harm highway safety in the area. It is also considered that the proposal would not cause undue harm to the amenities of neighbouring occupiers. The proposed development therefore accords with Policies H18 and T16 of the Newcastle under Lyme Local Plan 2011, and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and aims and objectives of the National Planning Policy Framework 2012 and does not conflict with the Council's adopted Supplementary Planning Guidance relating to Space About Dwellings.

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

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

Key Issues.

This is an application for full planning permission for a two storey side extension and ground floor rear extension to this semi-detached property in the urban area. The proposal would provide an extended kitchen/dining/lounge area, a utility and store at ground floor level and extended bedroom and ensuite facility at first floor level. The application also proposes to render all the external walls which are currently painted.

The key issues in the determination of the application are:

- The design of the development
- Impact on highway safety
- The impact upon residential amenity

The design of the development

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

Policy H18 refers to the design of residential extensions, where subject to planning control. The policy states:

“Proposals to extend dwellings will be favourably considered, subject to other policies in the Plan, so long as the following requirements are satisfied:

- i) The form, size and location of each extension should be subordinate to the design of the original dwellings.
- ii) The materials and design of each extension should fit in with those of the dwelling to be extended.
- iii) The extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.”

The properties in The Crossway comprise a mix of detached and semi-detached, two storey properties dating from the mid-20th century. The general topography of The Crossway rises from west to east.

The application property and its attached neighbour are traditional semi-detached dwellings from the mid 20th Century with front bay windows and hipped roofs with the existing brick walls being painted.

The proposal would involve the removal of an existing side conservatory, a single detached garage and a small single storey extension.

The proposed two storey side extension would be set back from the existing front elevation by approximately 2.2 metres and there is a significant drop in the overall roof ridge height of the extension when compared with the existing roof line. Both the roof design and their pitch of the two storey element would match the existing dwelling. This achieves a subordinate appearance to comply with the requirements of policy H18 of the Local Plan.

The proposed single storey rear extension has in part lean to roof and in part dual pitch roof. This element of the proposal would extend from the rear elevation by approximately 3.5 metres adjacent to the attached property boundary (no.17) and at its maximum by approximately 4.5 metres on the proposed elevation facing no. 21. Whilst the single storey extension has pitched roofs these would be at a shallower angle than the main roof, however, given these at the rear of the property and would not be readily seen from any public vantage point, and reduces any impact of the development to neighbouring occupiers, it is considered acceptable in design terms.

As previously stated the existing house and its attached neighbour have painted exterior brick walls, and the application submission indicates that the existing and proposed external walls are to be rendered. Given that the existing walls are painted it is considered that the introduction of a rendered finish would not adversely harm the appearance of the pair of dwellings, subject to the render having a similar finishing colour as the painted brickwork.

Overall, the design of the proposal is considered acceptable, subject to the control of facing materials, and in compliance with Policy H18 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework 2012.

Would there be any adverse impact on highway safety?

The existing dwelling accommodates three bedrooms and whilst the proposal would extend the total floor area, it would still result in a three bedroomed dwelling. The Local Plan indicates that a maximum of 2 parking spaces should be provided for 3 bedroom dwellings.

The property is currently served by an existing vehicular access off The Crossway, the property's existing drive run to the side dwelling providing parking for vehicles. This access and drive, albeit

shortened, will remain. The length of the shortened drive would still provide adequate space to comfortably accommodate two vehicles.

Given the above it is considered the proposal is acceptable from a highway safety viewpoint.

The impact of the proposal upon residential amenity

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

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

The proposal has all its principal windows, as defined by the adopted SPG, in the front or rear elevations.

The attached neighbouring property has a patio door adjacent to the proposed rear extensions, however, given this element of the proposal is single storey there would be no breach the adopted guidance with regards to daylight and sunlight.

The other neighbouring property (no.21) is a detached dwelling which sits at slightly lower level than the application site. This property has a detached garage and car port on the boundary with the application site with the main dwelling approximately 4.5 metres from the proposed extension. There are no principal windows in the side elevation of no.21, and as such there is no breach of the guidance set out in the SPG.

The application dwelling sits in a good sized plot and as such the remaining garden area after the development would still comply with the standards set out in the adopted guidance.

Given the scale, siting and design of the proposal together with the separation distances involved, the proposal would not breach the adopted SPG and as such it is considered it would not have an adverse impact on the residential amenity of adjacent occupiers.

APPENDIX

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1 Design Quality

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H18: Design of residential extensions where subject to planning control
Policy T16: General Car Parking Requirements

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Space around Dwellings Supplementary Planning Guidance (2004)

Representations

At the time of writing no representations have been received, however, the last day for comments on this application is 22nd December 2015. Any representations received will be reported and addressed in an advanced supplementary report before your meeting.

