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| 11 | Application for Other Development - Corner of Minton Street & High Street, Wolstanton. Newcastle Borough Council. 15/00940/DEEM3 | (Pages 63 - 68) |
| 12 | Application for Other Development - Land at Lyme Valley Parkway, London Road, Newcastle. Newcastle Borough Council. 15/00941/DEEM3 | (Pages 69 - 74) |
| 13 | Application for Other Development - Land at King Street, Kidsgrove. Newcastle Borough Council. 15/00943/DEEM3 | (Pages 75 - 78) |
| 14 | Application for Other Development - Land at Talke Road, Parkhouse, Chesterton. Newcastle Borough Council. 15/00944/DEEM3 | (Pages 79 - 84) |
| 15 | Application for Other Development -Corner of Cemetery Lane and Silverdale Road, Poolfields . Newcastle Borough Council. 15/00945/DEEM3 | (Pages 85 - 90) |
| 16 | Application for Other Development - Woodshutts Farm, Second Avenue, Kidsgrove. Joe Wood. 15/00947/FUL & 15/00948/LBC | (Pages 91 - 98) |
| 17 | Application for Other Development - Rye Hills Barn, Rye Hills, Audley. Mr & Mrs Stanyer. 15/01047/FUL | (Pages 99 - 104) |
| 18 | Appeal Decision - Hungerford House, Hungerford Lane, Madeley. 15/00155/FUL | (Pages 105 - 106) |
| 19 | Appeal Decision - Shetland Rise, Top Rock Road, Ashley. 15/00397/FUL | (Pages 107 - 108) |
| 20 | Appeal Decision - Land adj to the Old Farm House, Main Road, Wrinehill. 15/00079/OUT | (Pages 109 - 110) |
| 21 | Quarterly Report on Extension to time periods within which obligations under Section 106 can be entered into. | (Pages 111 - 116) |
| 22 | 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, Reddish (Vice-Chair), Simpson, Snell (Chair), Sweeney, Turner, Welsh, Williams and Williams

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

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

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

FIELD_TITLE

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

PLANNING COMMITTEE

Wednesday, 13th January, 2016

Present:-	Councillor Mrs Sophia Snell – in the Chair
Councillors	Braithwaite, Cooper, Fear, Heesom, Northcott, Owen, Reddish, Sweeney and Welsh
Apologies	Apologies were received from Councillor(s) Hambleton, Mancey, Proctor, Simpson, Williams and Williams

1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

2. JOINT LOCAL PLAN ISSUES CONSULTATION

Consideration was given to a report on the Issues Paper Consultation Document for the Joint Local Plan.

The report was to be submitted to Cabinet on 20 January and the Planning Committee was now given the opportunity to comment on the document and make its views known to Cabinet.

Members discussed the item and attention was drawn to Paragraph 1.4 of the report which referred to a report of a panel of experts which is expected this month which could have implications for the Joint Local Plan timetable. The Council's Planning Policy Manager advised Members that it was unlikely that the timetable would have to be extended as a result of the appointment of this Panel by the Minister.

Members were invited to make comments on the Local Plan Issues Consultation which would then be passed on to the Cabinet.

The consultation had been broken down into eight sections: Economy; Transport; Heritage; City, Town, Local and other Centres; Housing; Health and Communities; Energy and Climate Change; Natural and Rural Environment.

Members made no comments on the above although a concern was raised in respect of extending village envelopes.

- Resolved:**
- (i) That the Cabinet be advised that this Committee recommends approval of the Issues Paper Consultation Document in line with the methods of consultation set out in the adopted Joint Statement of Community Involvement, although Cabinet were asked to note the Committee's view that the village envelopes should not be allowed to grow as this would constitute urban sprawl.
 - (ii) That a report be submitted to a subsequent meeting of the Committee on the results of the Issues public consultation exercise, as part of the next stage in the Joint Local Plan Process – Strategic Options in summer 2016.

- (iii) That the Cabinet be advised that this Committee agrees to the revised work programme for the production of the Joint Local Plan, set out in the report, and that this be published as an update to the Council's Local Development Scheme.

3. **FIVE YEAR HOUSING LAND SUPPLY MID YEAR UPDATE**

Consideration was given to a report on the Five Year Housing Land Supply Statement – Mid year update. The purpose of the report was to update Members on the calculation of the five year housing land supply position in the Borough. Members were advised that it was considered that the Council could not demonstrate a five years supply of deliverable housing sites.

Members attention was brought to the table at Paragraph 2.35 of the report and the stage that this Council was at and also to Paragraph 3.2 which referred to paragraph 49 of the NPPF. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Members discussed the item, requesting clarification of areas and the basis for figures contained within the Joint Strategic Housing Market Assessment which covers Newcastle-under-Lyme and Stoke on Trent.

- Resolved:**
- (i) That the results of the mid-year update to the five year supply statement be noted.
 - (ii) That the significance of the five year supply position in Development management decision making be noted.
 - (iii) That Members note that the Five Year Housing Land Supply position need not be the sole determinant of development management decision making, in accordance with the NPPF.

4. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR MRS SOPHIA SNELL
Chair

Public Document Pack

Classification: NULBC UNCLASSIFIED

Planning Committee - 13/01/16

PLANNING COMMITTEE

Wednesday, 13th January, 2016

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Councillors	Braithwaite, Cooper, Fear, Heesom, Northcott, Owen, Reddish, Sweeney and Welsh
Apologies	Apologies were received from Councillor(s) Hambleton, Mancey, Proctor, Simpson, Williams and Williams

1. DECLARATIONS OF INTEREST

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The report was to be submitted to Cabinet on 20 January and the Planning Committee was now given the opportunity to comment on the document and make its views known to Cabinet.

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4. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR MRS SOPHIA SNELL
Chair

LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE TAYLOR WIMPEY (NORTH MIDLANDS)

15/00441/DOAHR

The applicant has made a formal application under Section 106BA of the 1990 Town and Country Planning Act to revise the affordable housing contribution requirement in the planning obligations entered into on the 20th December 2013 by Revelan Ltd, Revelan Properties Ltd, Goldlatch Ltd, Bronzesky Ltd, National Asset Loan Management Ltd, the Borough Council and Staffordshire County Council prior to the grant of outline planning permission (12/00172/OUT) for residential development of up to 172 dwellings, an area of community woodland, public open space and formation of new accesses on the above site. In a subsequent application for approval of reserved matters consent was given for 171 dwellings.

The revision sought is a reduction in the level of affordable housing to be provided within the development from 25% (43) of the total number of dwellings (171) to just under 16% (27). Other planning obligations contained within the same agreement are unaffected by this application.

The 28 day determination period for this application expired on 19th June 2015. At its meeting on the 5th January the Committee deferred its decision to await the views of the District Valuer

RECOMMENDATION

That the Committee consider this application in the light of advice that it will be provided to the Committee in a supplementary report that will be issued following the anticipated receipt of the views of the District Valuer.

Reason for Recommendation

An appraisal of the extent to which the housing development is able to meet the existing affordable housing planning obligations has been submitted with the application. The District Valuer, instructed by the Council, is in the process of concluding an appraisal including some sensitivity testing. That appraisal has not yet been completed, but it is expected to be in time for its conclusions to be considered and reported to the Planning Committee in a supplementary report.

Key Issues

The applicant has made a formal application under Section 106BA of the 1990 Town and Country Planning Act to reduce the affordable housing contribution requirement in the planning obligations entered into prior to the grant of to the previous planning permission for development of the site (12/00127/OUT)). Section 106BA was introduced by Government through the Growth and Infrastructure Act, 2013 specifically to allow such a request to be made in a case where the applicant considers that the contribution makes the scheme unviable. The applicant's claim is that the affordable housing obligation as currently agreed makes the scheme nonviable in current market conditions and that the only method of bringing this site forward is to reduce the affordable housing contribution to just under 16% of the total number of dwellings. This request is supported by information relating to the viability of the proposal.

The National Planning Policy Framework paragraph 173 states: 'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.'

The Government publication Section 106 Affordable Housing Requirements Review and Appeal gives guidance on the process for determining applications submitted under s106BA.

Paragraph 10 of the document states that 'The test for viability is that the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the

developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner'.

No claim as to a lack of viability of the scheme was submitted to the LPA at the time of the outline application

The applicant has submitted a viability assessment (the 'Bridgehouse' appraisal). The development is underway with as at 1st October 2015 some 6 dwellings having been completed. The District Valuer, instructed by the Council, is in the process of concluded an appraisal including some sensitivity testing. That appraisal has not yet been completed, but it is expected to be in time for its conclusions to be considered and reported to the Planning Committee in a supplementary report.

Date Report Prepared: 22nd January 2016

APPENDIX

Relevant Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
Planning Practice Guidance (PPG) (2014)
DCLG document 'Section 106 Affordable Housing Requirements Review and Appeal' (April 2013)
Developer Contributions Supplementary Planning Document

Views of Consultees

Kidsgrove Town Council object to the proposed reduction in affordable housing. They note that planning permission was granted on the proviso that 25% of the development was allocated to affordable housing. As there is a paucity of affordable housing in Kidsgrove, a reduction in this case would further prevent local people who are hoping to get on the first rung of the housing ladder. Recent figures suggest that Taylor Wimpey's order books for new homes, as of May 2015, is up 12 per cent from the same time last year to £1.9 billion. This will equate to millions in profit for the company. The Council has an obligation to its residents to object to what is deemed blatant opportunism by Taylor Wimpey and local residents believe that this action by Taylor Wimpey was premeditated. The Borough Council should set up an interdependent review of the financial viability of the scheme before a final decision is made

Representations received

Two objections have been received, one being from Councillor Kyle Robinson. He indicates that social and affordable housing in the Butt Lane and Clough Hall area is heavily required. His constituents have clear concerns that not enough is being done to ensure developers are providing quality affordable housing in most of their developments. Why did Taylor Wimpey not fully cost the development before they proceeded with the development? The Company has every intention of going ahead and there should be an independent review of whether the development is economically viable with 25% affordable housing included. Reducing the amount of affordable housing to 16% of the development is a disgrace

The other party objects to the reduction - on the grounds that young people and lower income families that have grown up in this area should be able to purchase a home like anyone else, so why should they be penalized because the figures don't add up now, why are the higher cost houses being increased to make up the profits, the permission to build in the area was granted with the 25% agreed and Taylor Wimpey should recoup their costs elsewhere.

Applicant's/Agent's submission

In addition to a statement setting out the basis of the application and a plan identifying the site, the applicant has submitted A Statement by Bridgehouse Property Consultants on the DCLG guidance, their approach and context to scheme viability assessment, competitive returns to a willing land owner and developer, scheme viability assessment and conclusions.

Bridgehouse report that they have been instructed to prepare an independent viability assessment of the extent to which the residential development is able to meet the affordable housing planning obligations contained in the agreement of 20th December 2013.

In its conclusions the Bridgehouse report states as follows

"The viability assessments we have carried out demonstrate, using the methodology and guidance provided by the DCLG, that if the site is required to deliver 25% affordable housing it is unviable. The scheme can only be made viable if the affordable housing is reduced to 27 dwellings.

We believe we have undertaken appropriate and reasonable viability testing – against a prudent benchmark land value – using assumptions that can be justified against current market norms for any speculative development of residential property"

This document are available for inspection at the Guildhall and searching under the application reference number 15/00441/DOAHR 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

21st December 2015

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**CLAYTON WOOD TRAINING GROUND, ROSE TREE AVENUE, STOKE
STOKE CITY (PROPERTY) LIMITED**

15/00958/FUL

The application seeks full planning permission for the reconstruction of 2 pitches at Stoke City's football training complex. The application also includes a single storey extension to the pavilion, installation of a camera recording platform, a security lodge, traffic barrier, under pitch heating boilers, 5 metre – 8 metre high ball stop fencing, a grounds maintenance garage, storage compound and associated works.

The application is one of a pair – the proposal crossing the boundary with Stoke City Council. The larger part of the site is within the Borough Council's administrative area. The application that the City Council are considering seeks permission or the reconfiguration of a field towards the south of the development (referred to in the application as the south field) to create junior football pitches

In addition to determining its own application, the Borough Council has the opportunity to pass comments on the application that the City Council is expected to be considering on the 3rd February.

The site is situated within the Green Belt as well as an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map.

Vehicular access to the site from the Strategic Highway Network (A34) is obtained via residential estate roads Riverside Road and Rose Tree Avenue.

The 13 week period for the determination of this application expires on 4th February 2016.

RECOMMENDATIONS

A. With respect to the application before the Borough Council PERMIT subject to conditions relating to the following:-

1. Time limit.
2. Approved drawings.
3. The construction management and mitigation measures identified in the submitted Transport Statement are fully adhered to.
4. Introduction of temporary vehicle parking and waiting restrictions.
- 5.
6. Details of the sports fencing prior to installation.
7. Tree protection measures.
8. Site landscaping.
9. Ecological mitigation measures.
10. Flood risk mitigation measures.
11. Japanese Knotweed removal/treatment.

B. That the Borough Council has no objections to the application submitted to Stoke on Trent City Council although it does ask that Stoke City Council provides the opportunity for the Borough Council to comment on any details submitted to all relevant conditions.

Reason for Recommendation

There are important construction management issues arising from importing material into the site which will have a harmful impact on local amenity but those impacts will be short lived and there is no overriding detriment to public safety. A public footpath is impacted upon by a small element of the proposal and a diversion order is to be secured by the applicant in order to ensure adequate access can continue. Although certain elements of the proposal constitute inappropriate development within the Green Belt, very special circumstances are present to outweigh the harm of the development. Those circumstances include that the development has a very limited impact on openness in the context of the existing approved use and development of the site as a training ground and the Club's

investment in maintaining elite training facilities for the benefit of the club and in wider terms the economic benefits of the area. Overall subject to appropriately worded planning conditions the proposal adheres with aims and objectives of the NPPF as well as those development plan policies which are relevant.

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

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

Key Issues

The application is for a further upgrade of the facilities at Stoke City's Clayton Wood football training ground complex.

The part of the development which falls within the Stoke City Council's administrative boundary is the reconfiguration of a field towards the south of the site (referred to on the submitted plan drawing as the south field) to create junior football pitches.

The elements of the development within the Borough's administrative area, and which the Borough Council must consider, include the reconstruction of 2 football pitches; a single storey extension to the existing pavilion measuring 4.8 metres by 2.7 metres by 2 metres in height which will serve as a lobby; a recording platform measuring 2.4 metres square and around 6 metres in height including the camera hoist; a security lodge measuring 6 metres by 3.2 metres in footprint by 2.4 metres in roof height with traffic barrier; a grounds maintenance garage measuring 18.7 metres by 15.5 metres in footprint by 4 metres in roof height; a small concrete yard storage area is proposed immediately adjacent to the maintenance garage building with two heating boilers for the pitches to the other side; 5 metre – 8 metre high ball stop fencing is proposed around the periphery of the goal keepers training area and pitches 3 and 2 (similar fencing is also to be erected around the south field area where the junior football pitches are to be reconfigured).

The site is situated within the Green Belt as well as an Area of Landscape Maintenance as indicated on the Local Development Framework Proposals Map. Vehicular access to the site is obtained via residential estate roads Riverside Road and Rose Tree Avenue off the A34. The key issues to consider are:-

1. Is the proposal appropriate development in Green Belt terms?
2. Is the impact of the proposal upon the surrounding landscape and countryside acceptable?
3. What is the impact to trees and is that acceptable?
4. What is the impact on highway safety and the use of public footpaths in the vicinity?
5. Would the development cause material harm to the interests of residential amenity?
6. What is the impact on air quality and is that acceptable?
7. Would the development either increase flood risk or be at risk itself?
8. Do the required very special circumstances exist to justify approval?

1. Is the proposal appropriate in Green Belt terms?

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

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

The extension to the pavilion is extremely limited and will effectively function as a small lobby entrance. The garage storage building is directly linked to the machinery needed for the upkeep of a large predominantly open sporting facility. The small security lodge proposed is also directly linked to the functional recruitments of this type of outdoor sporting facility. Accordingly all of those particular elements are considered to be appropriate forms of development in the Green Belt in line with the provisions of the Framework.

Strictly speaking the tall fencing, camera gantry platform and associated engineering works for pitch reconstruction are inappropriate forms of development in the Green Belt. A view must be taken therefore regarding the presence of any very special circumstances for the development to proceed. The other planning merits of the scheme are firstly now considered before doing that.

2. Is the impact of the proposal upon the surrounding landscape and countryside acceptable?

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

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

The training ground complex is already well established with a large main building, associated car park and surrounding pitch facilities. The additional buildings, gantry and fencing now proposed to complement those existing facilities would not appear out of place. The engineering works proposed for the pitch reconstruction entail cut and fill meaning there is no significant impact on the contours of the land which is clearly read as a sports training facility from wider vantage points.

3. Is the tree loss proposed acceptable?

Saved Local Plan Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, 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. Where appropriate, developers will be expected to set out what measures will be taken during the development to protect trees from damage.

Tree loss has been avoided by the applicant in planning the proposal within the Newcastle administrative area. Having said that there is a line of poplar trees and a single oak tree which will require protection measures during construction. The biggest impact to trees concerns the south field pitch reconfiguration element which subject to condition the City Council's Landscape officer has no objections to. Subject to tree protection measures and landscaping details there are no objections to the proposal.

