

- 12 **Appeal Decision - Centurion House, West Street, Newcastle. (Pages 73 - 74)**
15/00203/FUL
- 13 **Appeal Decision - 64 Basford Park Road, Newcastle. (Pages 75 - 76)**
15/00595/FUL
- 14 **TECHNICAL CONSULTATION ON IMPLEMENTATION OF PLANNING CHANGES.**
Report to follow.
- 15 **URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 16 **Tree Preservation Order 25 Walton Way, Talke. TPO174 (Pages 77 - 80)**

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Pickup, Reddish (Chair), Simpson, Snell (Chair), Welsh, Williams, Williams and Winfield

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.

Public Document Pack Agenda Item 3

Classification: NULBC UNCLASSIFIED

Planning Committee - 01/03/16

PLANNING COMMITTEE

Tuesday, 1st March, 2016

Present:- Councillor Mrs Sophia Snell – in the Chair

Councillors Braithwaite, Cooper, Hambleton, Heesom, Mancey, Northcott, Owen, Pickup, Reddish, Simpson, Turner, Welsh, Williams and Winfield

Apologies Apologies were received from Councillor(s) Fear

1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

2. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 2 February, 2016 be agreed as a correct record.

3. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE. TAYLOR WIMPEY. 15/00441/DOAHR

Resolved: That the application to modify (reduce) the number of affordable units required by the Section 106 agreement be approved (with social rented dwellings being replaced with affordable rented dwellings), subject to the proviso that 30 (17.5%) affordable housing units be now provided with the affordable rented and shared ownership units being as indicated on the plan submitted by Taylor Wimpey on the 12th February 2016, for a period of 3 years after which the number (and type) would revert to the original affordable housing obligation, such modification only relating to those dwellings completed within that period.

4. APPLICATION FOR MAJOR DEVELOPMENT - THE ZANZIBAR, MARSH PARADE, NEWCASTLE. MR D LEACH. 15/01061/COU

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

- (i) Time limit.
- (ii) Approved drawings.
- (iii) Refurbishment hours restricted to 7am and 6pm Monday to Friday and not at any time on Sundays Bank Holidays or after 1pm on any Saturday.
- (iv) Restriction of permitted waste collections and deliveries to between 7am and 6pm only on any day.
- (v) Provision of ventilation system and odour control.
- (vi) Restriction of food types that may be cooked without adequate ventilation.
- (vii) Cessation of cooking in the event of ventilation problem.

- (viii) Prior approval of noise generating plant such as mechanical ventilation, refrigeration or air conditioning.
- (ix) Prevention of food and grease debris from entering the drainage system.
- (x) Details of refuse storage and collection arrangements.
- (xi) Marking out the car park for loading/servicing and visitor/trader spaces.
- (xii) All loading/unloading takes place within a designated space within the car park.

5. **APPLICATION FOR MAJOR DEVELOPMENT - HAMPTONS (AND LAND ADJACENT), KEELE, MR JN AND NW HAMPTON. 15/01085/OUT**

Resolved: That a decision be deferred to enable the response of the District Valuer to be received, following additional dialogue with the applicant.

6. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER ST GILES AND ST GEORGE'S PRIMARY SCHOOL, BARRACKS ROAD, NEWCASTLE. STAFFORDSHIRE COUNTY COUNCIL. 16/00008/FUL**

Resolved: (a) That, Subject to the applicant entering into a Section 106 obligation by no later than 1st April to secure a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems, and a travel plan monitoring contribution of £2,200..

The application be permitted subject to the undermentioned conditions:

- (i) Time limit
- (ii) Approved plans
- (iii) Approval of external facing materials – the stone cladding to have a reddish hue and implementation of approved details.
- (iv) Approval of the full and precise details of the vertical 'breaks' on the Queen's Gardens elevation and implementation of approved details.
- (v) Approval of full and precise details of the appearance of the windows and implementation of approved details.
- (vi) Approval of details to widen the pavement on Barracks Road through the removal of the layby and implementation of the approved details
- (vii) Approval of the hard and soft landscaping details, to Include details of replacement trees, surfacing, seating and other street furniture and implementation of approved details.
- (viii) Approval of details of hostile vehicle mitigation measures, means to restrict access to the parking area and other appropriate security measures and implementation of approved details.
- (ix) Approval of details of any barrier to the car park and implementation of the approved details.
- (x) Approval and implementation of a Green Travel Plan

- (xi) Contaminated land conditions.
 - (xii) Approval of a detailed surface water drainage scheme
 - (xiii) Limitation on the hours of construction.
 - (xiv) Construction management plan, including protection of roads from mud and debris, and dust mitigation.
 - (xv) Piling
 - (xvi) Implementation of the recommendations outlined in the submitted Noise Assessment.
 - (xvii) Waste storage and collection arrangements.
 - (xviii) Archaeological watching brief
 - (xix) The submission of further information that demonstrates how service vehicles can manoeuvre around the car park, and approval of any amendment to the parking layout to accommodate such vehicle movements.
 - (xx) A residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied.
- (b) That, should the Section 106 obligation not be secured by 1st April 2016 the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation securing the required contribution to sustainable transport measures and on street parking measures the development would be unsustainable; unless he considers it appropriate to extend that period.