Applicant's/Agent's submission

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01052/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

10th December 2015



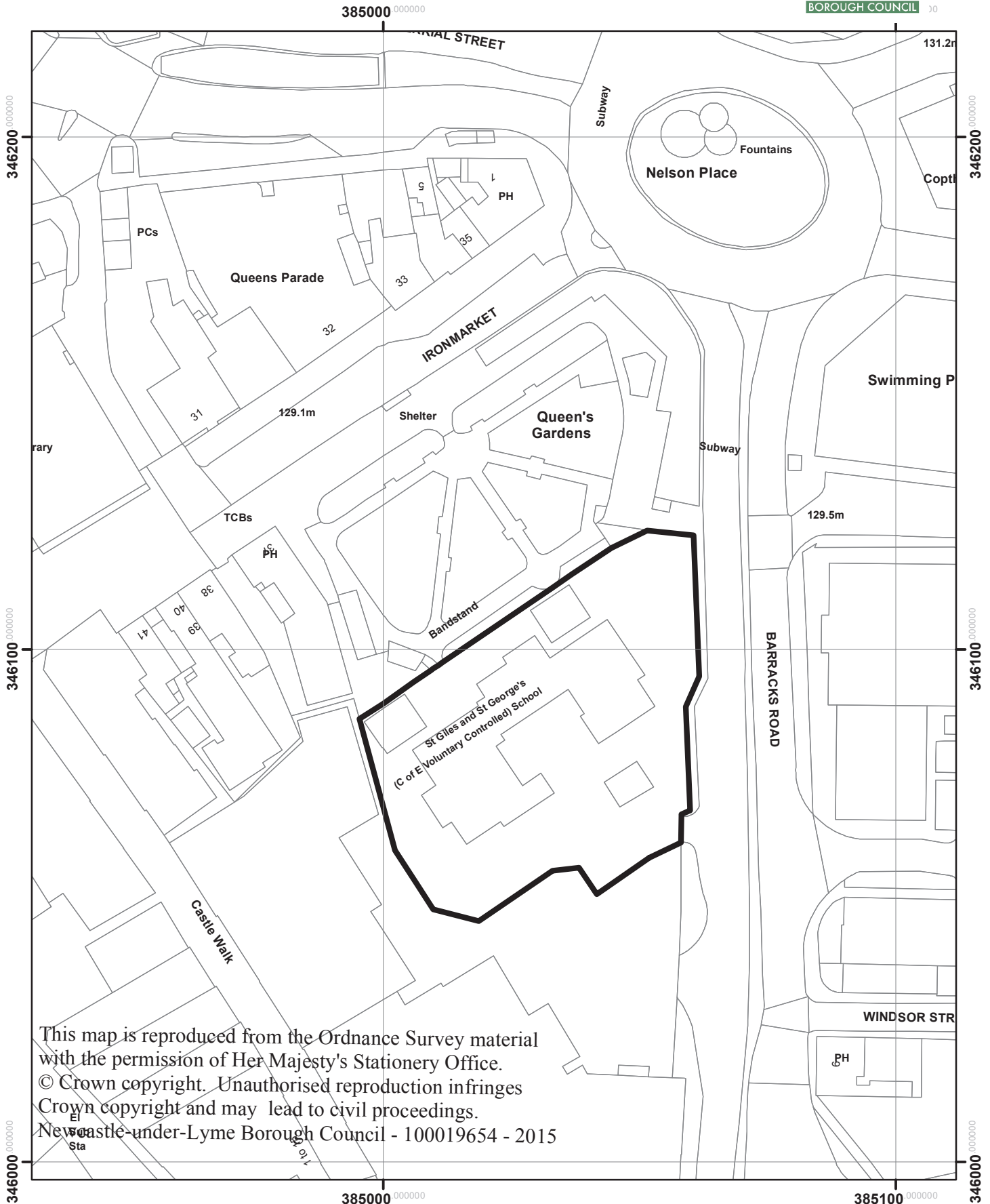
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The application is for full planning permission for the demolition of the former St Giles and St George's Primary School to facilitate the redevelopment of the site for the Newcastle Civic Hub.

The former school is on the Register of Locally Important Buildings and Structures and within the Newcastle Town Centre Conservation Area.

The statutory 8-week period for the determination expires on the 21st January 2016.

RECOMMENDATION

PERMIT subject to the following conditions

- **Tree protection measures**
- **Demolition to be undertaken in accordance with the approved Demolition Method Statement**
- **Building recording**
- **The recommendations of the Bat Survey be implemented and a precautionary approach be taken to the demolition works involving the removal of ridge and roof tiles.**
- **Letting of contract for redevelopment prior to demolition of the building and commencement of demolition within six months of the demolition of the building**

Reason for Recommendation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. It is acknowledged that the loss of the building would result in harm, both to the significance of the Conservation (albeit 'less than substantial harm'), and directly as a result of the loss of a locally important building. However taking into consideration the significant public benefits that arises from the associated Public Sector Hub redevelopment of the site which would also unlock the retail led redevelopment of the Ryecroft site it is considered that the harm is outweighed by such public benefits of the proposal, including securing its optimum viable use. In addition, whilst the detailed design of the replacement building is not yet known, there is no basis to conclude that such a building could not be appropriately designed to ensure that it preserves and enhances the character and appearance of the Conservation Area. Indeed pre-application discussions in this regard have been ongoing for a considerable period of time to develop an acceptable scheme and confirmation has been received that the planning application will be submitted in the first week of January 2016.