4. What is the impact on the use of highway safety and public footpaths in the vicinity?

The Highway safety impact with particular consideration towards Rose Tree Avenue and Riverside Road

From a development management perspective it is the vehicle movements needed to bring in construction material to and from the site which need to be focused on. The proposal will not lead to the increase of vehicle movements in relation to the approved use of the site.

The pitch reconstruction will involve the importation of 14,000 tonnes of material using 30 tonne HGV's. The applicant proposes to import the material over a planned 5 week period commencing in February 2016. That equates to a total of 186 HGV planned movements per week on average to bring in the material and then leave the site (in other words 93 movements in and 93 movements out). The reconstruction works would then commence in March and are to last approximately 6 months. The imported material together with material excavated from the two pitches would be stored on the southern field and moved to that location using dumper trucks over a footpath, access track using an existing gap in boundary trees. The applicant's intention is to keep the removed material on site and use it for the pitch reconfiguration in the south field.

There are vehicle circulation issues relating to the junction with Stone Road A34, the bend along Riverside Road and the turn from Riverside Road into Rosetree Avenue. The junction is currently covered with 24 hour parking restrictions with around the first 25m covered by either the traffic regulation orders or the access to an un-named service road that fronts the shops, hence parking in this region is prohibited.

The bend in Riverside Road which is around 185m from the A34 is sufficient to effectively restrict the width for the HGV and should a larger vehicle, such as a van, be parked on the bend the HGV would struggle to pass it. The proposals therefore include for a 10m extension in the 24hr waiting restrictions along Riverside Road adjacent to Stone Road plus introduction of 50m section of 24hr restrictions on both sides of Riverside Road around the bend adjacent to no 42 Riverside Road.

The applicant has submitted to undertake the following mitigation provisions to manage the process:-

- The proposed hours of working on the site are 07.30 to 18.30 hrs Monday to Friday and 08.00 to 13.00 hrs on Saturday.
- Routing of HGVs via Riverside Road and Rose Tree Avenue from the A34. Limitation of 6 HGV's into the site per hour and 6 HGV's leaving the site per hour.
- HGV delivery is to be restricted to 09.00 and 15.00 hrs Monday to Friday excluding Wednesday when it is limited to 13.00 hrs within the school term time. Within school holiday periods the period could be increased to 17.00hrs Monday to Friday.
- HGV movement to be controlled to restrict the potential for HGV's to meet on the access route.
- HGV movements to be routed to and from the A500 wherever possible.
- Temporary signage is proposed be erected mark the HGV routes to and from the site and to prevent HGV usage of Bridge Street, Greenwood Avenue and Somerville Road.
- Banksman to be employed to ensure safe crossing between the southern field and the site during the hours of work.
- A 10m extension in the 24hr waiting restrictions along Riverside Road adjacent to Stone Road (A34) plus introduction of 50m section of 24hr restrictions on both sides of Riverside Road around the bend adjacent to no 42 Riverside Road. The temporary traffic regulation order would be required for around 6 months.

In addition the applicant acknowledges that the existing state of Riverside Road and Rose Tree Avenue is not ideal and is offering to repair, resurface and remark the affected areas.

Your Officer's advice is that careful consideration has been given by the applicant with regards to how this material will be brought into the site and possible alternative options have been assessed. The route proposed is considered by the applicant to be the only practical means of bringing material to and from the site having considered all alternative options. That conclusion is supported by officers in both administrative areas. The route selected is via Riverside Road and Rose Tree Avenue both of which are residential roads and therefore not ideal for carrying larger HGV's. Based on the mitigation measures identified by the applicant there are no objections to the proposal.

Concerns have been raised by residents over the physical condition of both Riverside Road and Rosetree Avenue. However, it is not considered reasonable to seek improvements to the existing adopted highway through the planning process. The responsibility of maintaining adopted highways lies with the Local Highway Authority and is not for developers or the Local Planning Authority. However, the applicant is aware that this is a matter of local importance and is therefore looking to

enter into a legal agreement with the City Council to secure any necessary resurfacing and repairs at the end of the proposed construction works (anticipated to be September 2016).

The appropriate mechanism to secure such works would be by a Unilateral Undertaking, which would bind the applicant to entering into a Section 278 Agreement to carry out any necessary improvement works to the public highway. The extent of the area to be covered by the Unilateral Undertaking is shown at Appendix 6 of the submitted Transport Statement. This plan will be exhibited at the Committee meeting

Despite the above, it is important for Members to note that Officers of both Councils are of the view that this aspect should not be afforded weight when considering the case, for the above reasons. For this reason the recommendation given is not dependent upon the prior completion of the Unilateral Undertaking although it is understood that the applicants are seeking to have completed such an Undertaking prior to the Planning Committee meeting. An update will be provided

Public footpath impact

The position of a public footpath which lies along the southern boundary of the site close to the internal access road and then is aligned northward towards Clayton Wood Farm is a concern. The effect of a development on a public right of way is a material consideration in the determination of applications for planning permission

The proposal, in particular the position of the storage garage building, does directly straddle that footpath which is within the Borough Council's administrative area. In response to that issue the applicant has applied outside of this planning application process for a "Diversion Order". The diversion would reposition the footpath marginally away from the garage storage area still allowing access over the land. The diversion process is separate to obtaining planning permission and must be completed before any development impacting specifically on the footpath (which is a very small element of the overall proposal) could commence. It is also the case planning permission must be first granted before a diversion can be secured. Given reasonable public access can be maintained through the diversion process there are no objections to the approach taken by the applicant.

5. Would the development cause material harm to the interests of residential amenity?

Noise and disruption arising from the level of construction vehicle activity required to facilitate the development are material concerns. The applicant has carefully considered these points at pre-application stage and through negotiations with both Stoke on Trent City Council and the Borough Council to ensure construction vehicle movements are controlled to those which are absolutely essential and during points of the day when traffic is less.

Given the limited scope available to access to the site no matter how well thought out the approach to construction vehicle activity there will no doubt be a significant period of disruption attached to allowing the proposal for local residents in Rose Tree Avenue and Riverside Road. However there will be no long term damage to amenity from granting consent for the works and there are no overriding highway safety issues.

6. The impact on air quality

The pitch heating system proposed requires the use of an oil filled boiler tank which will be banded. The Borough Council's Environmental Health Division issued an initial holding objection in relation to the unknown air quality impact of the boiler system envisaged. Since that time further technical information in the form of an air quality assessment has been considered and air quality concerns have been addressed. The Environmental Health Division now have no objections.

7. Would the development either increase flood risk or be at risk itself?

The Environment Agency and County Council's Flood Risk Team have no objections to the proposal subject to appropriate mitigation measures which are largely already set out in the submitted Flood Risk Assessment. Subject to appropriate conditions the flood risk impact would be acceptable.

8. Are there any very special circumstances to justify approval?

In Green Belt policy terms the formation of the pitches, fencing and camera gantry are not 'appropriate development'. The Committee must decide whether it considers the required "very special circumstances" exist. Members are reminded that inappropriate development is, by definition, considered to be harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

On the harm side, whilst the fencing and camera gantry proposed are not insignificant structures, by reason of their height, they have little volume or mass and the openness of the site – a fundamental aim of Green Belt policy – is largely maintained. Moreover the engineering works proposed for the pitch reconstruction have no impact on openness. The works are also part of an overall package of related to the Club's continued investment in maintaining elite status training facilities which it can enjoy. In turn such level of provision is ultimately good for the economic benefit of the area. Overall it is therefore considered that the required very special circumstances do exist and that planning permission can be granted.

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 SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3:	Development in the Green Belt
Policy N17:	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance Areas
Policy N12:	Development and the Protection of Trees

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
National Planning Practice Guidance (PPG) (2014)
Right of Way Circular (1/09) Guidance for Local Authorities

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Planning for Landscape Change – Supplementary Planning Guidance to the Structure Plan (Staffordshire County Council)

Relevant Planning History

Within Newcastle under Lyme administrative area

There have been numerous applications over the years showing the development of this site.

2000	00/207/FUL	Permitted - reconstruction and upgrading of existing football pitches, resurfacing and irrigation tank and pumphouse
2002	02/00170/FUL	Permitted - installation of irrigation tank and pump house
2007	07/00500/FUL	Permitted Erection of 3 temporary (2 years) portacabins to be used for academy training facilities
2007	07/00664/FUL	Permitted - stoned car park
2009	09/00112/FUL	Permitted - development of Stoke City Football Club Academy Sports Pavilion including grounds maintenance and pitch equipment store, ancillary utilities structures, perimeter fencing and associated car parking
2009	09/00227/FUL	Permitted - development of floodlight synthetic pitch and floodlighting to existing Football Academy match pitch
2010	10/00769/FUL	Permitted - installation of automatic irrigation system including erection of water storage tank, pump house and associated works.
2012	12/00132/FUL	Permitted - extension of the existing academy building, erection of a building enclosing an indoor football pitch, the formation of four floodlit synthetic pitches, demountable spectator stands, running track, salt saturator tank, associated floodlighting, landscaping and external works (cross boundary application).

Within the Stoke's administrative area

2012 53537/FUL Permitted – Extension to existing Academy building, erection of indoor football pitch, four floodlit synthetic pitches, demountable spectator stands, running track, salt saturator, associated floodlighting, landscaping and external works (cross-boundary application)

Views of Consultees

Stoke Ecology have no objections subject to the following:-

1. A condition requiring the submission of Construction Environmental Management Plan.
2. Detailed assessment of the proposed impacts upon great crested newts and their habitats following site clearance, top soiling, regrading and materials storage and a mitigation/method statement outlining proposed reasonable avoidance measures, timings and mitigation, to be submitted to the LPA for approval.
3. Detailed lighting scheme to take account of potential impacts upon bat foraging habitats around the periphery of the site.
4. Detailed measures to deal with invasive species such as Japanese knotweed and Himalayan balsam identified by Middlemarch surveys.

Stoke Sports Development comment that the project is a positive one but to meet the benefits of a professional club rather than bringing any significant direct community benefit.

Stoke Landscape comment with respect to the south field pitch reconfiguration only. They accept the removal of tree T5 rather than allow it to go into decline and replace it with a long lived specimen such as an oak, ash or lime. They recommend pruning of tree T10 by 30% whilst retaining T9, T11 and T12 for companion shelter. They accept the removal of younger, mostly alder trees to the west of the largest pitch, labelled T14-T17 and without the need for replacement.

Stoke Highways comment that the proposals within the Newcastle part of the site result in little to no increase in overall traffic generation at the site in the long term. The only issue will therefore be during the reconstruction of the two training pitches which will require the importation of 14,000 tons of material. Consideration has therefore been given with regards to how this material will be brought into the site and five possible options have been assessed. Of these only one is considered appropriate although this route is also far from ideal. The route proposed is via Riverside Road and Rose Tree Avenue both of which are residential roads and therefore not ideal for carrying larger HGV's. The applicants are therefore proposing a number of restrictions with regards to HGV movements to and from the site including a limit on hours during the week, controls to prevent vehicle conflict and the temporary extension and introduction of additional waiting restrictions. The applicants have also agreed that this existing section of Riverside Road and Rose Tree Avenue is in a poor condition and that they will sign up to an appropriate legal agreement in order to ensure that the road is resurfaced on completion of the proposed development works. Based on all of the above and subject to an appropriate agreement being entered into to ensure that both Riverside Road and Rose Tree Avenue are resurfaced to an agreed specification upon completion of the works they have no objection to these proposals.

Stoke Design and Conservation Officer has no comments.

Stoke Archaeology, Drainage, Economic Regeneration, Public Protection, Planning and Transport, Planning Policy - no comments received by the due date of 4th December so it is assumed there are no objections.

Ramblers Association object to the development on the basis that footpath no.127 is affected by the development and may need to be diverted.

Environment Agency has no objections subject to conditions relating to the development proceeding in accordance with the submitted Flood Risk Assessment.

Natural England has no objections in terms of significant impacts on statutory designated nature conservation sites or landscapes.

Severn Trent Water have no objections subject to conditions relating to the prior approval of drainage plans for surface and foul sewage.

Sport England has no objections.

Police Architectural Liaison Officer have no objections to the improvement of the training ground facilities and indeed supportive of security lodge arrangement as an improvement. The applicant is advised that the security and maintenance of the garage should reflect the value and desirability of equipment stored within it.

Staffordshire County Council Footpaths Officer the development will directly impact on Public Footpath no 127. The development should not commence until Newcastle Borough Council has made and confirmed an Order to divert the public right of way to allow the development to commence.

Staffordshire County Council Flood Risk Team has no objections subject to conditions relating to the development proceeding in accordance with the submitted Flood Risk Assessment and the following mitigation measures:-

1. Surface water runoff from the Northern Permanent Sports Fields and additional roof areas to be controlled by the existing outlet pipe within the existing manhole so that there will be no increase to the peak runoff and no increase to the runoff volume.
2. Finished floor level of the proposed security lodge building to be set no lower than 101.47m AOD.

Staffordshire County Minerals Planning Officer has no objections, noting that whilst the site falls within various existing Mineral Consultation areas and proposed Mineral Safeguarding area, the nature of the development is such that it would be unlikely to constrain any long term proposals to utilise the underlying mineral resource.

Highways England have no objections - the proposals being considered not to have a severe impact on the strategic highway network

Highway Authority have no objections.

Environmental Protection have initial concerns relating to the absence of under pitch boiler systems details as to demonstrate whether an air quality impact assessment is required.

Staffordshire Wildlife Trust, Council for Protection of Rural England, Stafford Borough Council, Staffordshire County Council Ecologist, Access for the Disabled Committee, Newcastle South LAP, and the Landscape Development Section - no comments received by the due date of 4th December so it is assumed there are no objections.

Representations

8 letters of representation have been received raising the following concerns:-

- The amount of traffic along Riverside Road and Rose Tree Avenue has increased significantly since the original development began. Traffic is also generated when the Michelin building (who own a sports facility adjacent to the site) hold events further exacerbating the problem.
- The number of vehicles has already increased noise levels at all times of the day throughout the week as well as pollution from emissions. Vibrations from larger vehicles is also a significant problem to local residents.
- The surface of Riverside Road has been very badly damaged by the previous work on the site and heavy wagons and coaches pulling into the site. The potential further damage to the road and cars parked in the road is significant. The road doesn't meet present day specifications for sub surface construction for heavy vehicles.
- The proposal warrants the construction of a new road access which would alleviate problems.
- The existing road access arrangement is not suitable for purpose and should be revised.
- Newcastle Council should bear the costs of the upkeep of the road if permission is granted rather than residents who pay their tax in the Stoke area.
- An access road from Clayton Lane would be far better and would improve the current inappropriate level vehicle movement which is focused along Riverside Road.
- The land is Green Belt. Wildlife will continue to suffer from the development.

- The site is on a flood plain, the continued development of the site could lead to drainage issues and an increased risk of flooding from Lyme Brook.

Applicant's/Agent's submission

Application forms and plans have been submitted along with a:-

- Design and Access Assessment
- Bat Survey
- Transport Statement
- Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Tree Report

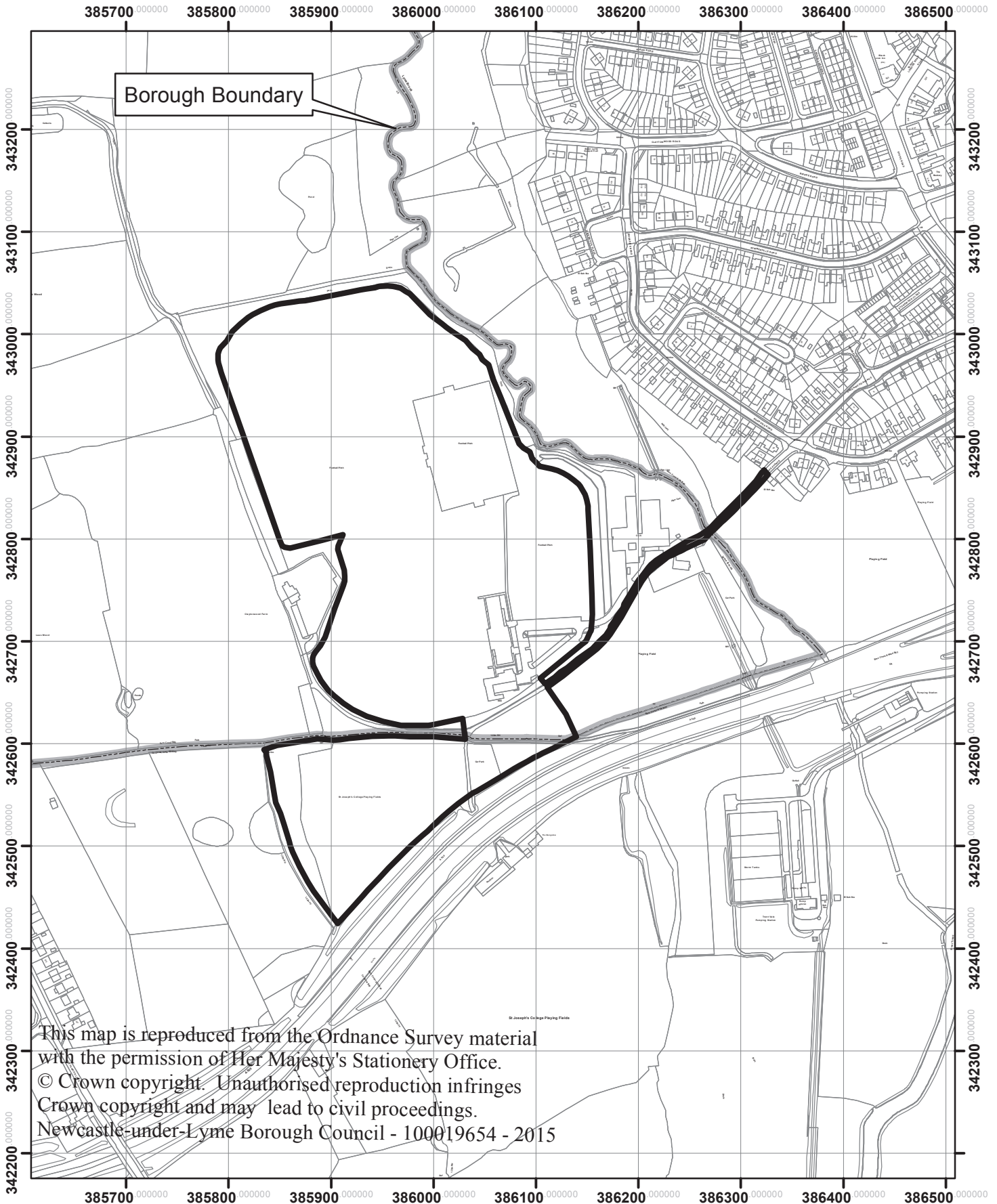
These documents are available for inspection at the Guildhall and searching under the application reference number 15/00958/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

18th January 2015



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LAND AT ASHFIELDS NEW ROAD, NEWCASTLE
JESSUP BROTHERS LIMITED

15/00699/FUL

The Committee resolved, at the meeting of 13th October 2015, to grant full planning permission for a development of 42 residential units made up of five pairs of semi-detached, two bedroom dwellings; a block of 10 one bedroom flats; and a further block of 22 one bedroom flats, provided the applicant entered into by 6th November 2015 a Section 106 obligation requiring a financial contribution of £106,358 for the enhancement and maintenance of the open space at the Greenway enhancement/improvements and maintenance.