7. **APPLICATION FOR MAJOR DEVELOPMENT - ST GILES AND ST GEORGE'S PRIMARY SCHOOL, ORME ROAD, NEWCASTLE. STAFFORDSHIRE COUNTY COUNCIL. 16/00039/CPO**

Resolved: That the County Council be advised that the Borough Council is supportive of the principle of extending the capacity of the school in the interests of the delivery of housing. However, there are concerns regarding the design.

8. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER ST GILES AND ST GEORGE'S PRIMARY SCHOOL, BARRACKS ROAD, NEWCASTLE. STAFFORDSHIRE COUNTY COUNCIL. 16/00082/FUL**

Resolved: That the variation of condition 4 be permitted so that it reads as follows:

The demolition of the existing building on the site shall not commence until the steps outlined in the statement by the applicant dated 22nd February 2016, except for those listed under items (c) and (e) have been undertaken, and the replacement building shall first have been granted planning permission, and such construction works all have commenced within six months of the demolition of the building. For the avoidance of any doubt the contract referred to under item (b) is the building contract for site establishment, demolition of the existing building, and for advance orders of the replacement development (structural steelwork, piling and steel reinforcement, etc) and not the building contract for the new build.

subject to the imposition of all other conditions attached to planning permission 15/01077/FUL, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

9. **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJ TO 31 BANBURY STREET, BUTT LANE. BROWNS (SHOPFITTING AND CONSTRUCTION) LTD. 14/00027/FUL**

Resolved: That it be agreed to extend the date for the completion of the Section 106 Agreement until 10 March, 2016.

10. **APPLICATION FOR MINOR DEVELOPMENT - ALWYN, NANTWICH ROAD, AUDLEY. MR BIRKIN. 15/001146/FUL**

That the application be permitted, subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development.
- (ii) Approved plans.
- (iii) Removal of permitted development rights relating to extensions and alterations to the dwelling
- (iv) No top soil to be imported until it has been tested for contamination
- (v) Reporting of unexpected contamination if found
- (vi) Completion of access prior to use of development
- (vii) Closure of the redundant access prior to the development being brought into use
- (viii) Surfacing of driveway in a bound and porous material for a minimum distance of 6 metres back from the site boundary, prior to the development being brought into use

11. **APPLICATION FOR MINOR DEVELOPMENT - WHITE HOUSE FARM, DEANS LANE, BALTERLEY. MR G WALTERS. 16/00015/DOB**

Resolved: That the applicant be advised that the local planning authority are willing to discharge the section 106 obligation (application reference 16/00015/DOB) following the granting of planning permission under 15/00682/COU and subject to the necessary completed documentation to discharge the obligation being in place within 6 months of the date of the above approval.

12. **APPLICATION FOR OTHER DEVELOPMENT - 13A KING STREET, NEWCASTLE. MR TOMER SPITKOWSKI. 15/01144/FUL**

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

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Window and door design details;
- (iv) Bin storage to be provided in accordance with the submitted details;
- (v) Details of cycle storage;

- (vi) Noise assessment and any mitigation measures deemed to be appropriate;
- (vii) During conversion works no machinery is operated or process carried out on the site between the hours of 18.00pm and 07.00am Monday to Friday and not at any time on Sundays or after 13.00om on any Saturday.
- (viii) Submission and approval of a management scheme for the premises.

13. **APPLICATION FOR OTHER DEVELOPMENT - LOWER MILL COTTAGE, FURNACE LANE, MADELEY. MRS TORRENS. 16/00009/FUL**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form
- (iv) Removal of permitted development rights for extensions, external alterations and outbuildings

14. **APPLICATION FOR OTHER DEVELOPMENT - LAND TO THE EAST OF A34, TALKE ROAD, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 16/00056/DEEM3**

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

- (i) Approved plans.
- (ii) Tree protection measures
- (iii) Highway method statement to address installation and maintenance of the sign.

15. **OPEN ENFORCEMENT CASES**

Resolved:

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

16. **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.**

Resolved: That the information be received.

17. **TREE PRESERVATION ORDER - LAND AT WHITE OAKS, BIGNALL HILL, BIGNALL END. TPO173**

Resolved: That Tree Preservation Order No 173 (2015), land at White Oaks, Bignall Hill be confirmed as modified and that the owners and occupiers of the site (White Oaks) and the 'persons interested' (Staffordshire County Council and the owners and occupiers of the adjacent Former Diglake Quarry site) be informed accordingly.

18. **STUBBS WALK CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

- Resolved:** (i) That the draft Conservation Area Appraisal and Management Plan (CAAMP) Supplementary Planning Document (SPD) be agreed and that the publication of the Consultation Statement and the SPD for the required final period of representation be also agreed
- (ii) That, subject to no representations being received seeking changes to the CAAMP SPD it is commended to Cabinet for adoption.

19. **APPEAL DECISION - 14 DALES GREEN ROAD, DALES GREEN. 15/00579/FUL**

Resolved: That the decision be noted.

20. **APPEAL DECISION - OLD GPO TELEPHONE EXCHANGE, BLOOR ROAD, HALES. 15/00175/FUL**

Resolved: That the decision be noted.