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

This is considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework when taking into consideration the wider redevelopment proposals for the site.

KEY ISSUES

The application seeks planning permission for the demolition of the existing building on the site, the former St Giles' and St George's School that was vacated in 2005. The application is submitted in advance of a further planning application for the redevelopment of the site as the Newcastle Civic Hub.

The site is located within the Newcastle Town Centre Conservation Area and until changes to legislation in 2013 conservation area consent would have been required for such demolition. Whilst the building is question is on the Register of Locally Listed Buildings and Structures, it is not a statutorily Listed Building and as such planning permission is required for its demolition.

The site is located next to the Queen's Gardens where the Queen Victoria statue, a Grade II listed Structure, is centrally located. 31 Ironmarket, a Grade II Listed Building is located on the opposite side of Ironmarket to the Queen's Gardens.

The key issue to be considered in the determination of the application is whether the demolition of the building would preserve and enhance the character and appearance of the Conservation Area and whether the demolition of the building would be harmful to the setting of the listed structure/building. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Policy context for the consideration of the development's impact on the Conservation Area and setting of listed structures/buildings

Policy CSP1 of the Core Spatial Strategy (CSS) indicates that new development should be well designed to respect the character, identify 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. Amongst other things new development should be based on an understanding and respect for Newcastle and Stoke-on-Trent's built, natural and social heritage and contribute positively to an areas identify and heritage.

Policy CSP2 of the CSS indicates that the Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

Saved policy B5 of the Newcastle Local Plan (NLP) indicates that the Council will resist development proposals that would adversely affect the setting of a listed building. Saved NLP policy B8 indicates that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance, appropriate use and restoration. It goes on the state that where permission is granted for demolition the Council will ensure that provision is made for an appropriate level of archaeological building recording to take place prior to the commencement of works.

Saved NLP policy B10 indicates that planning permission will be granted only if the development will preserve or enhance the character or appearance of a Conservation Area. Saved NLP policy B11 indicates that consent to demolish a building will not be granted unless it can be shown that each of the following is satisfied:

- i) The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii) Detailed plans for redevelopment are approved where appropriate.
- iii) An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

Saved NLP policy B15 indicates that trees and landscape features which contribute to character and appearance and are part of the setting of a Conservation Area will be retained.

The National Planning Policy Framework (NPPF) at paragraph 131 states that in determining planning applications, the local planning authority should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

At paragraph 132 the NPPF states that when considered the impact of a proposed development of the significance of a designated heritage asset (such as a Conservation Area or Listed Building, but not a Locally listed building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In paragraph 133 it is indicated that where a proposed development would lead to 'substantial harm' or total loss of significance of a *designated* heritage, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply

- The nature of the heritage asset prevents all reasonable uses of the site
- No viable use of heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use

Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

At paragraph 135 it indicates that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The NPPF goes on to state, at paragraph 135, that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Critically for this case, paragraph 136 states that Local Planning Authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development (replacing that which is to be lost) will proceed after the loss has occurred.

The LPA has to have regard to the provisions of the development plan (so far as material to the application), local finance considerations (so far as material to the application) and any other material considerations (Section 70). Where regard is to be had to the provisions of the development plan, the determination should be made in accordance with the provisions of the development plan *unless* material considerations indicate otherwise (Section 54a). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that due weight should now be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

With respect to the development plan policies referred to above they are considered to be broadly consistent with the Framework, except for policy B11 which refers specifically to demolition within Conservation Areas, insofar as it requires compliance with 3 criteria in the case of all demolitions within Conservation Areas, whilst the NPPF requires criteria to be addressed only where there is substantial harm to such a designated asset. These criteria are more demanding than those set out in B11 – in that they include that demonstrating Conservation by grant funding or some form of charitable or public ownership is not possible.

This matter will be returned to below.

Other material consideration in the assessment of the development's impact on the Conservation Area and setting of listed structures/buildings

The Newcastle Town Centre Conservation Area Character Appraisal identifies seven Character Areas. The site falls within Character Area 4, 19th century expansion – Barracks Road and Well Street, and is directly adjacent to the Queen's Gardens which fall within Character Area 1, Town Centre – Ironmarket and High Street. Both Character Areas are assessed as being positive character areas. The School is listed as a key negative feature as it is vacant and its setting needs improving it goes to set out the most important issues based on the key negatives identified, one of which is that the future of the former School should be ensured.

The Register of Locally Important Buildings and Structures in Newcastle-under-Lyme SPD indicates that the inclusion of a building or structure on the Register does not confer protection equivalent to that available to nationally designated sites, such as Listed Buildings or Scheduled Ancient Monuments. It will not stop applicants obtaining planning permission, but the local interest of a building or site will be treated as a material consideration. It states that the Council will need to be satisfied that the benefits of demolition and redevelopment outweigh any loss to the local public interest. The Council will adopt a presumption in favour of retaining the building, and so demolition will only be permitted in redevelopment proposals where the replacement scheme is of equal or superior quality.