Following the Committee meeting the applicant has informed the authority that such a level of contributions would make the scheme unviable. Following the receipt of a Development Viability Appraisal of the development prepared on behalf of the applicant and the confirmation that they would pay for an independent appraisal, the District Valuer was instructed and draft report has been very recently been received but is being revised in light of further information regarding costs received from the applicant.

RECOMMENDATIONS

Subject to the District Valuer confirming that the scheme cannot, at present, support any financial contributions :-

A) Subject to the applicant entering into a Section 106 obligation by 27th February 2016 requiring the review of the financial assessment of the scheme, if there is no substantial commencement within a year of the grant of planning permission, and a contribution then being made to public open space if the scheme is evaluated at that time to be able to support such a contribution,

PERMIT, subject to conditions relating to the following: -

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

A) Should the obligation referred to above not be secured by the 27th February 2016, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate mechanism to allow for changed financial circumstances, and in such circumstances the potential provision of policy compliant contributions towards public open space; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured

Reason for Recommendation

This application has been undetermined for a period of approximately 36 weeks (at the time this report was prepared) so it was considered that the matter should be reported to the earliest possible meeting of Planning Committee. Whilst a draft report of the District Valuer has now been received, she has been considering comments upon that report, and is expected to provide her final report before the Committee. A further advance supplementary report will therefore be necessary.

KEY ISSUES

The proposed residential development comprising 42 dwellings was considered acceptable by the Planning Committee in October 2015, however it was considered necessary to seek a planning obligation to secure of a contribution of £106,358 for the enhancement and maintenance of the open space at the Greenway – to meet the additional demands on open space generated by the development.

Your Officer remains satisfied that such obligations would comply both with Section 122 of the CIL Regulations, and Regulation 123 that stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. There have not been any other obligations entered into since then that secure a contribution towards the Greenway.

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

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

The applicant in this case has submitted financial information to substantiate their claim that a policy compliant scheme would be unviable. The information submitted has been sent by your officers to the District Valuer (DV), an independent third party who has the skills and experience required to assess financial information in connection with development proposals, for further advice.

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

It is understood that the District Valuer is likely to advise that the proposed residential development is not financially viable, if the open space contribution is insisted upon.

On the positive side there is the undoubted contribution that the development would make to housing availability which is acknowledged to be in short supply. The site does nothing to enhance the appearance of the area and its redevelopment will be beneficial to the area.

The indication is that if the Council were to pursue any contribution, the development would simply not happen and accordingly no contribution would be received and much needed housing development would not take place. The LPA is being encouraged to boost the supply of housing and whilst the case for this particular development is not based upon the lack of a 5 year supply of deliverable housing sites (the principle being in accordance with policy in both the CSS and the NLP), encouraging this undeniably sustainable development (which could form part of that supply) is a proper material consideration. Your Officer's view is that provided the case for a reduction in the required contributions is established with evidence verified by the District Valuer, there are sufficient circumstances here to justify accepting the development without the contribution that a policy-compliant scheme would require.

Market conditions and thus viability, can change. In other cases where viability has been an issue the LPA has considered it quite reasonable and necessary to require the independent financial assessment of the scheme to be reviewed if the planning consent has not substantially commenced within one year of the assessment, and upward only alterations then made to the contributions if the scheme is then evaluated to be able to support higher contributions. The applicant has suggested that an alternative to this is to impose a time limit requiring that development commences in 18 months of the decision rather than the standard 3 years. Whilst this would encourage the prompt commencement of development, it would not necessarily ensure that it is substantially commenced. A material commencement of development for the purposes of the time limit condition would involve very little development (for example the marking out of access or the construction of the footings to one of the plots) and this would not be viewed as substantial commencement. On this basis it remains your officer's opinion that a reappraisal would need to be secured via a Section 106 agreement.

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

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

Other material considerations include:

National Planning Policy and guidance

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

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

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

Relevant Planning History

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

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

Views of Consultees

No further consultations have been undertaken.

Representations

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

Applicant/agent's submission

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

Background Papers

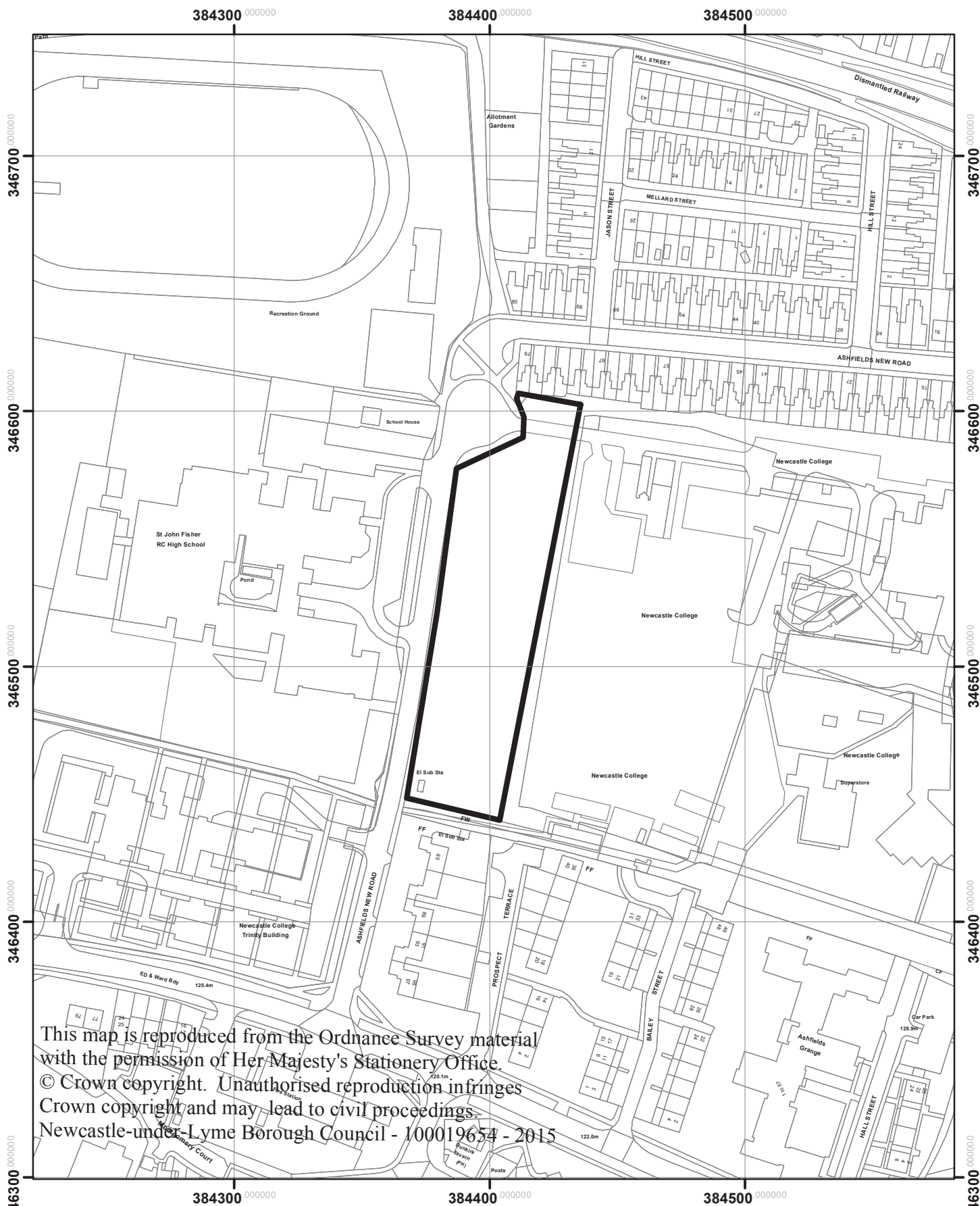
Planning Policy documents referred to
Planning files referred to

Date report prepared

20th January 2016

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Land at Ashfields New Road
Newcastle
15/00699/FUL



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**FORMER SQUIRES COPPER, MOUNT ROAD, KIDSGROVE
HARDEGE DEVELOPMENTS LTD**

15/01116/FUL

The application is for full planning permission for two detached dwellings within the Kidsgrove Urban Neighbourhood as indicated on the Local Development Framework Proposals Map and is within the Major Urban Area.

The proposed dwellings are additional to the 12 dwellings that have been constructed on the former Squires Copper site.

The 8 week period for the determination of this application expires on the 5th February 2016.

RECOMMENDATION

A. Subject to the applicant first entering into a section 106 obligation securing a contribution towards public open space, by way of access improvements to the Bellway Homes playground number 2 near Silvermine Close by the 12th March 2016, permit the application subject to conditions relating to the following matters:

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Materials**
- 4. Boundary treatments**
- 5. Landscaping proposals**
- 6. Provision of access, parking and turning areas prior to occupation**
- 7. Surface Water Drainage Interceptor**
- 8. Surfacing being of a bound material**
- 9. Garages to be retained for parking**
- 10. Design measures to ensure noise levels**
- 11. Construction Hours**
- 12. Contaminated land**
- 13. Tree Protection Measures**

B. Failing completion of the above planning obligation by the date referred to in the above recommendation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without the obligation being secured, the development would fail to secure an appropriate contribution for off-site public open space which would reflect the infrastructure needs of the development; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Whilst the site does not represent previously developed land it is located in a highly sustainable residential area in close proximity to existing local services and in the context of your Council's position that a robust 5 year supply of deliverable housing sites cannot be demonstrated there is a presumption in favour of the development. The design of the scheme is acceptable and there would be no significant harm caused to the area in terms of highway safety matters, residential amenity levels and loss to protected or visually significant trees, subject to conditions. In addition the proposal would secure a contribution to off-site public open space.

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

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

KEY ISSUES

Outline planning permission was granted for a residential development of 12 dwellings on the site, which lies within the Urban Area of Kidsgrove as indicated on the Local Development Framework Proposals Map. A Reserved Matters application has also been permitted and the 12 dwellings have now been constructed.

This application is for two additional detached dwellings adjacent to the single point of access off Mount Road.

The key issues in the determination of the application are;

- The principle of residential development
- The design and the impact on the character of the area
- Impact on residential amenity
- The impact on trees on or adjacent to the site
- Highway and transportation matters
- Coal Mining issues, and
- What planning obligations are considered necessary and lawful?

The principle of residential development

The site is located within the urban area of Kidsgrove and formed part of the former Squires Copper industrial site that has seen 12 dwellings now been constructed on the land which were permitted under 10/00278/EXTN and 14/00235/REM. This site was within the curtilage of the industrial premises but has not been developed. The site has been cleared of vegetation and structures and would therefore not meet the definition of previously developed land as defined in Annex 2 of the NPPF.

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

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

Given that the Borough is currently unable to robustly demonstrate a five year supply of deliverable housing sites in accordance with paragraph 14, there is a presumption in favour of this development

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The merits of the scheme are now considered.

The design and the impact on the character of the area

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

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

As discussed, the application is for two additional dwellings on the former Squires Copper site. The two dwellings would be a natural addition to the scheme.

Plot 13 would be a large two storey detached dwelling which would have a similar appearance to the 12 dwellings that have already been constructed, albeit larger. Plot 14 on the other hand would be a large bungalow which would not match the existing two storey properties already constructed. However, there are other large bungalows further down Mount Road.

An amendment to the design of plot 14 has been submitted which introduces a bay window in the side gable that faces Mount Road. This falls short of being classed a dual frontage property but the bay window does add interest to the gable and is considered acceptable.

Conditions which secure appropriate materials and a hard and soft landscaping scheme are considered necessary to ensure that the design of the dwellings would be in keeping with the existing development and the character of the wider area which would be acceptable.

Impact on residential amenity

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

The site is adjacent to an area of public open space to the rear and the existing 12 dwellings that have now been constructed. The proposals would adhere to the separation distances indicated in the Councils SPG and an acceptable level of private amenity space would be achieved for each plot. Therefore the proposal would accord with the SPG and the requirements of the NPPF which is considered acceptable.

The impact on trees on or adjacent to the site

The application site has existing trees on it and there are also a number of trees on the adjacent open space.

The Landscape Section has requested an Arboricultural Impact Assessment, Tree Retention/Removal Plan and Tree Protection Plan are provided for the scheme. A landscaping scheme is also requested.

A tree survey has been submitted in support of this application but this relates to the previous application. In addition, in response to the Landscape Sections comments the applicant has submitted further information demonstrating that there has been no change in circumstances. The previously submitted arboricultural information indicated that the trees on this site were Category C and were to be removed, and it has been confirmed that the removal of the trees has now taken place. The applicant has also submitted information which demonstrates that there should be minimal harm to existing trees adjoining the site, over and above the details providing within the original reports.

Overall it is considered that the applicant has provided sufficient information to demonstrate that the proposed two dwellings should not result in the loss of visually significant trees on or adjacent to the

site. However, tree protection and details of landscaping are considered necessary and suitable conditions should be imposed to secure.

Parking and the impact on highways safety

The two proposed dwellings would take their access drives off the internal access drive that serve the existing 12 dwellings and would each have a driveway and garage. The Highway Authority has raised no objections subject to standard conditions. However, they have also requested a condition restricting the garages to be retained for the parking of motor vehicles and cycles and should not be converted to living accommodation. In this instance this condition is considered justified.

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

Coal Mining Issues

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Paragraph 120 of the NPPF details that “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The developer has submitted a report which considers coal mining impact and states that “Prior to any construction or remediation the ground will need to be proof drilled using the drill and grout method progressing in a southerly direction in order to determine the presence of coal mine workings.”

The Coal Authority has been consulted and they concur with the recommendations of the submitted report. Therefore they raise no objections subject to conditions which secure the submission of a scheme of remedial works for approval; and Implementation of those remedial works.

What planning obligations are considered necessary and lawful?

The previous application for 12 dwellings secured financial contributions towards public open space and the Newcastle Urban Transport and Development Strategy (NTADS). It did not secure any affordable housing because whilst the site was deemed to be capable of accommodation 15 or more dwellings the scheme at the time was for only 12 dwellings.

The scheme is now for two additional dwellings and as such when added to the already approved and implemented development the policy trigger for the requirement to provide affordable housing has still not been met. The scheme has been designed to have a spacious design adjacent to the open space and Mount Road and whilst it remains the case that at least one more dwelling, giving a total of 15, could be proposed if the plots were smaller this would be to the detriment of the area. Therefore on balance it is considered that an affordable unit should not be sought.

The POS contribution that was previously secured for the 12 dwellings has been paid by the developer and a further contribution for the additional two dwellings is required at a rate of £2,943 per dwelling. This would be in accordance with Policy CSP5 of the CSS and the Developer Contributions SPD. It 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.

The Landscape Section has indicated that the secured contribution would be spent on access improvements at the Bellway Homes playground number 2 near Silvermine Close. This would 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. No POS contributions have been secured for the specified open space previously and so would comply with Regulation 123.

The Council no longer secures contributions towards NTAD's.