21. **APPEAL DECISION - SULBY. DEN LANE, WRINEHILL. 15/00504/FUL**

Resolved: That the decision be noted.

22. **URGENT BUSINESS**

The Chair thanked the Council's Principal Solicitor for her help and advice to the Planning Committee over the years. Lisa Hall would shortly be leaving the Authority to take up a position in the south.

Resolved: That the comment be noted.

COUNCILLOR MRS SOPHIA SNELL
Chair

HAMPTONS METAL MERCHANTS AND LAND ADJOINING KEELE ROAD, NEWCASTLE
MR JM & NW HAMPTON

15/01085/OUT

The application is for outline planning permission for residential development up to a maximum of 138 dwellings. Details of the point of vehicular access onto the site have been submitted for approval. All other matters of detail (landscaping, appearance, layout, internal access arrangements and scale) are reserved for subsequent approval. An indicative layout plan has been submitted for information, as has illustrative details of the bund along part of the north western boundary of the site (where adjacent to the Walley's Quarry landfill site). The submission of this application follows on the refusal in June 2015 of the same proposal and the lodging of an appeal against that decision. The drawings submitted with the applications are the same.

The proposed access utilises the existing access to Hamptons Metal Merchants off the access road serving the adjoining existing residential development, known as Milliner's Green, off Keele Road.

The site measures 4.99 hectares and is located to the south-east of Walley's Quarry landfill site. The site is within the Newcastle Neighbourhood as designated on the Local Development Framework Proposals Map and is within the urban area. Trees within the site are protected by Tree Preservation Orders Nos. 2 and 85.

A decision on this application was deferred by the Planning Committee at its meeting on the 1st March to enable the applicant's advisors to have a dialogue with the District Valuer and his further advice then to be received

The 13-week period for the determination of this application expired on 2nd March but the applicant has agreed to extend the statutory period to 1st April 2016,.

RECOMMENDATION

(a) REFUSE for the following reason:-

Odour arising from the adjoining landfill site is highly likely to adversely affect the living conditions of the occupiers of the proposed development and it is not considered that this can be addressed through appropriate mitigation.

(b) That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, provides further recommendations as to viability and whether additional reason/s for refusal are appropriate.

(c) That the Committee also resolve that the Council no longer intends to argue, at the appeal against the decision on application 14/00948/OUT, that the development would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility and the implementation of the Waste Strategy, contrary to local and national policy.

Reason for Recommendation

It is considered that odours arising from the adjoining landfill site will have an unacceptable impact on the living conditions of the occupiers of the proposed development as odours could not be addressed through appropriate mitigation measures.

The development is acceptable with regard to noise, contamination and landfill gas as such issues can be suitably addressed through mitigation measures that could be the subject of conditions of a planning permission.

The development would result in additional pressure on limited primary school places of the schools whose catchment area it is located in, and would place additional demands on off-site public open space and result in long term maintenance issues unless the future maintenance and access to the open space on site is guaranteed. Both could be secured by means of planning obligations.

A planning obligation is also required to secure affordable housing within this development in accordance with policy and a Travel Plan monitoring fee. No obligations, in the form of a unilateral undertaking are "on the table" at the time of writing and indeed the applicant has submitted a viability assessment that indicates that the development would not be viable with such contributions. The District Valuer has undertaken an appraisal, and at the time of writing, is in dialogue with the applicant's consultants concerning his draft conclusions. A further report will be provided to the Committee.

Overall it is considered that the adverse impacts arising from granting planning permission (i.e. the odours arising from the adjoining landfill site having an unacceptable impact on the occupiers of this development would outweigh the benefits of the provision of housing land; the benefits to the local economy; the relocation of the existing scrap yard within the site; and the social benefits of providing family and affordable houses (even assuming that the full 25% provision is made which may not be the case) and as such there is no presumption in favour of this development.

In the event of the Committee accepting recommendation (a) it would be appropriate for the Council to make it clear, that on the basis of the information submitted with this application it no longer intends to argue, at the appeal, that the development would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility and the implementation of the Waste Strategy, contrary to local and national policy (the second reason for refusal of the previous application).

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

The Local Planning Authority has worked in a positive and proactive manner in dealing with this application and in considering the application, advising of issues of concern and the need to provide additional supporting information, within a reasonable period, however it is considered that the applicant has been unable to overcome the principal concern arising from the proposal.

KEY ISSUES

1.1 As indicated above the application is for outline planning permission for up to 138 dwellings. The details of the vehicular access into the site, which is the existing scrapyard access, are submitted for approval at this stage, but all other matters of detail are to be considered at a later date. An indicative layout plan has, however, been submitted in support of the application. This plan shows a circular internal access with a number of cul-de-sacs off that road. A central green/play area is shown and a landscaped bund is shown on the boundary of the site to the adjoining landfill site. A couple of sections through the landscaped bund are provided as part of the application.

1.2 This application is a resubmission following the refusal of the proposed development in 2015 for the reasons relating to the following:

1. Odour arising from the adjoining landfill site is highly likely to adversely affect the living conditions of the occupiers of the proposed development and it is not considered that this can be addressed through appropriate mitigation.
2. In the absence of any odour mitigation measures that would suitably address the concerns expressed at 1, the applicant has failed to demonstrate that the development would not unduly restrict or constrain the activities permitted to be carried out at the adjoining waste management facility and the implementation of the Waste Strategy, contrary to policy.
3. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards primary school provision.