Assessment of the development's impact on the Conservation Area and on the setting of listed structures/buildings

The application is supported by a Heritage Statement which identifies Newcastle Town Centre Conservation Area as having high significance as a nationally important group of historic buildings and spaces. It acknowledges that the former school is of local significance and makes a positive contribution to the character and appearance of Newcastle Town Centre Conservation Area as a whole.

The submitted Statement indicates that the demolition of the building will remove its heritage significance altogether and that this will result in a medium level of less than substantial harm affecting the significance of Newcastle Town Centre Conservation Area. It also identifies that there would be a small level of harm affecting the significance of the Grade II listed statue of Queen Victoria which is located within Queen's Gardens.

Such assessment and conclusions within the Statement are broadly accepted, as is the reference in the Statement that the decision maker must give a high priority to the preservation of the character and appearance of the Conservation Area and the setting and significance of Listed buildings (all designated assets although not of the highest significance) when undertaking the required balancing exercise in paragraphs 132 to 133 of the NPPF.

As already indicated, whilst there is a need to have regard to NLP B11, that policy is not fully in accordance with the NPPF (because of the approach set out in paragraphs 133 and 134) and therefore any non-compliance with it, is of less weight. Nevertheless it is important to note that with respect to the criterion (in that policy) that the building (to be allowed to be demolished) is incapable of reasonably beneficial use, the submission, within the Planning Statement, identifies the efforts the landowner, the Borough Council has made to find reasonably beneficial reuse of the building since it acquired the ownership of the building in 2005. Whilst the submission is perhaps limited in its details, particularly with respect to any marketing, including "soft" marketing, of the building that may have been undertaken, that is not considered critical because it is considered that the harm to both designated assets is 'less than substantial', and therefore paragraph 133 does not apply.

It is also agreed that the loss of the locally listed school (an undesignated heritage asset), which makes a positive contribution to the character and appearance of the Conservation Area as a whole, is an important material consideration in the balancing exercise.

The balancing exercise that should be undertaken in this case is that whether the 'less than substantial harm' to the high 'significance' of the Town Centre Conservation Area, and the total loss of

a non-designated heritage asset is outweighed by the public benefits of the proposal, including securing the site's optimum viable use – the test referred to in paragraph 134 of the NPPF.

In this case the balancing exercise is made more difficult as the application does not include the proposal to redevelop the site for the Public Sector Hub, albeit that at the time of writing this report confirmation had been received of a clear intention to submit an application for such proposals in the first week in January 2016. Nevertheless, in the absence of the said application and its determination, on the face of it only harm would arise from the proposal as there is no demonstrable element to it that would bring about public benefit. However, whilst not forming part of the current application it is considered that it would be appropriate to take into consideration what is known about the intentions for the site following demolition as follows:

- The relocation of the occupiers of the existing Civic Offices is necessary to unlocking the development potential of the wider Ryecroft site (which includes the Civic Offices and the site of the former Sainsbury's supermarket) and that the recently announced development would involve a significant element of retail floorspace and student accommodation. The economic benefits of that overall development would be significant to the town centre's viability.
- In the process of identifying and appropriate site for the proposed Public Sector Hub a number of alternative sites were considered and the site of the former school was identified as the most appropriate for this development.
- There is no basis to conclude that a new, larger building to replace the school could not be appropriately designed to ensure that it preserves and enhances the character and appearance of the Conservation Area.

Given the above, the publicly-recorded commitment of all parties to the development and that it is likely that the application for the Public Sector Hub will be submitted shortly (and may have been received by the time the Committee come to consider this application) it is considered that it can be concluded that the public benefits of the wider proposal would outweigh the less than significant harm arising from the loss of the building. However members' attention is drawn to the final recommended condition, the effect of which will be to not allow the demolition to actually proceed until the contract for the new development has been let – such an approach being entirely in line with the approach commended in paragraph 136 of the NPPF.

APPENDIX

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 CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B3: Other Archaeological Sites
Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B8: Other Buildings of Historic or Architectural Interest
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11: Demolition in Conservation Areas
Policy B15: Trees and Landscape in Conservation Areas

Other material considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan (CAAMP) (2008)
Register of Locally Important Buildings and Structures in Newcastle-under-Lyme SPD (2012)

Relevant Planning History

In 2010 Conservation Area Consent, under reference 10/0194/FUL, was given for the demolition of 2 outbuildings on the school site. Permission was also given that year for the retention of galvanised steel security screens on the building (reference 10/00212/DEEM3).

Views of Consultees

The **Urban Design and Conservation Officer** considers that the proposal to demolish is not 'substantial' in terms of the paragraph 133 and 134 of the NPPF. It is considered that it is 'less than substantial harm' which would match the view of the Heritage Assessment of the site. The 'less than substantial harm', in accordance with the NPPF allows for a balance to be weighed of the potential benefits of the scheme. This harm is still relevant and important to consider as once demolished, this positive locally listed building within the Conservation Area, will no longer be able to make a positive contribution to the character and appearance of that area and will lose its significance.