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 (adopted 2009)

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 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 N12: Development and Protection of Trees
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations

National Planning Policy

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

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

Relevant Planning History

The site was a former industrial unit which was used for industrial purposes until outline planning permission was granted under 10/00278/OUT and subsequently extended under 10/00278.EXTN for 12 dwellings and internal access road. A reserved matters application was approved in 2014 under application no. 14/00735/FUL and these dwellings have now been constructed.

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land, design measures to minimise noise on future occupiers and limitation on construction hours.

The **Highways Authority** raises no objections subject to conditions regarding access and parking; driveway surfacing; the garages being maintained for the parking of vehicles and a surface water drainage interceptor being provided.

The **Landscape Section** has raised concerns about tree information relating to the previous application. They have requested that an Arboricultural Impact Assessment, Tree Retention/Removal Plan and Tree Protection Plan are provided for the scheme is submitted for approval. A landscaping scheme should also be submitted.

A contribution by the developer for capital development/improvement of off site green space of for the additional two properties to be included with the original agreement. £1,791 per dwelling for the improvement and enhancement of public open space in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £2,943 per dwelling. This should be allocated to access improvements to Bellway Homes playground number 2 near Silvermine Close.

Kidsgrove Town Council has expressed concerns about mine shaft issues

The Coal Authority raise no objections subject to conditions which secure the submission of a scheme of remedial works for approval; and Implementation of those remedial works.

United Utilities raises no objections but provide recommendations to meet sustainable development objectives. No conditions are advised.

Representations

Two letters of representation have been received not raising objections to the principle of the two proposed dwellings but raising concerns about constructions hours and burning of material.

Applicant/agent's submission

A tree survey and Geo-Environmental Assessment Report along with the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01116/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

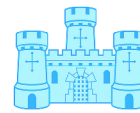
Background Papers

Planning files referred to
Planning Documents referred to

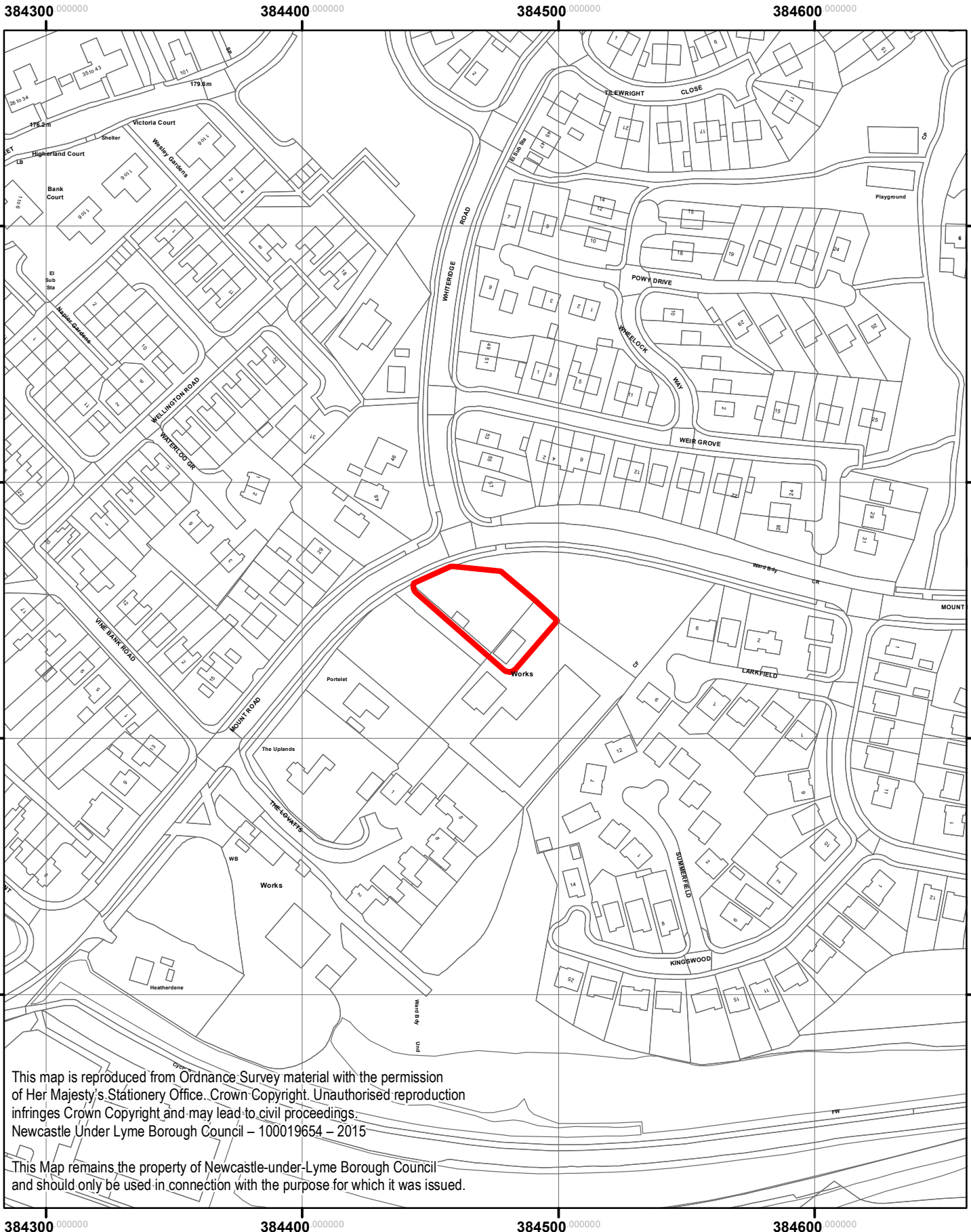
Date report prepared

18th January 2016

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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.

A decision on the application was deferred at the meeting of the Committee held on the 5th January to allow the Parish Council to be consulted on the revised plans that have been received.

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 18th March 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 14th March 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.

Further amended plans have been submitted during the application which results in minor alterations to individual plots and the layout.

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. Amended plans have been received with minor alterations to the layout which avoids high boundary treatments on the Main Road frontage. Boundary fencing would be adjacent to the Checkley Lane frontage but this is set back from the carriageway and some soft landscaping is shown.

In general it is considered that the layout, scale, landscaping and appearance of the scheme would enhance the appearance of this derelict 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 relates to the previous scheme some 3 years ago. The applicant has submitted an amended layout and boundary treatments which will primarily address the concerns raised.

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. However, they have been re-consulted on the amended layout and their comments will be reported should they be received prior to the committee meeting.

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/>

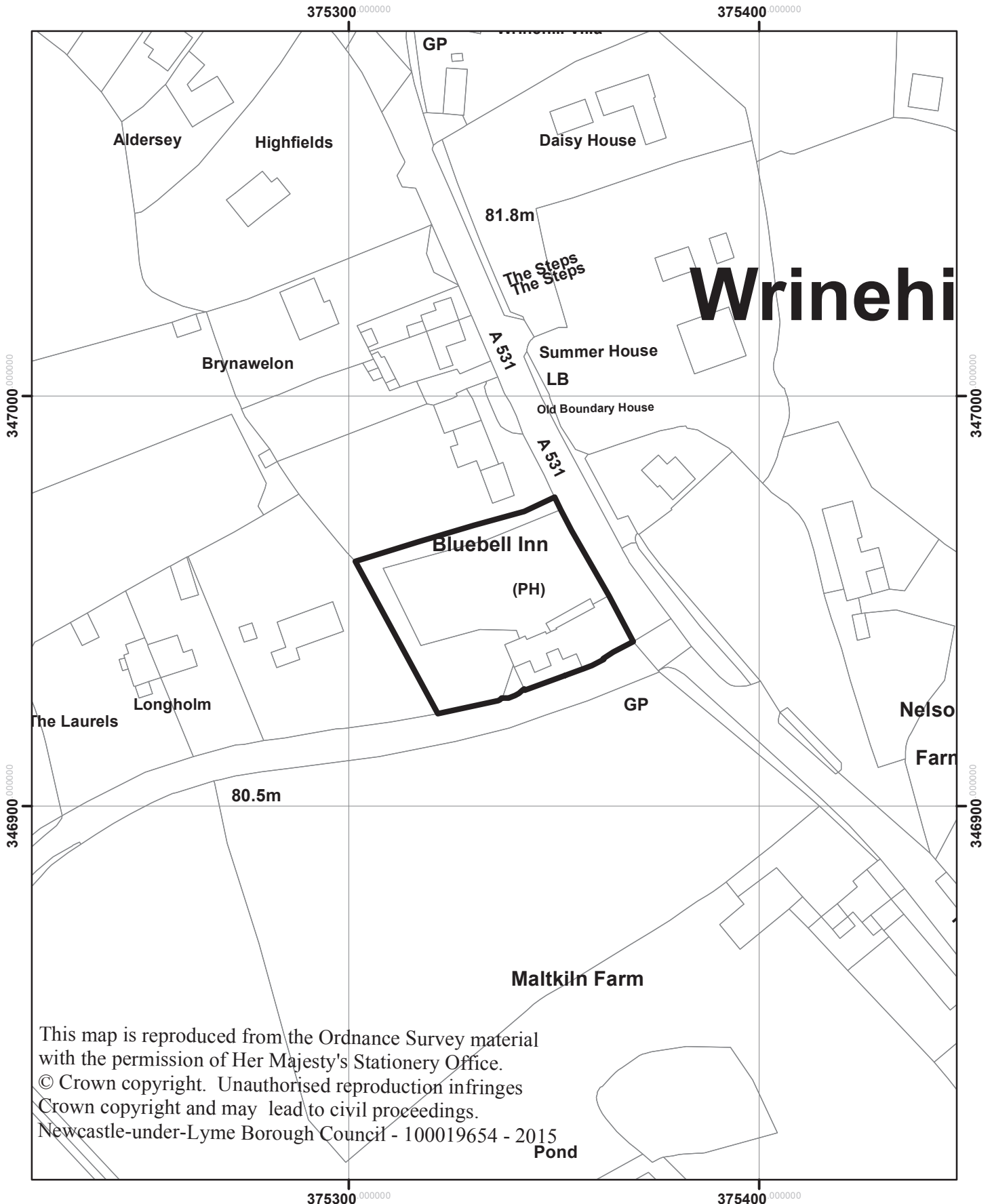
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th December 2015

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LAND NORTH EAST OF BRITAIN AVENUE, CHESTERTON
ASPIRE HOUSING **15/01081/FUL**

The application is for full planning permission for the erection of 7 dwellings, consisting of 3 No. 2 bedroom houses and 4 No. 1 bedroom apartments.

The application site lies in the urban area of Newcastle under Lyme as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to concerns about the removal of a green space from within the Estate and the development will increase an already dangerous traffic situation adjacent to Chesterton Primary School.

The 8 week period for the determination of this application expires on 2nd February 2016.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

1. **Standard Time limit for commencement of development.**
2. **Approved plans.**
3. **Provision of access, parking and turning areas prior to the development being brought into use**
4. **Prior to use or occupation approval of surfacing materials for the parking court, surface water Drainage details for the parking area and delineation of the proposed parking bays**
5. **Prior approval of a Construction Method Statement**
6. **Prior approval of a Tree Protection Plan for the construction phase of the development**
7. **Prior approval of a landscaping scheme including proposed boundary treatments**
8. **Full suite of contaminated land conditions**
9. **Retention of the existing hedge on the boundary with the school access road**
10. **Approval of samples of facing and roofing materials**

Reason for Recommendation

The impacts of the development to the community involving the loss of informal open space and introduction of a car parking area on the site frontage do not significantly and demonstrably outweigh the benefits of the development. The development would provide off street car parking for the new dwellings in line with the Local Plan maximum standards, therefore would not be considered to create or exacerbate the local on street car parking problem in the area. The proposal is therefore considered to accord with the provisions of the National Planning Policy Framework.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with 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 erection of 7 dwellings on a site located within the urban area of Newcastle as indicated by the proposals map.

The site is a greenfield site, currently an area of informal open space within the housing estate. The proposal would provide 3 No. 2 bedroom houses and 4 No. 1 bedroom apartments, all proposed as

affordable housing. There is a footpath running across the site, however this is not a public right of way.

The key issues in the determination of this application are:

- The principle of the development
- The design of the proposal and the impact on the character and appearance of the area
- The impact on residential amenity
- The impact of the development on trees and hedgerows
- Highway Safety and car parking issues

The principle of the development

The application lies within the urban area in a location where policies seek to target development towards brownfield land. As the site is greenfield land the principle of residential development on the site is not in full accordance with adopted policy. The Local Planning Authority is, however, currently unable to 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). It is therefore accepted that paragraph 49 of the NPPF applies to this application as follows:

“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 up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

...For decision-taking this means (unless material considerations indicate otherwise):

- *...where...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.”*

Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development in principle.

The design of the proposal and the impact on the character and appearance 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.

Policy R1 of the Urban Design SPD states that new housing should be well sited so that centres, jobs, local facilities, and recreation, including open spaces are accessible. Policy R3 of the Design SPD states that new housing should relate well to its surroundings, and should not ignore the existing environment, but should respond to and enhance it.

The land is currently informal open space which makes a positive contribution to the local area, providing a green space for local residents to enjoy and for children to play on, and by providing a green gap in the otherwise built up area. This is a material consideration which weighs against the proposal but as Chesterton Memorial Park, a designated formal open space which includes a playground, bowling green and footpaths for walking, is located in close proximity approximately 250 metres of the application site, it is not considered that the harm arising from the loss of this informal open space would be so significant that it would outweigh the benefits set out below.

The proposed design of the housing would be in keeping with the prevailing character of dwellings in the immediate street scene, and would not detract from the overall character of the predominantly residential area. The car parking area to the frontage of the dwellings is not a feature characteristic of the area, however the harm caused to the street scene's character would not be so significant as to justify refusal, and landscaping is proposed to the front corners of the site, which will soften the impact of the development on the street.

Overall, it is considered that the design of the proposal is considered to accord with the policies of the Urban Design SPD and with the aims and objectives of the National Planning Policy Framework.

The impact on residential amenity

It is important to assess the impact of the proposed development upon the amenity of both the existing neighbouring residents and the proposed occupiers of the development. The Council's Supplementary Planning Guidance "Space Around Dwellings" sets out guidance for all new development in terms of provision of private outdoor amenity space and any impacts on loss of light or privacy to neighbouring properties.

The development would be located approximately 10 metres from the side wall of the neighbouring dwelling. It would be set back from the pavement edge by 14 metres, meaning that the building would sit behind the neighbouring dwelling and project beyond the rear wall of the neighbouring dwelling. However the proposed building would not conflict with the 45 degree rule with regards to loss of light to the neighbouring dwelling's principal rear windows.

The proposed 2 bed dwellings would all have over 65 square metres of private garden space, which exceeds the standards as set out in the SPG. The one bedroom apartments would each have their own private garden space.

The separation distances between the forward facing windows and the dwellings on the opposite side of Brittain Avenue are acceptable as they exceed 21 metres.

The impact of the development on trees and hedgerows

Policy N12 of the Local Plan "Development and the protection of trees" states that the Council will resist development that would involve the loss 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.

Four trees are proposed to be retained on the site, and the hedgerows which surround the site, which do not appear to have been included in the survey, should be conditioned to be retained. The tree proposed to be removed (T4, Sycamore) is identified as being in a poor condition and its removal is considered acceptable.

Overall the proposed development would have an acceptable impact on trees and hedgerows, and would accord with Policy N12 of the Local Plan and with the aims and objectives of the NPPF.

Highway Safety and car parking issues

Policy T16 of the Local Plan and its appendix set out the maximum car parking standards for new development, and states that development will not be permitted where it would provide significantly less than the specified maximum standards, or where the development would create or exacerbate an existing on street car parking problem. The National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal seeks to provide two spaces for each of the 2 bed dwellings, and one space per one bedroom apartment. The standard is therefore met for the two bedroom dwellings, however there is a slight under provision for the one bedroom apartment, where the Local Plan requires one space per apartment, plus one additional space per three apartments for visitors. The level of proposed parking provision is considered ample for the proposed development, and therefore the application is

acceptable in terms of highway safety and car parking issues, in compliance with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

Conclusion

To summarise, the development would result in the loss of green space which has amenity value to local residents and the proposed car parking area to the frontage of the dwellings is not a feature characteristic of the area. However, this sustainable development would make a contribution towards addressing the undersupply of housing in the Borough. 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.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods area spatial policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open space/ sport/ recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential development: sustainable location and protection of the countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the protection of trees
Policy N13: Felling and pruning of trees

Other Material Considerations include:

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

None

Views of Consultees

The **Landscape Division** has no objections to the proposal subject to provision of a Tree Protection Plan to British Standards for the construction phase of the development and prior approval of a detailed landscaping scheme. Consideration should be given to retaining the existing hedge on the boundary with the school access road.

The **Environmental Health Division** has no objections to the proposed development subject to inclusion of the full suite of contaminated land conditions and an informative relating to the importation of waste materials to facilitate construction.