4. In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market.
5. In the absence of a secured planning obligation the future maintenance and public access to the required public open space to meet the needs of the development has not been secured.

1.3 The development was considered to be acceptable in respect of visual impact; highway safety; contamination and landfill gas; and coal mining legacy issues and as planning circumstances have not materially changed it is not considered necessary that such issues be addressed at this time.

1.4 The Landscape Development Section has requested additional arboricultural information in response to the current application. In addition concern has been expressed that the landscaped bund is too steep to be enable maintenance by mowing and about its visual impact in the surrounding landscape setting. Such concerns were not expressed in the response to the previous application and were not identified in the decision as issues of concern at this outline stage. As circumstances have not changed since the previous decision and provided approval of landscaping details is not sought now, it would now be unreasonable to introduce them, particularly as they are matters that could be addressed at reserved matters stage.

1.5 The main issues for the Local Planning Authority to address are therefore as follows:-

- Principle of development
- Residential amenity
- Impact of the development on the adjoining landfill site.
- Landscape and trees
- Planning obligations necessary to make the development policy compliant
- An assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole.

2.0 Principle of residential development on this site

2.1 The application lies within the urban area and as such policies within the adopted Development Plan support the principle of residential development on the brownfield (currently developed) element of the site. The site, however, is partially a greenfield site and as such the proposal does not fully comply with the Development Plan which seek to target residential development towards brownfield land.

2.2 When the previous application was determined the Local Planning Authority was 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 remains the case that a five-year supply cannot be demonstrated and indeed the supply position, as reported to the 13th January 2016 Planning Committee, is now worse than it was at the time of the previous application. 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.”

2.3 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.”*

2.4 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.

3.0 Residential Amenity

3.1 The application is supported by a number of Assessments relating to residential amenity particularly arising from the site's proximity to the adjacent landfill site and it has previously been concluded that issues relating to noise and pests associated with that site are not grounds for refusal. That remains the case. The proposal includes a 5 metre high bund along part of the north western boundary of the application site.

3.2 It is known that the landfill site has planning permission until 2042 and that the levels of the fill, as permitted, will exceed the existing land level prior to the final restoration of the site thereby giving rise to amenity issues for a considerable period of time. It is therefore necessary to consider the impact of the landfill site on residential amenity as it is at present and as it will change as ground levels within the landfill site increase as waste is deposited.

3.3 The Air Quality Assessment submitted (which was also submitted with the previous application) has concluded that there will be no air quality concerns arising as a consequence of the development. It does acknowledge, however, that when the filling of the adjoining waste site takes place at ground level the impacts are predicted to be potentially significant. It goes on to conclude that the existing tree belt and proposed planted bund indicated on the illustrative layout will partially mitigate the impact of the landfill on the living conditions of the occupants of the development. It highlights that the development does not represent sensitive development any closer than existing development where similar impacts are predicted. In addition there will be ongoing mitigation measures to address odour at the landfill site.

3.4 An Odour Survey Report has been submitted in addition to the Air Quality Assessment in support of the current application which provides new information over and above what was received in the previous application in respect of odour recording on four days in 2015.

3.5 The application submission indicates that there is a likelihood of periodic odour incidents affecting the application site and that the proposed planted earth bund will only serve to provide a partial form of mitigation. Within the additional Odour Survey Report it indicates that existing properties centred on Galingale View are likely to be at a substantially greater risk of adverse impact than would be future occupants of the application site, but that there is no certainty on the future phasing of tipping activities. It concludes that odours do persist in the areas downwind of the current tipping face, these have not to date been experienced at locations within the application site at levels that would be considered unacceptable or unreasonable given the location of the site. In addition odour conditions at the application site are likely to be considerably better than those currently experienced in the existing residential development to the east.

3.6 The applicants' submission as well as the odour modelling undertaken by a consultant employed by the Environmental Health Division (EHD) both forecast that the odour levels will be above the Environment Agency benchmark for unacceptable odour pollution. This indicates that the site is not appropriate for residential development from the perspective of odour due to the operation of the adjacent landfill site. The existence of residential properties (which are the adjoining residential development to the north east of the site referred to in the planning history section below) that will similarly or more affected by the landfill site as those proposed does not justify the introduction of up to a further 138 households that would also be adversely affected. Whilst it is acknowledged that the operators of the landfill site have been addressing, and will continue to address, the odours arising from the development as far as they can, that the EA indicate that it is highly likely that the residents will be affected by odour nuisance should be noted.

3.7 It is therefore considered that the applicant has not demonstrated that the residents of the proposed development will have acceptable living conditions and as such the application should be refused

4.0 Impact of the development on the adjoining landfill waste site

4.1 Policy 2.5 of the recently adopted Waste Local Plan states that the Waste Planning Authority (the County Council) will not support proposals that would unduly restrict or constrain the activities permitted or allocated to be carried out at any waste management facility, or restrict the future expansion and environmental improvement of existing operational waste management facilities.

4.2 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Paragraph 8 of the National Planning Policy for Waste states that local planning authorities should ensure that the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.