The school has not been used for some time but retains its character and detailing and is little altered by its extensions. It is red brick with slate roof and embellished with gables and terracotta detailing, providing an interesting backdrop for the gardens and the historic street of Ironmarket. All this is set out in Appendix 2 of the Heritage Statement. The building makes a positive contribution to the setting of Queens Gardens which is an important public open space, including the listed statue (Grade II). It is not considered that the removal of the school will have a harmful impact overall on the setting of the statue. The statue has resided in 3 places and the school does not make the statue itself special. The garden is an entirely appropriate setting and this is not changing, and whilst the setting will change, this needn't be harmful – however with no firm proposals to replace the school, it is difficult to assess this future aspect.

The Conservation Area itself as stated is an asset of high significance and the loss of this building will cause harm (this is set out in the heritage assessment). The lack of any proposals makes it difficult to

conclude the development would be beneficial to the character or appearance of the Conservation Area, or its setting. Therefore it is uncertain how section 72 of the Act, the duty to pay “special” attention to the desirability of preserving the character and appearance of a conservation area will be satisfied. There should still be a presumption in favour of preserving historic assets to comply with policy.

Historic England is unconvinced by the proposal to demolish this building and would ideally wish to see the existing building retained and brought back into use. Given the acknowledged positive contribution of the former school to the Conservation Area they would strongly recommend that consent should not be granted until all other possibilities have been eliminated. If, after due consideration, the Local Planning Authority is willing to support the principle of demolition, then they would recommend that this only be done once an acceptable scheme has been submitted and approved, and that all reasonable steps have been taken to ensure the new development will proceed after the loss has occurred. The full text of their letter is available to view on the website.

The views of the **Environmental Health Division, and the Conservation Advisory Working Party** have been sought. Any comments received will be reported.

During pre-application discussions the **County Archaeologist** has requested that a Building Record be undertaken prior to the demolition works taking place so that these details are retained on record for perpetuity.

Representations

Two letters of objection have been received, one from the **Thistleberry Residents Association**, the main points raised are as follows:

- The building is an attractive feature in a historic town.
- The proposed development is not a good use of public funds.
- The location is not a suitable location for the Registry Offices.
- Students cannot afford to live in town and will not bring business into the Town Centre.
- Little if any consultation has been undertaken on the proposed demolition.
- Too much of historical interest in the town has disappeared.
- The building should be retained and any development takes place around it to satisfy the requirement to pay special attention to the desirability of preserving the character and appearance of a conservation area.
- All arguments in the Heritage Statement strongly suggest retention of the building.
- The CAAMP identifies the building as making a positive contribution to the Conservation Area, its removal would have a noticeable effect on the area's historical context and this would intensify if yet another tasteless carbuncle was to be erected in its place.
- There is only one other Victorian school building in the Conservation Area and as such it is a rare building type.
- As the design of the replacement building is not known it must be concluded that harm would be done by its removal.
- The building has a relationship with the Barracks, Hassell Street School, former Post Office, former Police Station and Queens Gardens. The removal of the building would be of high significance.
- It is hoped that the way in which the building has been left to deteriorate and is now under threat of demolition is not a testament to the way in which the Borough and Council Council's value the heritage.
- The bat survey was not conclusive and a full report together with evidence of the way in which roof tiles have been lifted by hand to ensure bats are not harmed is provided.

Applicant/agent's submission

The application has been supported by a Planning Statement, Heritage Statement, Archaeological Statement, Demolition Statement, Tree Report and Bat Survey Report. These documents are available for inspection at the Guildhall and searching under the application reference number

15/01077/FUL on the website page that can be accessed by following this link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

Planning File
Development Plan

Date report prepared

18th December 2015

5 BOGGS COTTAGES, KEELE ROAD, KEELE

14/00036/207C3

The purpose of this report is to enable the Planning Committee to consider the question of whether enforcement action should be taken with respect to the retention of a mobile home on the site. This report follows a report to the Planning Committee meeting of 18th August 2015 when it was agreed:

- To provide the opportunity for the owners make an application to remove or vary the occupancy condition attached to planning permission N21428.
- In the event of such an application not being received within three months that the issue of the expediency of enforcement action with respect to the current breach be brought back to Planning Committee for reconsideration.
- In the event of such an application being submitted that it be brought to the Planning Committee for determination and that officers make arrangements for a site visit to be held prior to its consideration by the Planning Committee.

Members should note notwithstanding being provided with an opportunity to submit an application, no planning application has been received from the owners of the site.

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

The breach was first identified in September 2013.

RECOMMENDATION

The Head of Business Improvement, Central Services and Partnerships be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months.

Reason for recommendation and the taking of enforcement action

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

Background Information

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

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

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

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

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

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

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

Paragraph 207 of the National Planning Policy Framework states that

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

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

The issues to be considered

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

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

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

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

Paragraphs 89 and 90 of the NPPF identify certain forms of development that are not inappropriate in Green Belt. The breach of planning control that has been identified as indicated above is not the construction of a building. As such paragraph 89, which identifies exceptions as to when construction

of new buildings should be regarded as inappropriate development, is not relevant. Paragraph 90 identifies other forms of development that are not inappropriate such as reuse of buildings and engineering operations provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The forms of development identified do not include the change of use of land. It is therefore considered that use of land for the siting of the mobile home is inappropriate development in the Green Belt.