Natural England has no comments to make on the application

Staffordshire County Council School Organisation Team has no objections and does not request an education contribution

The **Highway Authority** has no objections to the proposal subject to conditions being included on any approval relating to prior approval of surfacing materials, surface water drainage details, delineation of car parking bays, diversion of the public footpath to an alternative route and a construction method statement

The **County Footpaths Officer** has no objections as no public footpaths cross the site

Representations

96 separate representations have been received of which the main points are summarised below:

- Disruption during the construction phase of the development (noise, dirt, access issues)

- Safety of school pupils will be compromised
- Congestion during school drop off and pick up times
- The future residents will have problems accessing their off road car parking due to the on street car parking problems and traffic problems in the area
- Road surfaces and pavements already in a poor condition
- Parking in Brittain Avenue is already a problem
- This is the only green space in the estate
- Children play on the grass
- The proposal will involve the loss of trees

Applicant's/Agent's submission

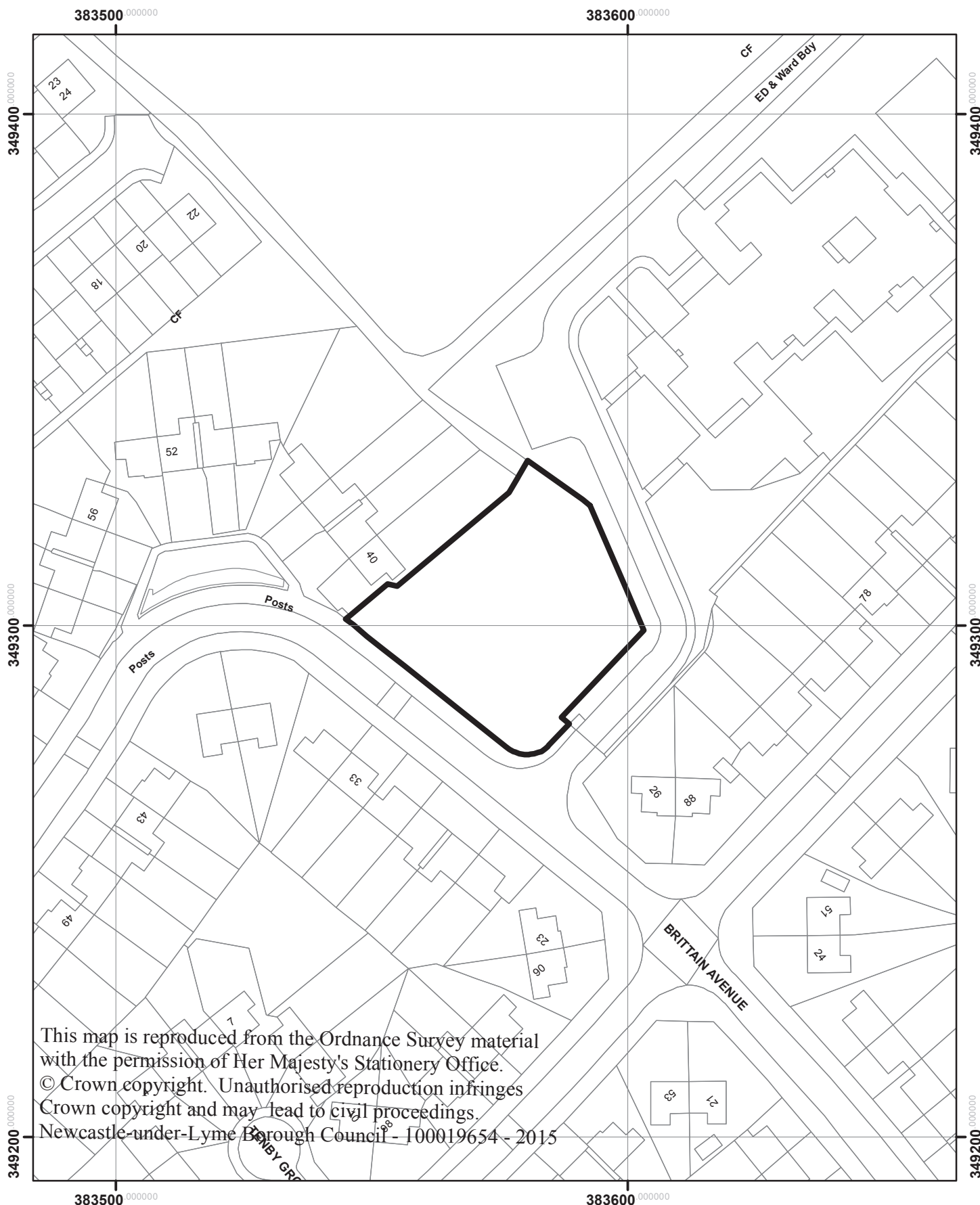
The application forms and plans have been submitted, along with a Geo Environmental Report, Arboricultural Survey and Report and a Design and Access Statement. These documents are available for inspection at the Guildhall and searching under the application reference number 15/01081/FUL on the website 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

14th January 2016



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CORNER OF MINTON STREET AND HIGH STREET, WOLSTANTON
NEWCASTLE BOROUGH COUNCIL

15/00940/DEEM3

The application is for advertisement consent for the erection of a 48 sheet poster unilluminated hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood and within the Wolstanton District Centre as specified on the Local Development Framework Proposals Map. The site lies adjacent to the B5370 (Wolstanton High Street)

The 8 week period for the determination of this application expires on the 15th February 2016.

RECOMMENDATION

REFUSE for the following reason:

- 1. The siting of the sign within an area of open space in a prominent location would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area**

Reason for Recommendation

Whilst there will be no harm to public safety the proposed hoarding, due to its scale and location there will be harm the amenity of the area and is therefore unacceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located in the landscaped area at the corner of Minton Street and High Street, Wolstanton which adjoins the Asda store.

The application is supported by statement setting out details of the income project and of the income that has been generated by replacement advertisement hoardings already approved and the income that could be generated if the number of hoardings is increased. As the only matters that are material to the determination of applications for advertisement consent are amenity and public safety, such information must not be taken into consideration in the determination of this application.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Generally, within the Borough and in other areas, the approach adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary

screening of a development site or where the general environment is so poor the hoarding would perform a positive function.

The landscaped area within which this poster hoarding is proposed is bounded by an open metal fence about 1m in height. It is largely grassed with a couple of trees and shrubs and bounded by footways on all sides. It is an attractive area of open space in a prominent position within the District Centre of Wolstanton as referred to in saved Local Plan policies R14 and R15.

The wider context is the commercial area of Wolstanton containing buildings of two and three storeys in height. The backdrop to the hoarding would, from a number of vantage points, be the single storey Asda store adjoining the open space.

Although visible from the Wolstanton Conservation Area, given the distance approximately 100m from the boundary, and that this is not an important view from that Conservation Area, it is not considered that the sign will adversely affect the Conservation Area's appearance or the setting of any listed building within it.

The health and well-being of the trees should not be affected if suitable protection and construction methods are adopted.

The applicant considers that as the sign is set back from the highway in front of modern built development with existing signage, it can be accommodated without detriment to the visual amenity of the area. Taking into account the context of the site and its prominence, however, it is considered that the poster hoarding at the scale proposed would be disproportionate in scale in this location and would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area. It should therefore be resisted.

Public safety

The poster hoarding is not considered harmful to public safety by virtue of their scale or location. There are no significant public safety concerns to address.

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 N17: Landscape Character – General Considerations
Policy B9: Prevention of Harm to Conservation Areas

Other Material Considerations

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

Relevant Planning History

None relevant.

Views of Consultees

The **Highway Authority** has no objections.

Representations

None received to date, but period for public comment does not expire until 28th January.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and searching under the application reference number 15/00940/DEEM3 on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

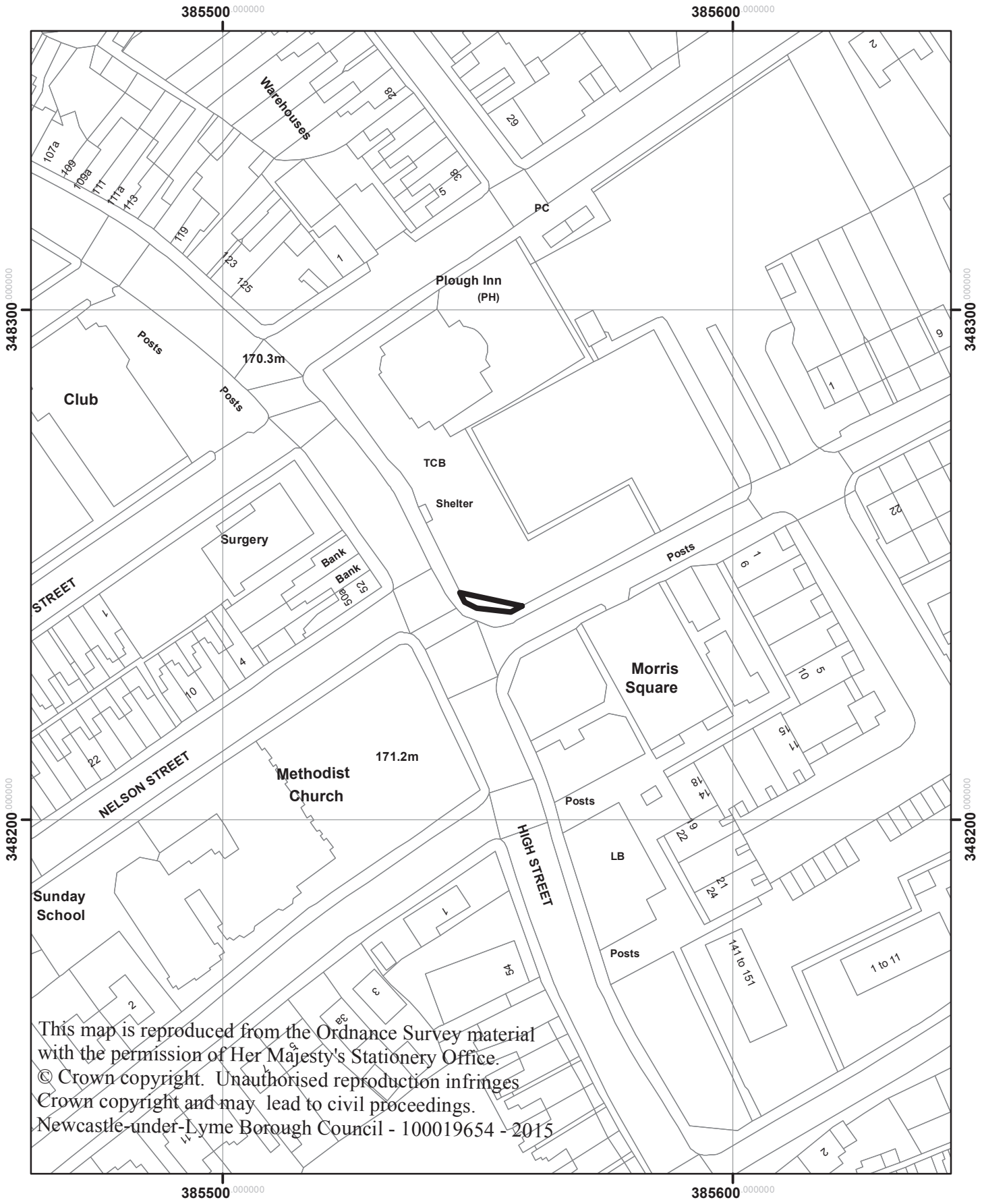
Planning File
Planning Documents referred to

Date Report Prepared

13 January 2016.

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Corner of Minton Street and
High Street, Wolstanton
15/00940/DEEM3



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LYME VALLEY PARKWAY, LONDON ROAD
NEWCASTLE BOROUGH COUNCIL

15/00941/DEEM3

The application is for advertisement consent for the erection of a 48 sheet poster unilluminated hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Green Belt and Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site lies adjacent to the A34.

The 8 week period for the determination of this application expires on the 15th February 2016.

RECOMMENDATION

REFUSE for the following reason:

- 1. The siting of the sign within an area of open space in a prominent location would in the context of other signs introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area**

Reason for Recommendation

Whilst there will be no harm to public safety the proposed hoarding, due to its scale and location there will be harm the amenity of the area and is therefore unacceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located adjoining the A34 at the junction of the vehicular access to the former Remploy (now Martec) building and a car park serving the Lyme Valley Parkway, to the south of Newcastle Town Centre.

The application is supported by statement setting out details of the income project and of the income that has been generated by replacement advertisement hoardings already approved and the income that could be generated if the number of hoardings is increased. As the only matters that are material to the determination of applications for advertisement consent are amenity and public safety, such information must not be taken into consideration in the determination of this application.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Generally, within the Borough and in other areas, the approach adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary

screening of a development site or where the general environment is so poor the hoarding would perform a positive function.

The poster hoarding is proposed to be located within, although at the front of, a wide landscaped verge to the A34, Newcastle Road, which is part of the strategic highway network. In close proximity to the location of the proposed hoarding there are already two freestanding advertisements (in the landscaped verge) and a highway information sign (overhanging the footway). The commercial building, occupied by Martec, is located within the Lyme Valley Parkway in fairly close proximity to the site. This building is single storey and is sited at a lower level than the road.

The wider area is mixed in character and in addition to the above signs there are, on the same side of the road, some 100 metres or so to the south, just to north of the Pinkstone garage, 3 similar hoardings (within the City Council area) and some 4 similar hoardings about 300 metres to north (towards Newcastle Town Centre).

The verge contains a number of mature trees and the hoarding would be sited with the trees as a visual backdrop. The health and well-being of the trees should not be affected if suitable protection and construction methods are adopted.

The applicant considers that as the sign is located within an area mixed in character containing existing signage and large scale buildings it can be accommodated without detriment to the visual amenity of the area. Whilst it is accepted that there are large buildings adjoining the A34 these are on the opposite, southbound, side of the A34 where buildings are located much closer to the highway. The northbound side of the A34 is largely characterised by an open landscaped verge which extends some distance either side of the site and attractive open views are obtained across the Lyme Valley (in contrast with other sections of the A34). It is considered that the introduction of a large poster hoarding in this relatively open location, and the cumulative impact of this sign with the signs already in place would unacceptably harm the amenity of the area. It should therefore be resisted.

Public safety

The poster hoarding is not considered harmful to public safety by virtue of its scale or location. There are no significant public safety concerns to address.

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 S3: Development in the Green Belt
Policy N17: Landscape Character – General Considerations

Other Material Considerations

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

Relevant Planning History

None relevant.

Views of Consultees

The **Highway Authority** has no objections.

Representations

None received to date, but period for public comment expires 28th January 2016..

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and searching under the application reference number 15/00941/DEEM3 on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

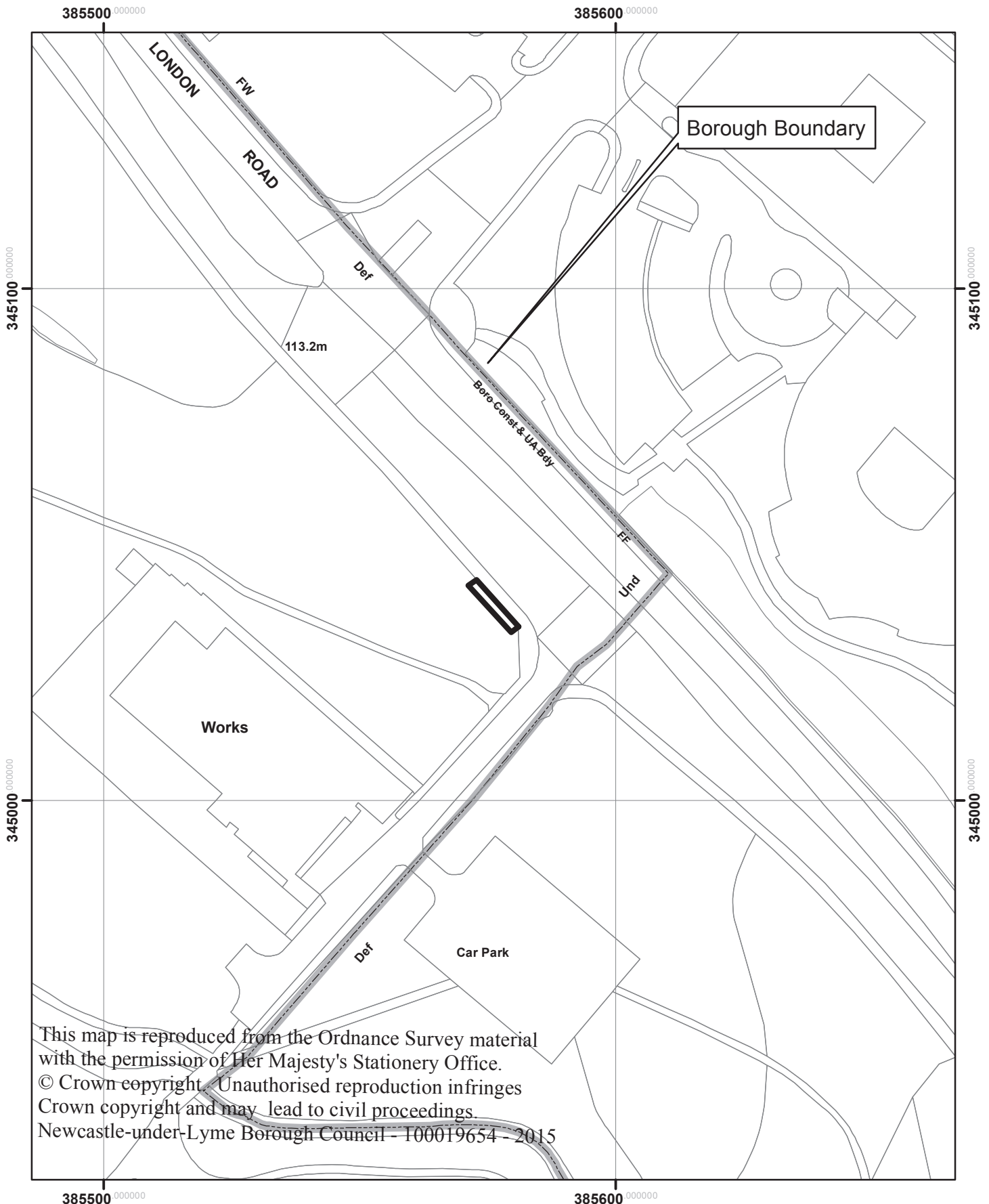
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

13 January 2016.

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CAR PARK, KING STREET (CORNER OF HEATHCOTE STREET), KIDSGROVE
NEWCASTLE BOROUGH COUNCIL

15/00943/DEEM3

The application is for advertisement consent for the erection of 3 free standing signs to display interchangeable unilluminated poster advertisements each measuring 2.4m wide by 1.2m high erected on supporting poles approximately 1.8m high (total height of 3.48m).