4.3 The proximity of the proposed development, for the reasons outlined above, raises issues of residential amenity and it was previously considered to be the case that unless the Authority is satisfied that the development can be made acceptable through amendment or mitigation, which is not the case, it must be concluded that the proposal will prejudice the implementation of the Waste Strategy contrary to local and national policy. However, in light of the comments received it seems that the levels of odours at the new proposed development site are likely to be similar to, or lower than, the levels of odours at the existing residential properties in the local area. As the levels at the proposed site are comparable to those at existing residential areas, it's not clear that the new development would result in additional constraints to the operation of the landfill site, over and above those which already result from the presence of existing residential properties. As such it cannot be demonstrated that the development will be contrary to such policy as the advice received is that the proposed development could prejudice the operation of the landfill site but does not conclude that it would in these circumstances.

5.0 Planning obligations to make the development policy-compliant

5.1 The development would result in additional pressure on limited primary school places of the school within whose catchment area it is located and in the absence of a financial contribution, that can only be secured by a planning obligation, such adverse impacts would not appear to be appropriately mitigated against. Such an obligation is also required to secure affordable housing.

5.2 The applicant has confirmed that it is the intention to provide public open space on the site to meet the needs of the occupiers of the development which is considered to be acceptable. A planning obligation would be required therefore to secure the future maintenance and management of the areas of landscaping and open space within the site.

5.3 Additionally a Travel Plan monitoring fee has been sought by the Highway Authority.

5.4 It is considered that the obligations that are sought comply with the tests in the CIL Regulations and as such would be lawful.

5.5 The applicant has submitted a viability assessment that indicates that the development would not be viable with such contributions. The District Valuer's (DV) advice has been sought and the response received is that the scheme is "marginally unviable".

5.6 On this basis and so as to inform the next stage and the Planning Authority's consideration of the matter, your Officer asked him to undertake certain further sensitivity testing work. The applicant has, however, expressed concerns about certain of the DV's assumptions regarding the level of profit assumed in the appraisal and the benchmark land value and is in the process of challenging the DV's conclusions. Whilst it is not anticipated that such discussions will result in the DV concluding that the development would be unviable if any level of education contribution or affordable housing provision is secured, it is possible that the amount could be amended following such dialogue. The conclusions of such discussions will be reported.

5.7 Notwithstanding this, if the Committee are prepared to accept the DV's conclusions, once confirmed, and agree to the principle of a reduction in the overall level of contributions, it is recommended that the education contribution is secured in full, on the basis of the view that the provision of education facilities where new housing development is proposed is of overriding importance. .

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

6.1 Odours arising from the adjoining landfill site have been identified as being likely to have an unacceptable impact on the occupiers of this development. It is acknowledged that the operators of the landfill site are addressing odours, and will continue to do so as part of their permit, and that complaints have reduced however this will not eliminate odours at all times over the considerable operational lifetime of the landfill site. This is a matter of considerable weight.

6.2 Within the Planning Statement submitted in support of this application reference is made to the Section 106 Agreement that was entered into in respect of the planning permission granted by the County Council for the relocation of the scrap yard to Holditch House in Chesterton. The Section 106 sets out clauses that include the requirement that all reasonable endeavours are used to, effectively, recruit contractors and employees from Staffordshire and all reasonable endeavours are used to ensure that businesses based in Staffordshire benefit from any commercial opportunities that arise from the development. In addition operations at Keele Road, Turner Crescent and Parkhouse East are to cease after 3 months following the implementation of the permission at Holditch House and the Section 106 indicates that they shall not apply for planning permission for waste related development at such sites thereafter.

6.3 It is acknowledged that there are benefits to the local economy and that the relocation (and consolidation) of the scrap yard is to a more appropriate and efficient site at Holditch House. In addition, within the report on the previous application (reference 154/00948/OUT) it was acknowledged that the removal of the existing scrap yard from Keele Road would have visual amenity benefits. These benefits can therefore be given some weight.

6.4 The scrap yard could be described as a non-conforming use in this residential area with potential to generate noise and odours however these issues have been appropriately controlled and have not resulted in any detriment to residential amenity in recent years. The Environmental Health Division has not had many complaints regarding noise or burning of materials from this activity, and noise mitigation measures were secured by condition in connection with the existing residential development to the north east of the application site. In addition the Environment Agency, who issue an Environmental Permit for the scrap yard, advise that it is not a site of high concern, and no recent complaints have been identified. This matter should therefore be afforded limited weight.

6.5 The applicant also makes reference to other planning permissions in the locality specifically the residential development on the adjoining land to the north east of this site (the Persimmon development) and on Silverdale Road, at the site of the former Spice Avenue restaurant. These decisions are only relevant if a decision on this application would be inconsistent with the decisions reached in those cases. It is not considered, however, that either consent is of sufficient factual similarity to the present case to amount to a precedent and accordingly very little weight should be afforded to these consents.

6.6 Other benefits of the development are the provision of housing land (in the context of the Council not being able to demonstrate a 5 year housing land supply); and the social benefits of providing family and some affordable houses (the level of which will be reported) when assessed against the policies in the NPPF taken as a whole. The benefits of the provision of additional and, again provided the DVs appraisal is sound, deliverable housing land must be accorded appropriate weight. In this connection members attention is drawn to a letter received from agents acting for Taylor Wimpey indicating that TW have obtained Board approval to proceed with this scheme, subject to site acquisition.