Is this an appropriate location for a dwelling?

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

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

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

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

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

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

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

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

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

- specific policies in this Framework indicate development should be restricted.

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

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

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

Paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. National policy in this regard is unchanged since previous planning decisions on this matter were reached. In assessing the development it has already been concluded that the permanent presence of the mobile home would adversely affect the openness of the Green Belt and would be contrary to one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The PPG, which is guidance not policy indicates that unmet housing need is unlikely to outweigh the harm to the Green Belt and any other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt. Whilst the applicant's personal circumstances were previously considered to provide the very special circumstances that were necessary to justify planning permission, given that he is now living elsewhere such circumstances no longer exist. In the absence of any other very special circumstances there is no basis upon which it can be concluded that the development is acceptable and would be given planning permission if an application for its retention was received.

Nature of the action

In light of the breach of planning control it is considered that it would be appropriate to take any necessary enforcement action that requires the removal of the mobile home and associated domestic paraphernalia from the site within six months. It is considered that the action proposed to be taken by the Council is proportionate and in accordance with the provisions of the Human Rights Act.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Areas Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

Other Material Considerations include:

National Planning Policy

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

Supplementary Planning Guidance/Documents

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

Representations

Prior to the consideration of the report at the meeting of 18th August, Members were sent directly representations made by **Councillor Kearon on behalf of the owners**. In summary the key points made were as follows

- While the owner's wife can live in the property for as long as her husband is alive, it has been made clear to her that she does not have permission to live at the property once he has died and that the planning authority will seek to enforce the requirement for the mobile home to be removed after his death
- The owner suffers from a degenerative spine condition, in the last two years his condition has worsened significantly and he has developed a heart condition for which he has had an operation. Concern about the health of her husband and the prospect of losing her home in the period immediately after his death has had a significant impact on the health and wellbeing of owner's wife. The couple reluctantly decided to seek alternative accommodation so that if the owner were to die before the issues relating to 5 Boggs Cottage were resolved, she would have somewhere to live. The owner and his wife regard 5 Boggs Cottages as their home and strongly wish to live there permanently – they continue to maintain it, spend a proportion of the week there and pay all utility charges on the property
- The description of 5 Boggs Cottages as a mobile home does not do it justice – it is a substantial bungalow style construction with mains water, gas, electricity and sewage. Its removal would not be possible, rather it would have to be demolished and this would leave a very obvious demolition site (of detriment to the Green Belt), and be at the cost of the owner and his wife, who do not have the funds and it is a very stressful situation
- The NPPF indicates that enforcement action is discretionary and LPAs should act proportionally in responding to suspected breaches of planning control” whilst Guidance indicates “ in deciding whether enforcement action is taken LPAs should, where relevant have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action”
- The Committee are asked to use their discretion
- The owner and his wife wish to prepare and submit an application for a proposal that would allow her to continue to live at 5 Boggs Cottages after her husband's death

- With this in mind he asks that the Committee do not agree with the officer recommendation and that when such an application is submitted the Committee carry out a site visit

Date report prepared

15th December 2015

HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

To provide Members with a report on planning obligations which have been secured over the 6 month period referred to in this report, works that have been funded in part or in whole by planning obligations within this period and compliance with their requirements

Recommendations

- a) That the report be noted
- b) That the Head of Planning continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements
- c) That the County Council's NTADS Final Review be reported to the Planning Committee at a future meeting when available

Introduction

The last half yearly report on planning obligations was provided to the Committee at its meeting in May 2015 and covered the period between October 2014 to March 2015. This report now covers the period between 1st April 2015 to 30th September 2015 and sets out planning obligations which have been secured over this 6 month period, works that had been funded during that period in whole or in part by planning obligations, and compliance with their requirements.

One of the areas of work within the Planning Service relates to the ongoing maintenance of a database relating specifically to planning obligations whether achieved by agreement or by undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended.

As reported previously the database is missing some key information which would help officers to monitor cases and report information more efficiently. The updating of the database has also been hindered more recently due to I.T. problems which has resulted in access to it not being possible. These have now been overcome, at least for the present. In order for it to have benefit there is a need to have a fully updated and accessible database so that information can be obtained more readily.

Enquiries from conveyancing solicitors seeking confirmation that planning obligations have been complied with are ever increasing and information held on the database is essential in dealing with these time consuming requests. Consideration is being given to whether it would be possible and appropriate to introduce a charge for the provision of such a service. Members may recall that the Planning Committee in 2013 rejected proposals to seek the payment of Section 106 monitoring fees within the agreements themselves.

Regardless, recent legislative changes mean that the Service needs to be immediately able to establish what planning obligations have been secured since 5 April 2010 with respect to individual projects and types of infrastructure and the database plays an important function in obtaining this information more readily.

As with previous half yearly reports the relevant Section 106 information is reported in Tables. An additional Table listing those developments where planning obligations by developers/owners of land have been agreed to be modified is provided for the first time (Table 1a).