The application site is within the Kidsgrove Urban Neighbourhood and within Kidsgrove District Centre as specified on the Local Development Framework Proposals Map. King Street is an unclassified road.

The 8 week period for the determination of this application expires on the 15th February 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**

Reason for Recommendation

There will be no harm to the visual amenity of the area or to public safety as a result of the advertisements applied for.

Key Issues

The application is for advertisement consent for the erection of 3 free standing signs each measuring 2.4m wide by 1.2m high erected on supporting poles approximately 1.8m high (total height of 3.48m). The signs are to be located in the following positions:

- Adjoining Heathcote Street
- At the rear of the car park adjoining the landscaped embankment
- On the car park boundary near to Queen Street

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The signs are to be displayed adjoining the public car park in the context of Kidsgrove Town Centre, a commercial area. The signs are proportionate in scale, appropriately designed and positioned in the context of neighbouring buildings and the immediate surroundings of the locality. The impact to the visual amenity of the area is acceptable.

Public safety

The advertisements are not considered harmful to public safety by virtue of their scale or location. There are no significant public safety concerns to address.

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

None

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (NPPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

The **Highway Authority** and **Environmental Health Division** have no objections. The views of **Kidsgrove Town Council** have been sought and will be reported if received.

Representations

None received to date, but period for public comment does not expire until 28th January.

Applicant/agent's submission

The application form, plans and supporting information can be inspected at the Guildhall and searching under the application reference number 15/00943/DEEM3 on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

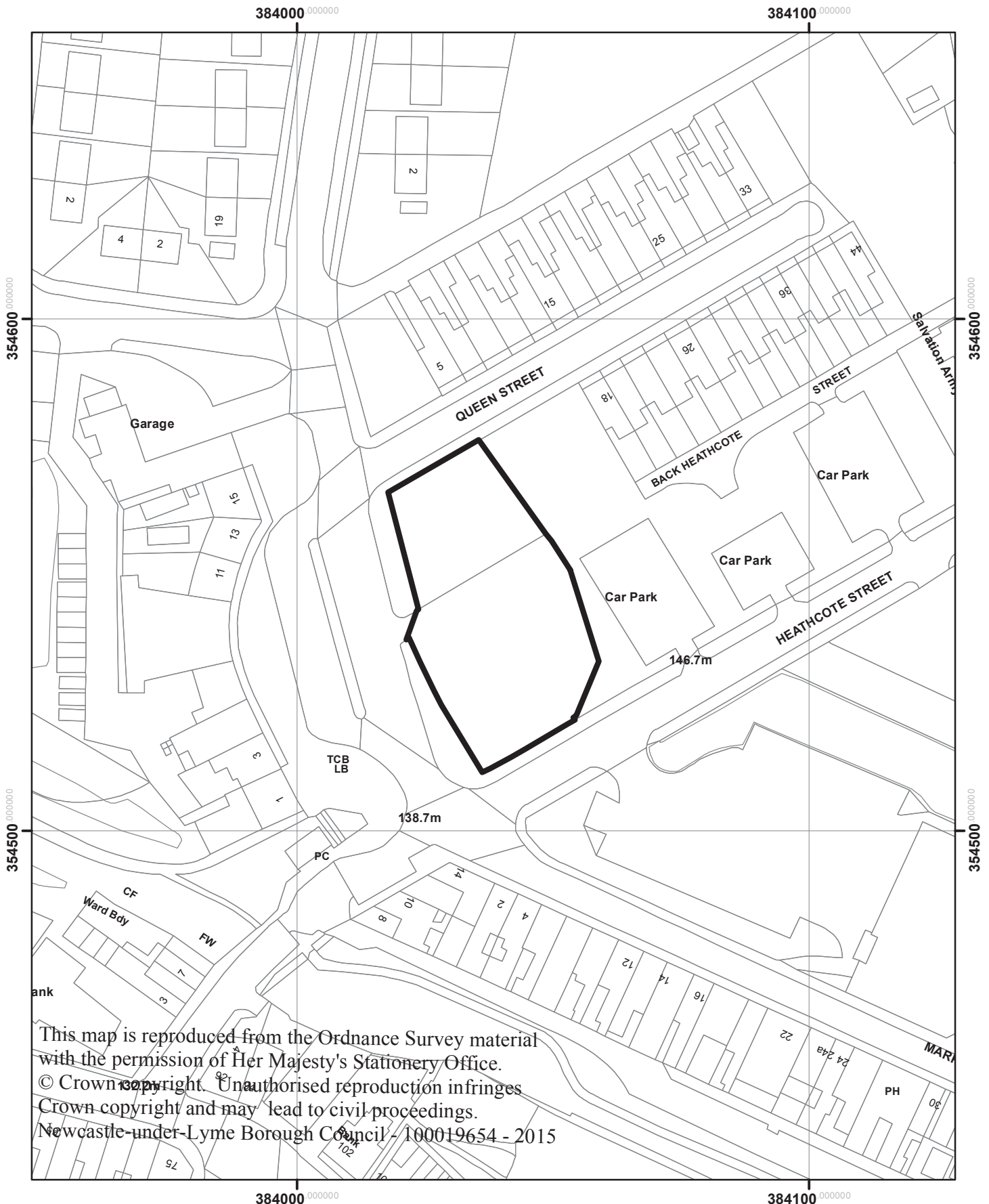
Background Papers

Planning File

Planning Documents referred to

Date Report Prepared

13 January 2016.



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LAND AT TALKE ROAD PARKHOUSE
NEWCASTLE BOROUGH COUNCIL

15/00944/DEEM3

The application is for advertisement consent for the erection of a 48 sheet poster hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site lies adjacent to the A34 (Talke Road).

The 8 week period for the determination of this application expires on the 15th February 2016.

RECOMMENDATION

REFUSE for the following reason:

- 1. The siting of the sign introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area and result in the loss of trees.**

Reason for Recommendation

Whilst there will be no harm to public safety the proposed hoarding, due to its scale and location there will be harm the amenity of the area and is therefore unacceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet unilluminated advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located within the landscaped verge adjoining the northbound A34, Talke Road, south of the Parkhouse roundabout.

The application is supported by statement setting out details of the income project out the income that has been generated by replacement advertisement hoardings already approved and the income that could be generated if the number of hoardings is increased. As the only matters that are material to the determination of applications for advertisement consent are amenity and public safety, such information must not be taken into consideration in the determination of this application.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Generally, within the Borough and in other areas, the approach adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary

screening of a development site or where the general environment is so poor the hoarding would perform a positive function.

The poster hoarding in this location will be seen against a backdrop of industrial buildings. It is, however, to be sited within the landscaped verge which contains a number of trees which are understood to have been planted as part of the Greening for Growth programme that were completed in 2008. It provides an attractive, although relatively narrow at this point, landscaped buffer between the heavily trafficked strategic highway and the Industrial Estate.

The applicant considers that in this industrial context the hoarding could be accommodated without detriment to the visual amenity of the area. Taking into account the context of the site and its prominence, however, it is considered that the poster hoarding at the scale proposed would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area. In addition in the position shown on the red edged plan, it will result in the loss of two visually important roadside trees. It should therefore be resisted.

Public safety

The Highway Authority have recommended a condition that would require the submission and approval of information relating to the installation and maintenance of the proposed advertisement

The poster hoarding is not considered harmful to public safety by virtue of their scale or location. There are no significant public safety concerns to address.

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character – General Considerations

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (PPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

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

The **Highway Authority** has no objections subject to a condition seeking approval of the location of the parking of vehicles during installation and maintenance and the type of equipment used for the installation.

The **Landscape Development Section** advise that they do not support the position of the hoarding as shown by the bold red line on the Location Plan which would place directly on the position of two visually important roadside trees.

The relation of the proposed hoarding and adjacent trees as shown on the aerial photograph marked 'A34 Parkhouse' is somewhat better, although views of the hoarding will be restricted given its position in close proximity and in parallel to the roadside, and an adjacent highways directional sign.

If the hoarding is to be sited in the position shown on the aerial photo, it is suggested that the following planning conditions be applied:

- That the exact position of the hoarding is to be positioned outside the RPA (Root Protection) area of adjacent retained trees.
- That all adjacent trees will be retained and protected throughout the construction of the hoarding.
- Installation of Tree Protection Fencing to BS5837:2012

Representations

None received.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and searching under the application reference number 15/00944/DEEM3 on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

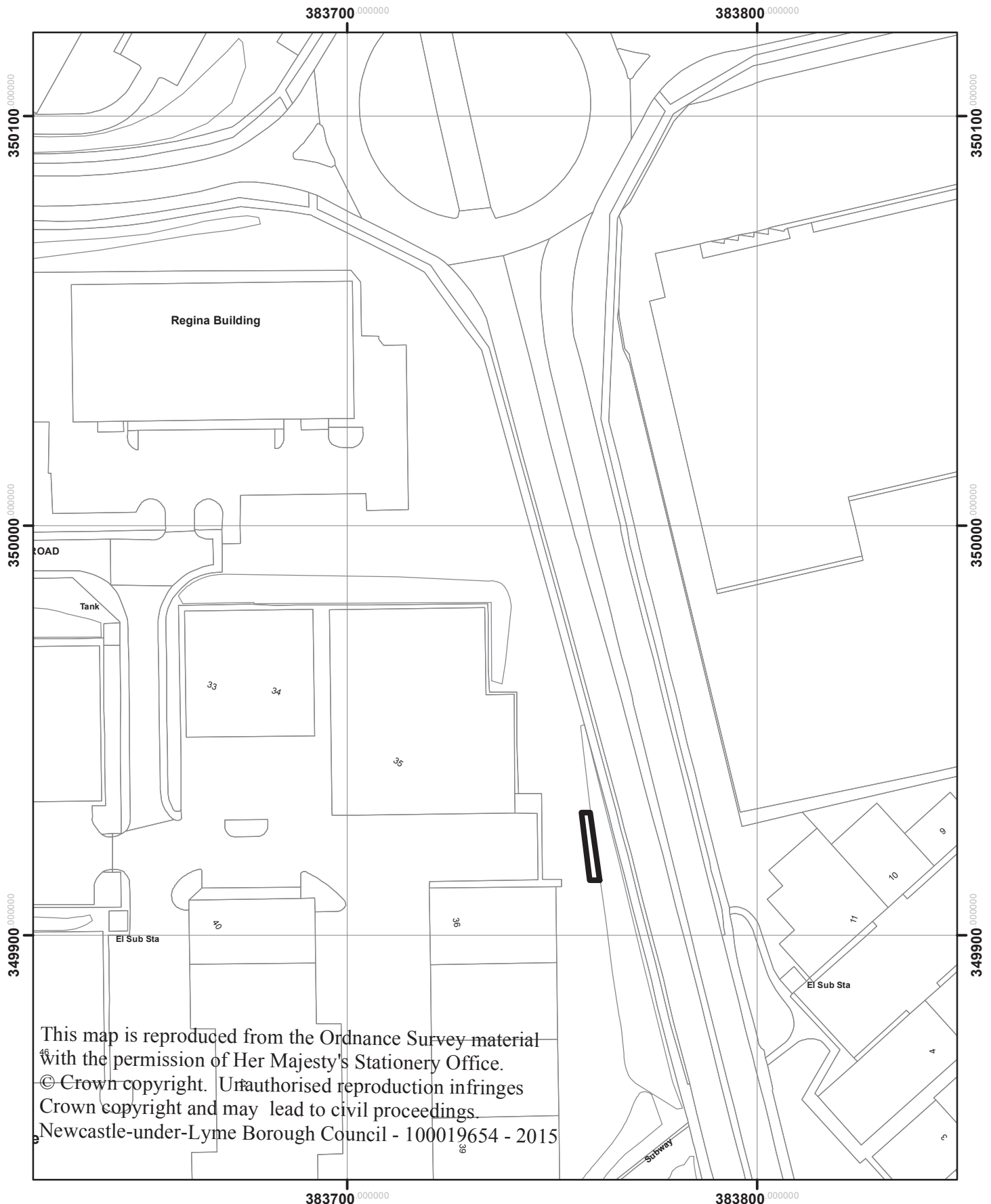
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

19 January 2016.

Land at Talke Road Parkhouse
15/00944/DEEM3



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CORNER OF CHURCH LANE AND SILVERDALE ROAD, POOLFIELDS
NEWCASTLE BOROUGH COUNCIL

15/00945/DEEM3

The application is for advertisement consent for the erection of a 48 sheet unilluminated poster hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site is adjacent Church Lane (B5368) and Cemetery Road (B5044) classified roads.

The 8 week period for the determination of this application expires on the 15th February 2016.

RECOMMENDATION

REFUSE for the following reason:

- 1. The siting of the sign within an area of open space in a prominent location would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area**

Reason for Recommendation

Whilst there will be no harm to public safety the proposed hoarding, due to its scale and location will be harm the amenity of the area and is therefore unacceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located in the landscaped area at the corner of Church Lane and Silverdale Road.

The application is supported by statement setting out details of the income project out the income that has been generated by replacement advertisement hoardings already approved and the income that could be generated if the number of hoardings is increased. As the only matters that are material to the determination of applications for advertisement consent are amenity and public safety, such information must not be taken into consideration in the determination of this application.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

Generally, within the Borough and in other areas, the approach adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary

screening of a development site or where the general environment is so poor the hoarding would perform a positive function.

The landscaped area within which this poster hoarding is an open grassed containing a number of trees. It is an attractive open, gateway feature into the village of Silverdale.

The wider context is the Stonewall Place Industrial Estate containing buildings of single storey buildings. These buildings are not visually prominent at this key junction and are some distance from the proposed siting of the poster hoarding. The site lies within a large open space centred on the road junction.

The health and well-being of the trees should not be affected if suitable protection and construction methods are adopted.

The applicant considers that as sign is in an area which is industrial in character, in a location which would shield of industrial buildings, and would not be detrimental to the visual amenity of the area. Taking into account the importance of the area of open space at the gateway to Silverdale, it is considered that the poster hoarding would introduce an inappropriate and visually intrusive feature that would unacceptably harm the amenity of the area. It should therefore be resisted.

Public safety

The poster hoarding is not considered harmful to public safety by virtue of their scale or location. There are no significant public safety concerns to address.

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character – General Considerations

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)

Planning Practice Guidance (PPG) (March 2014)

Relevant Planning History

None relevant.

Views of Consultees

The **Environmental Health Division**, the **Highway Authority** and the **Landscape Development Section** have no objections.