6.7 Overall these benefits identified above do not outweigh the adverse impacts from granting planning permission those being that the odours arising from the adjoining landfill site are highly likely

to result in unacceptable living conditions for the occupiers of this development. It is therefore concluded that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Such a development would not be sustainable.

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 T16: Development – General Parking Requirements
Policy C4: Open space in new housing areas.
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy IM1: Provision of Essential supporting Infrastructure

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

Policy 2.5 – The location of development in the vicinity of waste management facilities.

Staffordshire and Stoke-on-Trent Minerals Local Plan 1994-2006 (MLP)

Policy 6 – Mineral Safeguard Areas

Other material considerations include:

Staffordshire Minerals Local Plan 2015-2030 (draft for consultation)

Policy 3 – Safeguarding Minerals of Local and National Importance and Important Infrastructure

National Planning Policy and guidance

National Planning Policy Framework (March 2012)
Planning Practice Guidance (March 2014)
National Planning Policy for Waste (October 2014)
DEFRA Odour Guidance for Local Authorities (2010)

Supplementary Planning Documents/Guidance

Developer Contributions SPD
Affordable Housing SPD
Space around dwellings SPG
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

North Staffordshire Green Space Strategy (adopted 2009)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016

Relevant Planning History of the adjoining now developed site to the north-east

99/00341/OUT Outline planning permission granted for residential development – 6 November 2000

02/01107/REM Details of the means of access to the housing development and scrapyards – refused but subsequently allowed on appeal in May 2003

03/00790/REM Details of 280 houses and apartments – appeal lodged against failure of the Local Planning Authority to determine the application within the appropriate period. Council resolution 21 September 2004 that had the appeal not been lodged it would have granted the application subject to various conditions. Appeal allowed 27 July 2005 and costs awarded against the Authority.

Relevant Planning History of the application site

The County Council granted planning permission to relocate the scrap yard on part of the application site to Holditch House, Holditch Road in 2013 (County Council's reference N12/03/2018 W).

The current application is a resubmission of an application for outline planning permission for up to 138 dwellings which was refused in 2015 (14/00948/OUT). An appeal has been lodged against the refusal which is to be dealt with by Public Inquiry later this year,

Views of Consultees

The **Environmental Health Division** (EHD) considers that issues of contamination can be addressed through appropriate mitigation that can be secured through conditions. In addition no objections are raised on noise and the impacts from construction grounds subject to conditions that impose controls over the construction activities; approval and implementation of design measures to ensure appropriate noise levels for the occupiers of the dwellings; and approval and implementation of waste collection and storage details.

On the issue of odour the EHD advises that an independent review of the odour information submitted by the applicant along with an odour impact assessment model of odour emissions from the adjoining landfill site has been commissioned. On the basis of the advice received it is apparent that the applicants' odour assessment demonstrates that there will be unacceptable odours on the development site levels which will have a significant adverse impact on amenity. Furthermore by undertaking an odour assessment utilising recognised robust data on odour emissions for typical landfill sites, it would appear that the development site experiences significantly higher concentration of odour than predicted by the applicants' own consultant, particularly when the adjacent landfill site is nearing completion and that odour levels could be between 10 and 20 times those considered acceptable by the Environment Agency. On that basis the EHD objects on odour grounds.

The **Highway Authority** has no objections subject to conditions including prior approval of full details of the access, submission of a Travel Plan and approval of a Construction Management Plan. In addition they advise that a Travel Plan monitoring fee of £6,300 should be secured by S106.

The **Landscape Development Section** indicate that before they can comment additional arboricultural information is required regarding protected trees on the site. In addition the proposed bund is too steep for maintenance by mowing and concerns are expressed about the visual impact on the surrounding area. Concern is also expressed regarding the impact of the mound upon the root protection area of protected trees. Notwithstanding this an appropriate developer contribution is requested for off-site public open space or that appropriate open space and play facilities are provided on-site with approved provision for management of such areas. In addition full landscaping proposals are required.

The **County Education Authority** indicates that the development falls within the catchments of Friarswood Primary School/ Hassell Community Primary School / St Giles and St George's CofE Academy and Newcastle Academy. A development of this size could add 29 Primary School aged pupils, 21 High School aged pupils and 4 Sixth Form aged pupils. The Primary Schools are projected to be full for the foreseeable future (the other school has capacity) as such they request a contribution towards Primary School provision only which amounts to £319,899 (29 x £11,031).

The **Environment Agency** has no objections to the proposed development. They comment that recent works at the adjoining landfill site has reduced odours at the site and has resulted in it being

take of the Site of High Public Interest register. Despite this there will always be a potential for the site to cause nuisance to nearby developments during its active life. Even with suitable control measures the potential for nuisance will be greatly increased at certain points during the site's lifetime, such as when phases of the site are being filled and during the final restoration when the finished level will rise in view of the proposed development.