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st April 2015 – 30th September 2015)

This Table identifies developments where planning obligations by agreement or undertaking have been entered into by developers/owners. It does not include the obligations entered into by the public authorities, except where they are the landowner/developer. The cases involve both financial contributions, the provision of development such as affordable housing and obligations which restricts the use of a development e.g. non-severance of ancillary accommodation. Contributions are usually payable upon commencement of the development (the payment “trigger”), but that can vary. If a development is not undertaken it follows that there is no requirement to pay the contribution.

Application reference and date of agreement or undertaking	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
15/00202/OUT 28 th August 2015	Land South West of Mucklestone Road, West of Price Close and North of Market Drayton Road Loggerheads	Residential development of up to 78 units including provision of affordable housing, public open space and vehicular and pedestrian accesses	25% Affordable Housing	Not applicable
			Education contribution towards the provision of additional spaces in a two class base extension at Madeley High School	£270,788 (Index Linked)
			Travel Plan Monitoring	£6,300 (Index Linked)
			Open space and Play space management agreement	Not applicable
15/00077/OUT 7 th July 2015	Land to the rear of Former Randles Garage Higherland Newcastle	Erection of up to 12 dwellings.	Public Open Space – Upgrade and Maintenance of Queen Elizabeth Park	£28,848 (Index Linked)
14/00472/FUL 8 th April 2015	Land opposite Superstore Lyme Valley Road Newcastle	Erection of 6 dwellings	Open space management agreement	Not applicable

14/00930/OUT 1st April 2015	Land Off New Road Madeley	Outline planning application for the erection of up to 32 dwellings (including details of access)	25% Affordable Housing	Not Applicable
			Education Contribution towards places at Madeley High School	£49,866 (index linked)
			Provision of Public Open Space and its maintenance arrangements – College Gardens	£2,942 (Index Linked) per dwelling as may be permitted under the Reserved Matters Approval.
15/00376/FUL 8th August 2015	Plot 34 Eastwood Rise Baldwins Gate	Detached dwelling	Restriction of the land to one dwelling and if the planning permission is implemented then previous permissions shall not be implemented	Not Applicable
15/00329/FUL 27th May 2015	The Skylark High Street Talke	Demolition of existing public house and erection of ten (10 no.) dwellings	Improvement of Public Open Space and its maintenance arrangements – Chester Road playground	£15,000 (Index Linked)
15/00421/FUL 21st July 2015	Site of Former Oxford Arms Moreton Parade, May Bank Newcastle	Residential development of six pairs of semi - detached houses to provide 12 no. dwellings and parking spaces	Public Open Space improvement and its maintenance – Wolstanton Park	£35,316 (Index Linked) .
13/00970/OUT 2nd April 2015	Land North of Pepper Street Keele	Residential development (maximum of 100 dwellings)	15% on-site Affordable Housing	Not Applicable
			Open space and Play space management agreement at the start of each phase	Not Applicable
			Education Contribution towards the provision of educational facilities at St. Johns CE (VC) Primary School, Keele and Madeley High	£364,627 (Index Linked)

			School	
			Travel Plan Monitoring	£2,250 (Index Linked)
			A financial bond towards remediation works	£1,264,477
			Viability Re-appraisal	Not Applicable
14/00968/FUL	Former T G Holdcroft Knutton Road Wolstanton Newcastle	Erection of 31 retirement dwellings,communal facilities, car parking and provision of landscaping areas	Off-site Affordable Housing contribution	£172,624 (Index Linked)
13 th August 2015			Public Open Space contribution towards the improvement of the bowling green at Wolstanton Park	£26,335 (Index Linked)
			Viability Re-appraisal	Not Applicable
14/00875/OUT	Land adjacent to Windclose Cottage, Stone Road Hill Chorlton	Residential development of up to 8 dwellings	25% on-site Affordable Housing	Not Applicable
2 nd September 2015 (as part of appeal proceedings, the appeal subsequently having been dismissed and the permission refused)			Education Contribution towards the provision of educational facilities at Baldwins Gate Primary School and Madeley High School	£38,684 (Index Linked)

Table 1a - Developments where planning obligations by developers/owners of land have been agreed to be modified (1st April 2015 – 30th September 2015)

This Table identifies developments where planning obligations by agreement or undertaking have been modified. The list includes decisions made under Section 106BA, BB and BC of the 1990 Town and Country Planning Act which allow the review of planning obligations on planning permissions which relate to the provision of affordable housing, and where the Council has, without a formal application having been made, agreed to amend or modify an existing agreement .

<p>15/00359/DOAHR 28th May 2015</p>	<p>Land North Of Pepper Street Keele Newcastle</p>	<p>Application under Section 106BA of the Town and Country Planning Act 1990 to revise the affordable housing contribution secured within the planning obligation entered into in association planning permission 13/0970/OUT for residential development</p>	<p>Planning obligation modified to reduce the requirement for the affordable housing contribution to 6% of the total number of dwellings constructed, (3% social rented and 3% shared equity) for a period of 4 years after which it reverts to the original affordable housing obligation (15%), such modification only relating to those dwellings completed within that period</p>	<p>Not Applicable</p>
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Table 2 - Development where financial contributions have been made (1st April 2015 – 30th September 2015)

This Table identifies the development where the planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation.