Representations

None received.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and searching under the application reference number 15/00945/DEEM3 on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background Papers

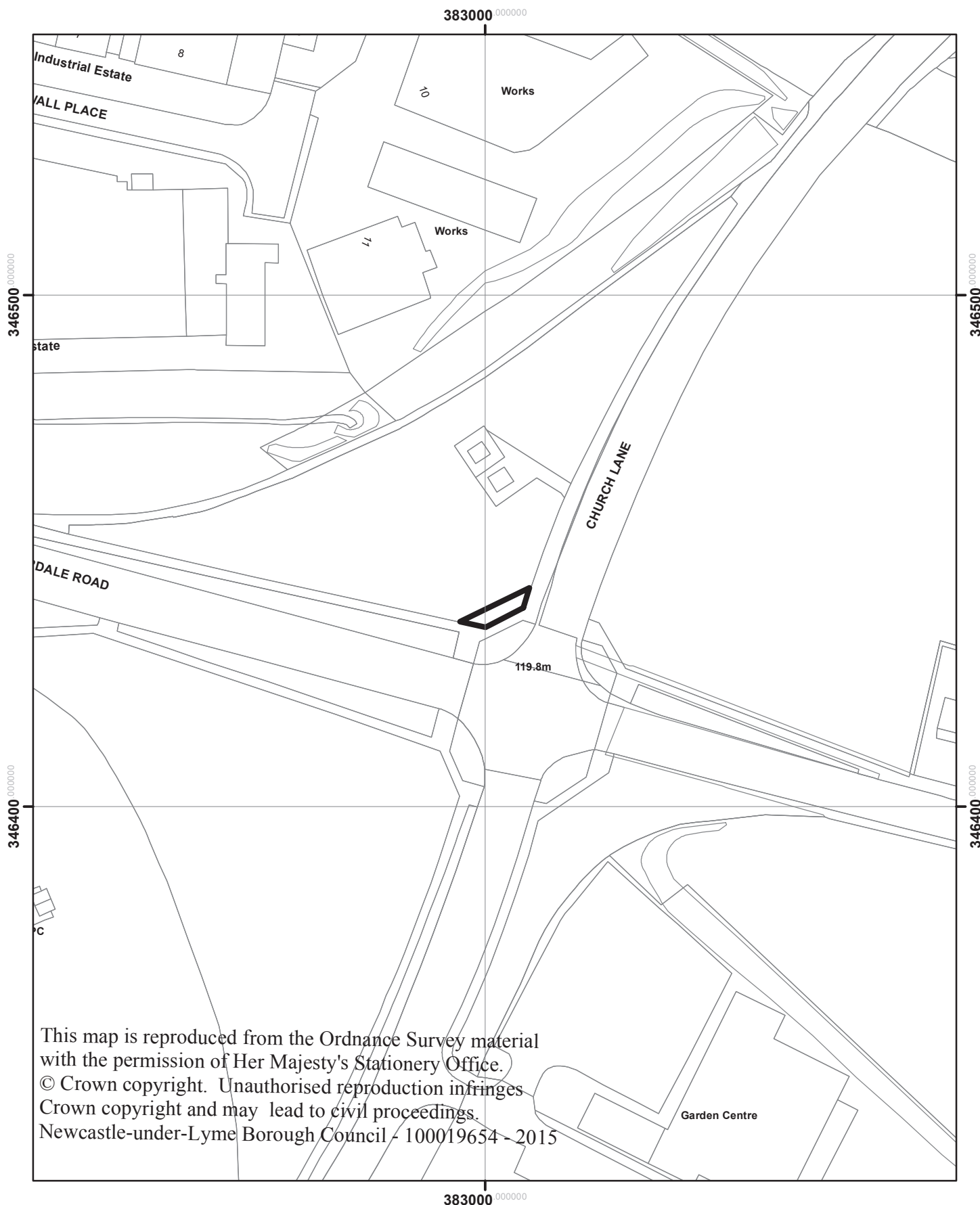
Planning File

Planning Documents referred to

Date Report Prepared

13 January 2016.

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WOODSHUTTS FARM, SECOND AVENUE, KIDSGROVE
MR J WOOD

15/00947/FUL and 15/00948/LBC

The applications are for full planning permission and Listed Building Consent for an extension and internal alterations (part retention) at Woodshutts Farm Second Avenue, Kidsgrove.

The application site lies within the urban area of Kidsgrove, as indicated by the Local Development Framework Proposals Map. The property is a Grade II Listed Building.

The application is brought to planning committee as the applicant is related to a Borough Councillor.

The 8 week period for the determination of these applications expires on the 9th February 2016.

RECOMMENDATION

With respect to 15/00947/FUL Permit, subject to conditions relating to the following: -

- 1. Approved plans**
- 2. Standard time limit**

With respect to 15/00948/LBC Permit, subject to conditions relating to the following: -

- 1. Approved plans**
- 2. Standard time limit**
- 3. Prior approval of samples of facing and roofing materials**
- 4. Prior approval of details of proposed joinery**
- 5. Prior approval of full details of the proposed timber and glass link, including the finish and the timber profiling**
- 6. Prior approval of the finish of the timber frame internally**

Reason for Recommendation

The proposed extensions and alterations to the building would have no adverse impact upon the appearance of the Grade II listed building. The proposal therefore accords with policy B6 and H18 of the Newcastle under Lyme Local Plan 2011 and the overarching aims and objectives of the NPPF.

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.

The applications are for full planning permission and listed building consent for an extension and internal alterations (part retention) at Woodshutts Farm, Second Avenue, Kidsgrove.

Consent was granted for the extension and internal alterations in 2012, however the planning permission and listed building consent which were granted will expire at the beginning of February 2016, and as development has not commenced, a fresh application has been submitted.

The building was subject to an arson attack on 17th October 2015, which has left the timber framing, along with some of the external walls and chimney stacks in a fragile and poor condition, and which will require extensive re building before the digging of foundations for an extension.

The building is a cruck framed range (early 16th Century) with a later timber box frame wing to the rear (17th Century). It is Grade II Listed.

The extension would project from the north facing elevation of the dwelling, and would comprise of a contemporary light weight timber and glass link which will incorporate a new staircase. The timber and glazed link would lead on to a brick built extension. The extension would form a bedroom and bathrooms at first floor level, and a utility room, bathroom and sitting/ living room at ground floor. The main building would remain intact with no changes proposed in the main historic building, either internally or externally, except making good the timber frame and replacing windows.

Materials used in the new extension will consist of reclaimed Staffordshire blue clay tiles to match the existing roof and clay brickwork, type to be selected. New joinery will be stained softwood.

The main issues to be considered with this proposal are:

- Would the design of the proposed development be acceptable and would the proposal have an acceptable impact on the character and significance of the Listed Building?
- Does the proposal have an adverse impact on residential amenity?

Design of the proposal and the impact upon the character and significance of the Listed Building

The NPPF states that the Government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The NPPF states that local authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Local Planning Authorities 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 and the desirability of new development making a positive contribution to local character and distinctiveness.

Policy H18 of the Local Plan is concerned with the design of residential extensions and advises that the form, size and location of the extension should be subordinate in design to the original dwelling to be extended and 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.

Saved Policy B6 of the Local Plan concerns proposals to extend or make alterations to listed buildings, and states that the Council will resist alterations or additions to a listed building that would adversely affect the character or its architectural or historic features.

As previously concluded, the proposed extension would relate well to the existing building. The extension for bathrooms and utility provision allows the main building to remain unaltered and provide modern facilities expected in a building of this size but which do not impact on the historic fabric and significance of this Grade II Listed Building.

The extension comprises a contemporary lighter weight link which will incorporate a new staircase and house all of the new practical services, bathrooms and utilities. It is considered that this permission will reveal more of the buildings construction, by removing the outer newer brick skin.

The extension would form a new "wing" to the dwelling, which is considered an appropriate design. The extension would extend from the north facing elevation of the dwelling, and it would be subordinate to the main dwelling in terms of its overall size and form. The eaves height and the ridge height of the extension would match that of the existing dwelling, which is considered acceptable given its individual character and appearance and it being in a farm setting away from other dwellings.

The dwelling is accessed via a farm track, and is set behind the dwellings that front Second Avenue. It is therefore not visible in views from the street scene, and the extensions would have no impact upon the character and appearance of the street scene.

It is considered that the final details of the joinery can be conditioned, as all of the windows require replacement, and the windows on the main property will set a precedent for the remaining windows of the property.

The facing and roofing materials should be conditioned for prior approval, which will require the submission and approval of samples. Prior approval will also be required for details of the timber and glass link, as in the finish and timber profiling. Finally, details will be required of the finish of the timber frame internally.

Overall, the proposed extension and alterations to the listed dwelling are considered appropriate in their scale and design and would not adversely impact upon the listed building's character or appearance. The development therefore accords with the policies H18 and B6 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework 2012.

Residential Amenity

The Council's Supplementary Planning Guidance "Space Around Dwellings" sets out the required amenity standards for all new development. The proposal has been assessed against this SPG, and would comply with its requirements as it would not result in any material loss of light or privacy. Further, the dwelling would have an acceptable sized garden area remaining should the extension be permitted.

Overall the proposed extension is considered acceptable and in compliance with the Space Around Dwellings Supplementary Planning Guidance.

Other matters

A footpath runs alongside the boundary of the application site. The footpath – identified as Kidsgrove (Hardingswood) 16 – follows a route along the access track to the application site, and then around the edge of the southern and western boundaries of the site. The extension would be located approximately 27 metres from the nearest part of the footpath, and it is therefore considered that the proposal would have no adverse impact upon this public right of way.

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 ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development: General Parking Requirements
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 (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

12/00814/FUL	Permitted	Extensions and internal alterations
12/00816/LBC	Permitted	Extensions and internal alterations
09/00464/LBC	Permitted	Demolition of two storey north corner section of existing dwelling

Views of Consultees

Kidsgrove Town Council – No comments received at the time of writing the report. Any comments received will be reported to the Committee.

Conservation Officer – No objections. Despite the fire at the property, which is a separate issue to deal with in terms of repairs to the rafters and purlins of the gable end, this application is for renewal of an existing permission which is due to expire next month.

The proposal is the still right approach for this building which will sensitively extend the building off the rear outrigger, making this box framed element revealed and protected with the glazed link of the extension.

Recommends inclusion of the planning conditions included on the 2012 permission.

Conservation Advisory Working Party – No objections and fully support the application

Representations

None received

Applicant's/Agent's submission

A Design, Access and Heritage Statement has been submitted with the application, along with the requisite planning application form and plans and a statement of works. These documents are available for inspection at the Guildhall and under the application reference number 15/00947/FUL AND 15/00948/LBC on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

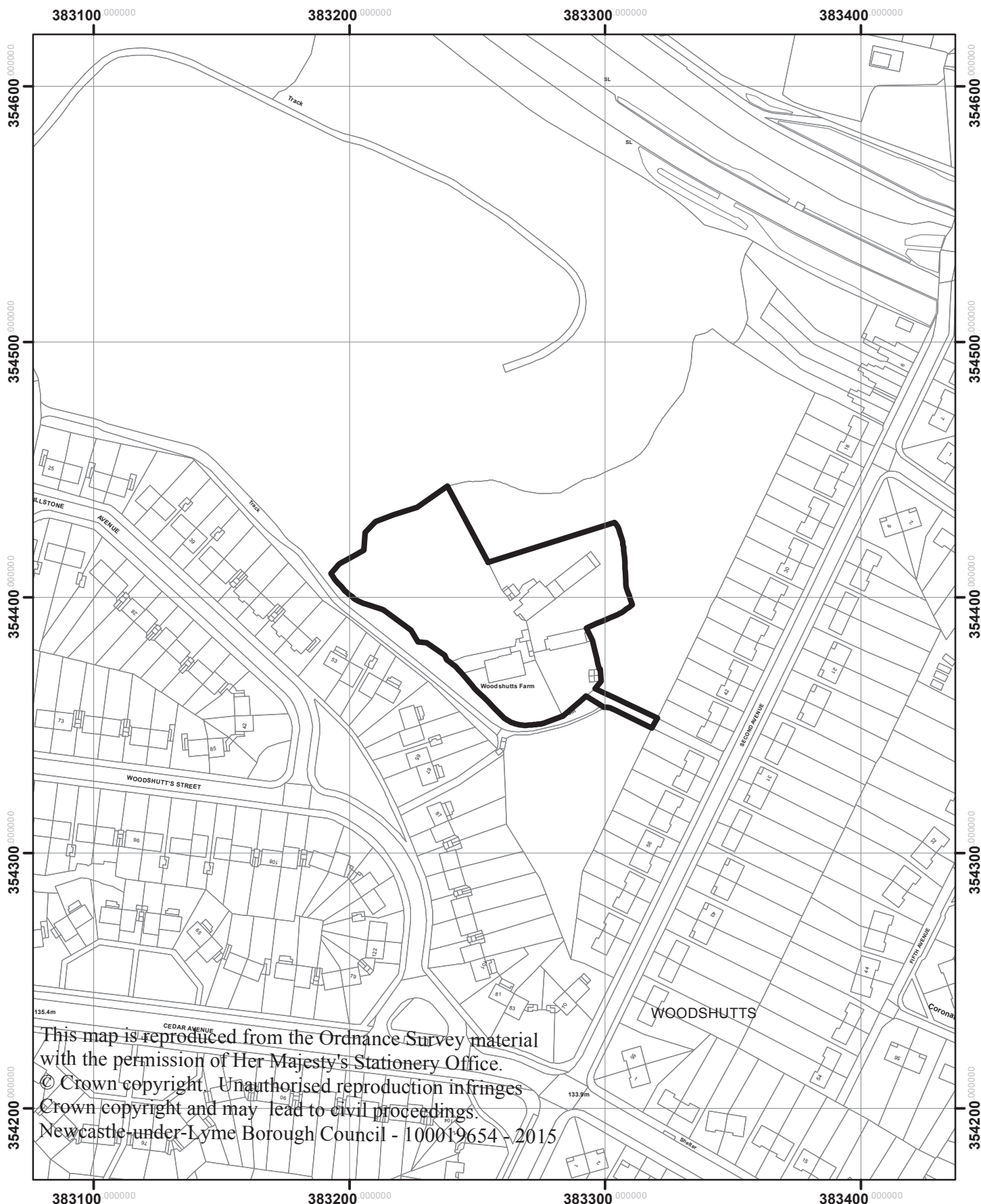
Planning files referred to
Planning Documents referred to

Date report prepared

12th January 2016

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Woodshutts Farm
Second Ave, Kidsgrove
15/00947/FUL & 15/00948/LBC



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**RYE HILLS BARN, RYE HILLS, AUDLEY
MR & MRS STANYER**

15/01047/FUL

The application is for full planning permission for the retention of a garden shed in garden area of a barn conversion.

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

The 8 week period for the determination of this application expired on 25th January 2016.

RECOMMENDATION

Permit, no conditions

Reason for Recommendation

The proposed development would constitute inappropriate development in Green Belt. However it is acknowledged that the building will provide storage and the very small scale of the building is such that it would have a limited impact on the openness of the Greenbelt. Such factors are considered to be the required very special circumstances to justify granting planning approval.

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 a garden shed, the building has an interlocking timber construction and a shallow dual pitched roof. The walls are painted in a muted light green finish and the roof is finished with an artificial grass affect covering, the roof extends to provide a small open veranda/overhang, with glazed double doors and a window in its front elevation

The shed has a maximum height of approximately 2.45 metres, a maximum length of approximately 3.80 metres and a maximum width of approximately width of 3.6 metres.

The main issues to be considered with this proposal are:

- Is the proposal appropriate or inappropriate development in the Green Belt?
- Would there be any adverse visual impact of the proposal on the surrounding countryside?
- Does the proposal have an adverse impact on residential amenity?
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Appropriate or inappropriate 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."

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

Paragraphs 89 and 90 of the NPPF set out the types of development which are not inappropriate in the Green Belt. It considered the proposal does not meet any these exceptions and as such the proposed development should be viewed as inappropriate development in the Green Belt.

It is therefore considered that the proposed development constitutes inappropriate development within the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

Impact on the surrounding landscape

The application site is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. Policy N21 of the Local Plan advises that within these areas the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

Given the limited scale, the materials and its location within a garden it is considered the proposal would not adversely harm or erode the character or quality of the landscape.

Residential Amenity

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

Whilst the Council's adopted Supplementary Planning Guidance (SPG) on Space around Dwellings provides guidance on new dwellings and as such is not applicable in this instance, it does provides a starting point and provide the basic guidance in the consideration of privacy and daylight standards.

The shed is sited adjacent to a tall boundary fence and hedge (approximately 2 metres in height) and approximately 8 metres from the rear wall of the neighbouring property. The shed is sited at a lower level than the adjacent property. Given this siting and the separation distance, only the roof of the shed would be viewed from the neighbouring property. The proposal would not breach the SPG guidance within this document as such it is considered the proposal would not have an adverse impact on residential amenity of neighbouring occupiers.

The National Planning Policy Framework at paragraph 88 advises "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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."

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

As indicated above, by definition inappropriate development is harmful to the interests of the Green Belt.

A case has not been advanced by the applicant setting out very special circumstances to justify inappropriate development. Notwithstanding this it is considered that the building is very small in scale with limited impact on the openness of the Green Belt and provides storage of garden equipment and other domestic paraphernalia for the property which has no other such provision. Such factors provide the required very special circumstances to justify granting planning approval.

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 CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration

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

13/00540/FUL Proposed barn conversion to residential with new access driveway - Permit

Views of Consultees

Audley Parish Council supports the application.

Representations

Two letters of objection has been received raising the following concerns:

- The shed is positioned too close to the boundary of the neighbouring property
- The views and privacy from the adjacent property are compromised
- The shed is positioned close to the boundary hedge blocking out light to the hedge resulting in the deterioration of its health
- Its impact on the openness and restrict views of the Green Belt
- The roof covering is not is keeping with its surroundings
- The shed is sited so as not to restrict views from the applicant's property.