The County Council as the **Minerals and Waste Planning Authority** raise no objections to the proposed development subject to the Council being satisfied, having obtained confirmation from its own Environmental Health Officer and the Environment Agency that:

- There would be no unacceptable risks from pollution to any occupant of the proposed development as a result of the proximity to the neighbouring waste management facility; and
- The proposed development would not constrain the continued operation of the neighbouring waste management facility, or the timely restoration of the former quarry.

The **Coal Authority** considers that coal mining legacy potentially poses a risk to the proposed development and that site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues. They recommend a condition requiring approval and implementation of a scheme of investigations and the implementation of any identified mitigation measures.

The **Lead Local Flood Authority** has no objections subject to conditions to secure appropriate design to address surface water run-off.

The **Crime Prevention Design Advisor** has no objection to the construction of housing on the application site. The indicative layout appears to address crime prevention but concern is expressed about the inclusion of parking courts.

The County Council's **Historic Environment Record Officer** indicates that the Historic Environment Record has identified that there is likely to be only limited archaeological potential in this area and therefore no concerns are expressed.

The views of **Waste Management, Housing Strategy, and Silverdale Parish Council**, have been sought but they have not responded by the due date. As such it is assumed that they have no comments on the application.

Representations

Objections have been received from the **Thistleberry Residents Association** (four) one of which is the representation submitted in respect of the previous application. The representations raise the following concerns:-

- The Transport Report incorrectly refers to the A575 and it is unclear how the journey details have been calculated.
- It is unclear whether the workings of the landfill site have been taken into consideration when they reach surface level.
- The use of a swale pond is concerning given issues with such a drainage feature on the adjoining residential development.
- The application should be supported by an Ecological Survey.
- The loss of the greenfield to the development is unacceptable, but residents wish the scrap yard to be removed.
- Comments of consultees suggest the site is less than safe to develop. The application should be refused if the Borough Council can't ensure the site is safe for development.

An **objection** has been received making the following comments:

- If the Council's consultant's modelling is correct, and there is no reason to doubt that it is, then the majority of the houses proposed will at least be very unpleasant to live in and make the houses untenable for quite significant lengths of time, depending on wind direction and atmospheric pressure.

- No mention seems to be being made of the probability of landfill gas migration at this site. The minimum clearance between the landfill and any further development should be at least the same as for the Persimmon development or a minimum distance of at least 250m if no study was undertaken when that development was permitted.

A letter in support of the application has been received to the development of the brownfield element of the development, but objects to the development on greenfield land to maintain the green barrier between the Borough and the University Science Park. As the application site includes the former Field House farm and buildings there should be provision for an archaeological watching brief.

A further letter has been received from a local resident who is in support of the principle of the development due to the removal of the scrapyards but objects to the current application for the following reasons:

- An Environmental Impact Assessment screening opinion is required due to the size of the site.
- A financial contribution to education should be secured.
- The development could give rise to odour complaints.
- The proposed attenuation pond could create a pathway for the migration of residual contaminants and its provision incompatible with the use of a cover system to deal with the issue of contamination
- Affordable housing should be secured in accordance with policy.
- The submitted Viability Assessment is not adequate and contains errors and does not demonstrate that the development would not be viable if the Council seek to secure appropriate financial contributions and affordable housing.
- The proposed path through to Keele Road would require the removal of a mature hawthorn hedge and it would be better to align this further to the north to provide a cycle link that avoids the narrow path to the west of the existing scrapyards.

Applicant/agent's submission

The application is supported by the following;

- Planning, Design and Access Statement
- Ground Investigation Report
- Noise Impact Assessment
- Odour Survey Report
- Expert Report: Pest and Nuisance potential of proposed residential site.
- Arboricultural Report and Arboricultural Implications Report
- Transport Assessment
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Ecological Scoping Survey
- Statement of Community Engagement
- Viability Assessment

In addition a **letter from the applicant's agent** has been received in response to the report to the Committee meeting of 1st March which raises the following material considerations that might be considered to have not been previously addressed in the report:

- The report does not address the rationale behind the relocation of the scrap yard to Holditch House, which the supporting planning statement refers to at great length. The consolidation of the scrap yard to Holditch House brings with it economic and environmental benefits that will not be realised if income cannot be generated from the application site.
- The report does not deal with the nature of the existing scrap yard use, including the odours that arise from it, the relocation of the scrap yard and the removal of a non-conforming use that adjoins existing residential development.

- The letter refers to other residential developments in the vicinity of the landfill site approved in recent years, Milliners Green to the north east of this application site and development at the former Spice Avenue restaurant on Silverdale Road (reference 10/00445/FUL).
- The Walley's Quarry Liaison Committee minutes point towards and ever improving situation in terms of the reduction in the detection of odours and a reduction in the overall number of states. The recent class action has been settled, and therefore, odours are only detected on an occasional basis.

A further letter has been submitted by the applicant's agent from a firm of Chartered Surveyors who advise that they act for Taylor Wimpey and confirm that they have now had Board Approval to proceed with residential development of this site, which they have been trying to purchase for a number of years. In addition Taylor Wimpey would support the applicant should the planning application go to appeal. The applicant's agent considers that this demonstrates that the site is deliverable even though Taylor Wimpey knows of the adjacent landfill activity.