Permission reference	Location of development	Development	Purpose of the obligation(s)	Contribution made
Nil	-	-	-	-

Table 3 - Development where financial contribution have been spent. (1st April 2015 – 30th September 2015)

This Table identifies those developments where the spending authority have advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table primarily refers to expenditure by the Education Authority and by the Borough Council. NTADS expenditure is being published by the County Council in its NTADS – Final Review 2015 document that will cover a period between 2008 and 2014. A separate report will be provided to the Planning Committee. Any information on expenditure of Section 106 contributions on Travel Plan Monitoring for this period and the previous period between October 2013 to September 2014 will be reported prior to the meeting if it can be obtained. Similarly the Table only refers to the spending of financial contributions, it does not refer to the affordable housing that has been provided as a consequence of planning obligations.

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
11/00129/FUL	Land off Grange Lane Wolstanton Newcastle	Residential development	£950 towards Public Open Space improvements/ enhancements	Administrative costs associated with improvement of the play facility at Wolstanton Marsh
13/00712/FUL	Land at the Junction Of Blackfriars Road and Lower Street Newcastle	Construction of new foodstore (Class A1) with associated car parking, servicing and landscaping.	£17,370 towards Lower Street subway improvements	The sum has covered the cost of the design, application and completion of art work (including postcards) on the subway.
06/01180/OUT	Land and Buildings at Ashfields New Road, Knutton Lane and Liverpool Road Newcastle	New college, sports facilities, Superstore, Petrol Filling station, offices, housing, parking, landscaping and associated engineering works	£1694 towards Subway Improvements - Enderley St, Ryecroft and Bridge Street	Administrative costs of delivering the refurbishment of subways

Table 4 to Half yearly report on Planning Obligations - Development where apparent breaches of planning obligation has been identified (1st April 2015 – 30th September 2015)

This Table identifies developments where either the triggers for the payment of financial contribution have been achieved and no payment has yet been received, or there is some other current breach in terms of the obligation/undertaking. It also includes cases brought forward from previous periods, which have not yet been resolved, and cases reported in the last half yearly report which have now been resolved and can be considered “closed”.

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
03/01033/OUT	Former Evans Halshaw Hassell Street, Newcastle	Residential Development	Public Open Space contribution (£900 x 45 units) £40,500 – Non-payment of the contribution.	<p>Significant progress has been made on this case which has appeared in this Table of the half year report a number of times previously</p> <p>Legal Services have confirmed that the Council has agreed a settlement figure of £30,000 with Sutherland Capital Ltd.</p> <p>The parties have reached an agreement and this has now been approved by the Court. The first payment of £10,000 has now been received by the Council. The second payment of £10,000 plus fees £4,079.20 has been paid and the final instalment of £10,000 is due by the 23rd December 2015.</p>
10/00480/FUL	Former Corona Works,	Residential Development	Public Open Space contribution	This case has also appeared

	Sandford Street Chesterton		totalling £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment passed but no payment received to date	<p>in this Table of the half year report on a number of times previously due to the POS contribution having not been paid despite the trigger being achieved.</p> <p>The Planning Committee at its meeting on 16th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party, despite several approaches by the Council's solicitors.</p> <p>The scheme currently has 4 dwellings completed with 3 plots due to be completed.</p>
99/00918/FUL	Land off Grange Lane Wolstanton Newcastle	Residential development	New link road and residential development	<p>The plans for the Wulfstan Grange housing development and secured S106 obligation included the provision by the developer of a toddlers play area at the "bottom of Minton Street" (within the development site).</p> <p>The housing development has been built out without the</p>

				<p>toddlers play area being provided which is a breach of the S106 obligation. .</p> <p>Officers of the Landscape Development Section are in active discussions with the developer (Bloor Homes) to bring this matter to a conclusion. It is hoped that the discussions will conclude shortly and the agreed play area then provided. Pressure will be applied to Bloor homes to provide the play area and an agreed end date will be reported via the the next Half yearly report.</p>
12/00127/OUT	Land South of West Avenue, West of Church Street and Congleton Road, and North of Linley Road Butt Lane	Residential development of 172 dwellings, area of community woodland, public open space and formation of new accesses	Newcastle (urban) Transport and Development Strategy (NTADS), Travel Plan Monitoring and Public Right of Way improvement totalling £191,725 – Non-payment of the contribution and the trigger point has been reached (upon commencement of development).	<p>The development commenced in June 2015 (six of the units have now been completed). The contributions should have been paid to the County Council prior to the commencement of development but they have not. Officers of the Borough Council have contacted the developer – Taylor Wimpey who have indicated that the contributions will be paid on the 4th January 2016.</p> <p>Officers will monitor this to</p>

				ensure that they are paid on the 4 th January and an update will be reported prior to the planning committee via the the next Half yearly report.
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