Applicant's/Agent's submission

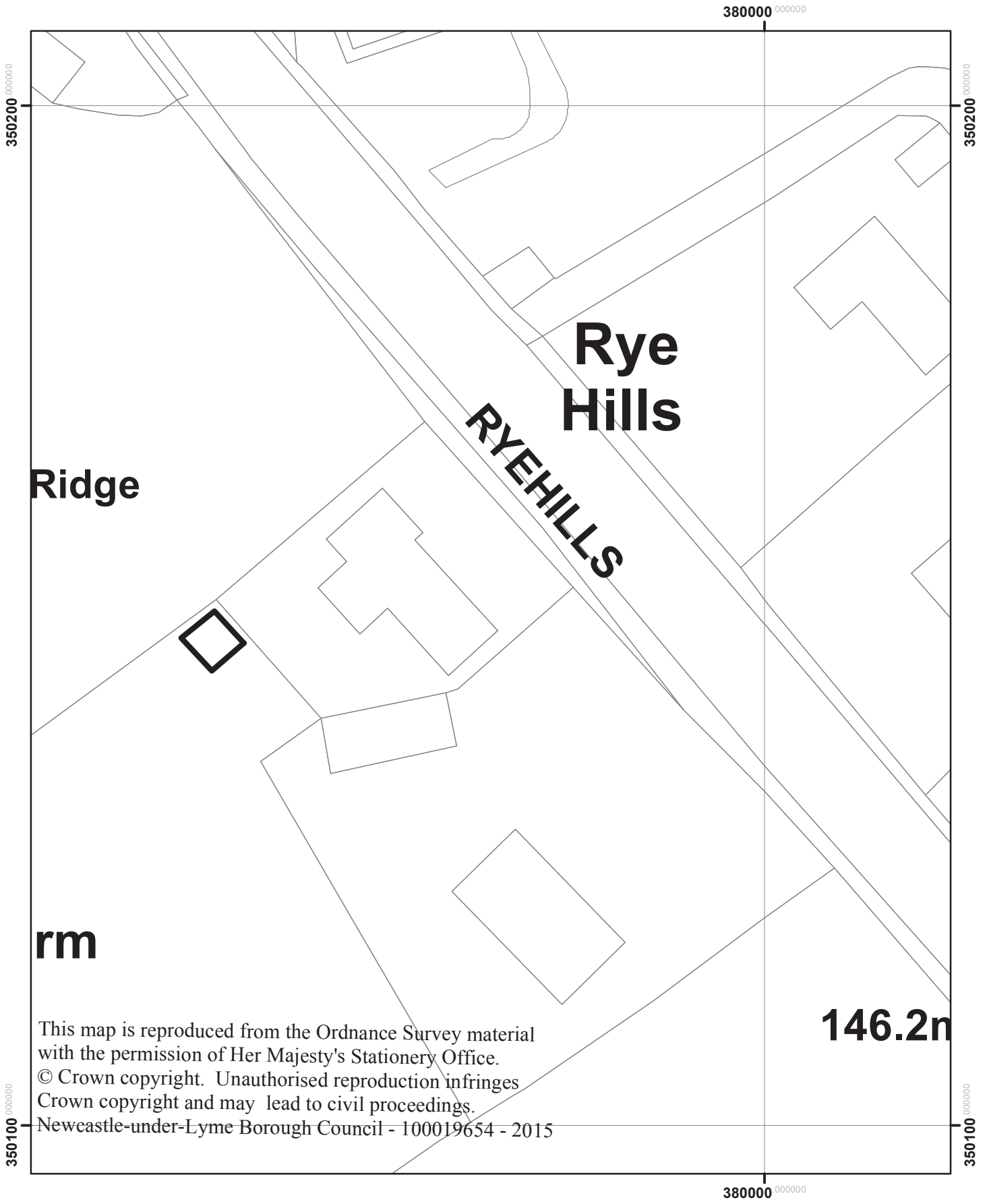
A Planning Statement in addition to application forms and plans have been submitted. These documents are available for inspection at the Guildhall and under the application reference number 15/01047/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

13th January 2016



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APPEAL BY MR B MCNULTY AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR INTERNAL ALTERATIONS TO THE DAIRY HOUSE, HUNGERFORD LANE, MADELEY, TO FORM TWO SEPARATE DWELLINGS

<u>Application Number</u>	15/00155/FUL
<u>LPA's Decision</u>	Refused by delegated authority on 27th April 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	23rd December 2015

The Inspector considered the main issue to be whether the proposal comprises a sustainable form of development, taking into account policy in the National Planning Policy Framework.

In dismissing the appeal the Inspector made the following comments:

- Planning permission was approved in 2010 to convert the original appeal building (Hungerford House) into two dwellings. This followed two refusals of planning permission (one in 2008 and one in 2009) to convert the original appeal building into three dwellings. In approving the conversion to two dwellings, the Council acknowledged that the site was in an isolated location, but considered that this was outweighed by *"finding a new use for a sizeable and attractive rural building"*.
- The Inspector stated that in view of the Council's lack of a five year housing land supply the appeal should be considered against the housing policies in the NPPF.
- The proposal would seek to make use of a permanent and substantially constructed building, and would not conflict with any of the purposes of the Green Belt. The proposal would constitute an appropriate form of development in Green Belt.
- Notwithstanding this, the appeal site falls within the countryside, and consequently needs to be assessed against Paragraph 55 of the NPPF. The site would be approximately 1.5 km from Madeley, where there are shops, services and public transport facilities to meet day to day needs. However, the long route to Madeley includes Hungerford Lane which is narrow, has no pavements and is unlit. This would mean heavy reliance on car transport, rather than the bicycle or foot, which would run contrary to sustainability aims in the NPPF.
- In respect of paragraph 55, the two dwellings are in an isolated countryside location, and they would do very little to contribute towards the enhancement or maintenance of the rural community. Furthermore, the proposal would not meet any of the listed "special circumstances" in Paragraph 55. Although the appellant asserts that in 2013 there was no interest in occupying the larger and consented dwelling, no details of historic and current marketing activity were provided and there was no evidence submitted to suggest that the proposal would make improvements to the immediate setting of the area.
- Consideration must be given to all three mutually dependent dimensions of sustainability in the NPPF, namely the economic, social and environmental roles. Any economic contribution would be outweighed by the harm caused as a result of the reliance on the private motor vehicle. Whilst the proposal would make a contribution to the housing need of the Borough, the contribution from a net increase of one dwelling would be minimal, and would not outweigh the conclusion that the proposal would constitute an unsustainable form of development contrary to the sustainability aims of the NPPF.

Recommendation

That the decision be noted.

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Classification: NULBC UNCLASSIFIED

APPEAL BY MRS JENNY DERRICOTT AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR A REPLACEMENT DWELLING AT SHETLAND RISE, TOP ROCK ROAD, ASHLEY

Application Number **15/00397/FUL**

LPA's Decision **Refused by delegated authority on 4th August 2015**

Appeal Decision **Dismissed**

Date of Appeal Decision **23 December 2015**

The Inspector considered the main issue to be the effect of the proposal upon the character and appearance of the area.

In dismissing the appeal the Inspector made the following comments:

- Whilst the existing bungalow is elevated above Top Rock Road, its scale, massing and distance from the road is such that it does not have a dominating effect on the landscape.
- In contrast to the above, the proposed dwelling would be significantly taller than the existing dwelling, and it would be positioned much closer to Top Rock Road. Taking into account the width and height of the proposed dwelling, coupled with the difference in levels between the site and the road, the dwelling would appear unduly prominent and dominant. These impacts would be exacerbated by the fact that the dwelling includes large expanses of roofs, dormers, chimneys, different roof designs and a clock tower. This would be in stark contrast to the simple and utilitarian design of the existing bungalow with its low and unbroken roof line.
- The immediate pattern of development around the appeal site reflects the topography of this rural area. As the land increases in height, so does the height of the dwellings, and this gives the area part of its distinctive character. The Inspector did not share the appellants' view that it would be acceptable to match the ridge height of the residential properties at higher level, as this would represent an unacceptable departure from the existing pattern of development which runs with the topography of the area. The existing bungalow currently nestles behind trees when viewed from number 4 Rock Lane, thereby maintaining the essentially open and rural character of the area. In contrast, the proposal would appear dominant and prominent in this landscape setting, and it would fail to accord with Policy N18 of the Local Plan. The proposal would be conspicuous and dominant when viewed from both immediate and longer distance views.
- Whilst there are some larger dwellings in the area, these are generally positioned on higher ground. On lower land, the majority of residential properties are bungalows. The proposed dwelling would represent a stark and unacceptable contrast to the scale and design of development along Top Rock Road.
- The tennis pavilion would create an unacceptable scale and massing of development on the site and the tennis courts would add to the view that overall the scale and massing of proposed development would cause harm to the character and appearance of the area.
- In respect of Paragraph 7 of the National Planning Policy Framework, there are three dimensions to sustainable development: economic, social and environmental. Whilst the erection of a replacement dwelling would generate some employment at demolition and construction stage, these economic benefits would be short term. The proposal would comprise a replacement dwelling, and so the contribution to the supply of houses in the Borough would be neutral. Therefore the proposal would not result in significant social benefits and for the reasons outlined, the proposal would have a detrimental impact on the character and appearance of the area and would cause harm to the environment.
- The proposal would cause harm to the character and appearance of the area, and would not accord with the sustainability and design aims of Policies N17 and N18 of

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the Local Plan; Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026; nor with the National Planning Policy Framework.

Recommendation

That the decision be noted.

Classification: NULBC UNCLASSIFIED

APPEAL BY MR R BLADES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISISON FOR THE ERECTION OF A BUNGALOW AND GARAGE AT LAND ADJACENT TO OLD FARM HOUSE, MAIN ROAD, WRINEHILL

<u>Application Number</u>	15/00079/OUT
<u>LPA's Decision</u>	Refused by delegated authority on 28 May 2015
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	7th January 2016

The Inspector considered the main issues to be whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy; the effect of the development on the openness of the Green Belt; and the effect of the development on the character and appearance of the area.

In allowing the appeal the Inspector made the following comments:

- This appeal scheme has been assessed against the Green Belt policy contained in the Framework. Indeed, it is the Framework rather than Local Plan Policy S3 which is referred to in the Council's first reason for refusal.
- The 5th bullet point of paragraph 89 of the Framework refers to limited infilling in villages as not being inappropriate development within the Green Belt. However, paragraph 89 of the Framework does not require that limited infilling in villages must be under policies set out in the Local Plan. This requirement only applies to the second part of the bullet point.
- The predominantly residential development extending along Main Road is more than a ribbon of development which might otherwise be applied to the clusters of dwellings fronting the road between Wrinehill and Betley. There are also various dwellings to the east of the site. Within Wrinehill there are 2 public houses and a surgery rather than just comprising residential uses. Accordingly, by reason of size and form, it is considered that Wrinehill can be regarded as a village for the purposes of paragraph 89 of the Framework.
- By reason of the site being substantially enclosed by built forms of development and the appeal scheme being a single bungalow, the proposed development would amount to limited infilling in a village. Accordingly, it is concluded that the appeal scheme would not be inappropriate development in the Green Belt and, as such, it would not conflict with the Framework.
- Paragraph 79 of the Framework identifies that one of the essential characteristics of Green Belts are their openness. Wrinehill is located within open and verdant countryside and its predominant characteristic is that of a built-up area of mainly residential properties rather than possessing an open character. Although undeveloped, by reason of the site's enclosure by built forms of development it makes only a limited contribution to the openness of the Green Belt. Accordingly, the proposed development would not cause significant harm to the openness of the Green Belt and, as such, it would not conflict with the Framework.
- The appeal site is located within an Area of Active Landscape Conservation and LP Policy N18 seeks to resist development which would harm the quality and distinctive character of the landscape.
- Built-development within the village is varied and includes houses and bungalows which, particularly along this side of Main Road, are generally detached, set back from the footways and sited within verdant plots.
- By reason of the application being in outline form, the precise design, siting and external materials of the proposed development are reserved matters. However, the indicative layout plan does demonstrate how a proposed bungalow and garage could be accommodated on the appeal site. It would be possible for any buildings to be set back from the footway and possess a reasonable sized amenity area thereby reflecting the characteristics of other detached properties fronting Main Road.

Classification: NULBC **UNCLASSIFIED**

- By reason of the existing pattern of development, the erection of the proposed bungalow and garage would not introduce an incongruous built form that would cause material visual harm to the streetscene. Further, the appeal scheme would not detract from the wider open and verdant countryside which surrounds the village.
- On this matter it is concluded that the proposed development would not cause significant harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies N17 and N18 and the SPD.
- Conditions recommended regarding noise levels and land contamination are not considered necessary or appropriate.

Recommendation

That the decision be noted.

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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the period between 13th October 2015 (when the Committee last received a similar report) and the date of the preparation of this report (15th January 2015).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, with respect to some 6 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made “in time” insofar as the speed of determination criterion for designation of poorly performing LPAs.

Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended period. This applies to applications received after the 1st October 2013. This provides yet another reason for the Planning Service maintaining a clear and continued

focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

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

Details of the applications involved are provided below:-

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

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

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

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

The 14th June 2015 deadline was not met, due to delays on the Council's side in preparing and agreeing a draft agreement for circulation with officers seeking to devise a standard or model approach wording of agreements which require a viability reassessment. .

With a further extension being granted until 15th October 2015, and that too not being met because of further delays in the drafting of such an agreement by the Council, your Officer has considered that he has had little alternative but to accept that the applicant should be given more time to complete the Section 106, noting that there has been no material change in planning policy in the interim. A further update report will be given in a supplementary report.

Some 102 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee was required in this case.

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

The application for full planning permission for the erection of 22 affordable dwellings comprising a three storey block of 6, one bedroom flats; 10 two storey, two bedroom dwellings and 6 two bedroom bungalows came before the Planning Committee on the 9th December 2014 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of certain planning obligations relating to public open space and education contributions, with the usual caveat that your Officer could extend that period if

he considered it appropriate, and the Coal Authority withdrawing its objection by no later than 20th January 2015.

Members have been advised previously that the Coal Authority have withdrawn their objection and the applicant had subsequently informed the authority that the levels of contributions sought towards education and POS would make the scheme unviable. This resulted in a further report, following a viability appraisal, coming before the Planning Committee on 21st July 2015 (at around week 41). This time the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 21st September 2015 to secure the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission and contributions then being made to public open space and education on an equal proportion basis, if the scheme is evaluated at that time as able to support such contributions.

That date passed without completion of the agreement, and 2 further periods were then allowed for its completion – the first up to the 19th November 2015 and the second up to the 18th December 2015. That last date passed without completion of the agreement. The applicant has continue to press for a draft agreement, and such a document is now being circulated. Improved progress is now expected and an update will be provided to the Planning Committee by means of a supplementary report.

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

(3) 14/00477/FUL Newcastle Baptist Church, London Road, Newcastle-under-Lyme

The application for full planning permission for the demolition of the former Newcastle Baptist Church and the erection of a residential apartment development containing 14 two bed units and 8 one bed units with the formation of a new access (onto Vessey Terrace) and associated car parking has been delayed for a number of reasons in recent months with one delay being whilst the advice of the District Valuer regarding viability was obtained. At its meeting of the 3rd February 2015 (at around week 32) the Committee resolved to permit the application subject to the applicant entering into a Section 106 obligation by the 17th March 2015 to require the review of the financial assessment of the scheme if there is no substantial commencement within a year of the grant of planning permission (and the potential requirement to make the policy compliant contributions).

There were delays on the Council's part and members may recall that an urgent report came before the Planning Committee on the 15th September 2015 in the light of the request by the applicant that different terms be agreed. The Committee confirmed the revised basis upon which it was seeking an agreement. The Committee subsequently agreed at the meeting on the 13th October 2015 that officers had the authority to either refuse the application should the agreement not be completed within a reasonable period, or to extend that period.

The agreement was eventually completed on the 23rd October 2015 and the decision notice of approval subsequently issued. The applicant did not agree to an extension to the statutory period beyond the 2nd April 2015. The application was not determined "in time".

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 70 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(4) 15/00166/FUL Jubilee Baths, Nelson Place, Newcastle

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

The 3rd July 2015 deadline for the completion of the agreement was not achieved and numerous extensions were then agreed with the applicant owing to various delays originally on the part of the Council and then the applicant raising concerns about trigger points for payment of the contributions which involved the views of key consultees being sought.

The agreement was eventually completed on the 24th November 2015, and the decision notice of approval was then issued.

This application was received after the introduction of the Planning Guarantee and by the time the decision was issued some 40 weeks had passed since receipt of the application, but no repayment of the planning fee was due in this particular case.

(5) 15/00368/OUT Land at West Avenue, Kidsgrove

This application, for outline planning permission for the erection of up to 44 dwellings, came before the Planning Committee on 21st July 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing, by the 15th August 2015, of planning obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities. A further period of time for the completion of the legal agreement, up to the 12th November 2015 and then another to the 3rd December was then agreed. That date passed without completion of the agreement. Final comments are awaited from the County Council and once these are received the agreement will be circulated. A supplementary report will be provided to the Committee on this case.

At the time of writing some 37 weeks has passed since the original receipt of the application.

(6) 15/00699/FUL Land At Ashfields New Road, Newcastle

The application is for full planning permission for the erection of 42 residential units made up of five pairs of semi-detached, two bedroom dwellings; a block of 10 one bedroom flats; and a further block of 22 one bedroom flats. The application came before the Planning Committee on the 13th October 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing of planning obligations, by the 6th November, for a financial contribution for the enhancement and maintenance of the open space at the Greenway.

Since the committee meeting the applicant has submitted a financial viability report and advice of the District Valuer has been received for consideration. A report on that advice is expected to be provided to this Committee and that report will recommend a new date within which the required Section 106 will need to be concluded

At the time of writing some 22 weeks have passed since receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

Date Report prepared

15th January 2016

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