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01085/OUT>

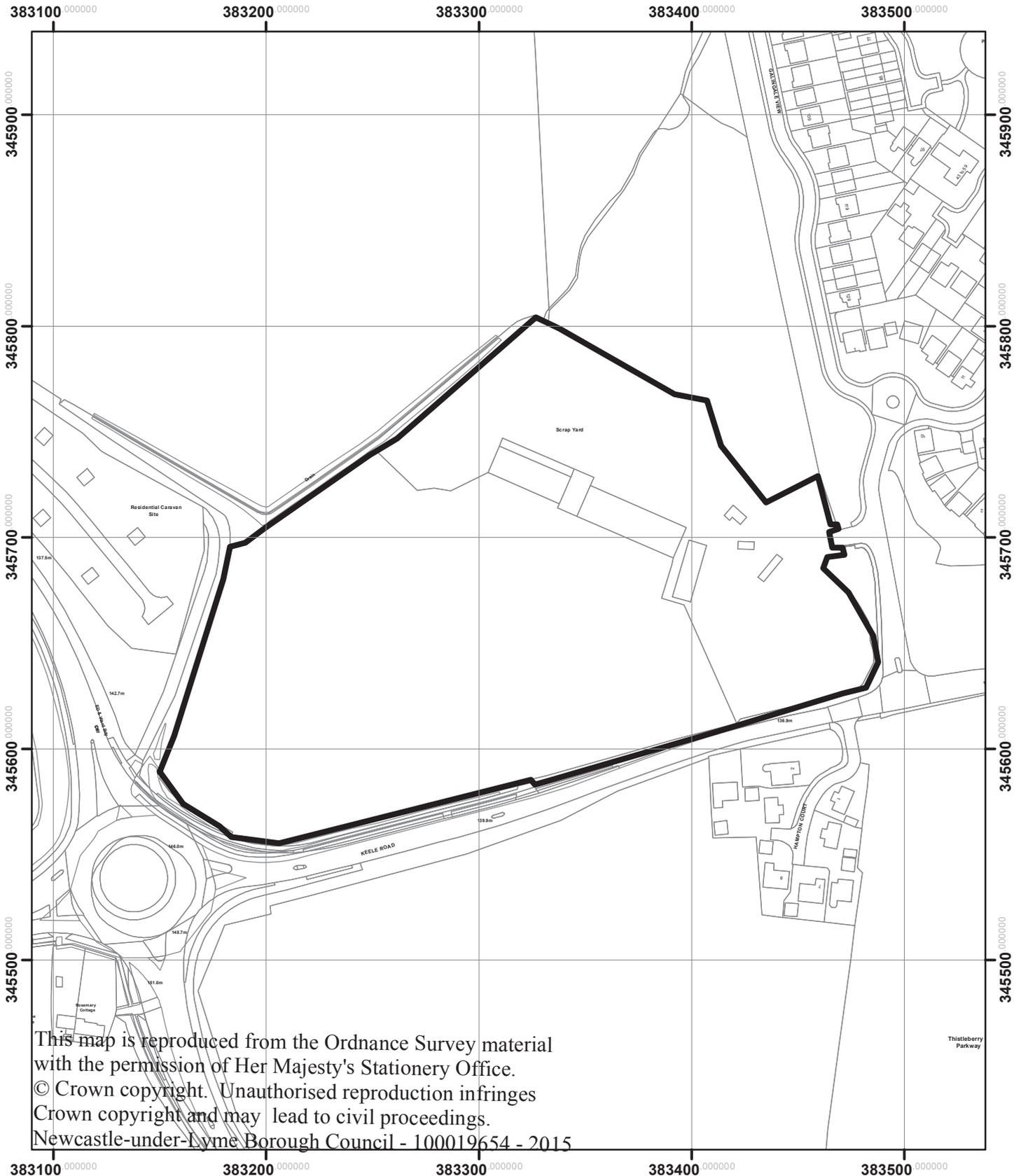
Background Papers

Planning Policy documents referred to
Planning files referred to

Date report prepared

9th March 2016

Hamptons and land adjacent to
Hamptons, off Keele Road, Thistleberry
15/01085/OUT



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Newcastle-under-Lyme Borough Council - 100019654 - 2015



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**LAND AT END OF GATEWAY AVENUE, BALDWIN'S GATE
KIER LIVING LTD**

15/01106/REM

The application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 113 dwellings.

This approval of reserved matters follows the granting at appeal of an outline planning permission in January 2015 (Ref. 13/00426/OUT). Details of access from the highway network were approved as part of the outline consent.

The site, of approximately 5.6 hectares in extent, is within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 14th March 2016, but the statutory period has been extended by the applicant to the 1st April.

RECOMMENDATION

Subject to the consideration of any further comments received by 25th March 2016, PERMIT subject to conditions relating to the following:

- **Link to outline planning permission and conditions**
- **Approved plans**
- **Details of the tie in of access of the site with Gateway Avenue**
- **Integral garages of the Suckley house type to be retained for the parking of vehicles**
- **Materials (facing, roofing and surfacing)**
- **Landscaping conditions**

Reason for Recommendation

The principle of the use of the site for residential development has been established with the granting of the outline planning permission. The design and layout of the proposal is considered acceptable in accordance with the aims and objectives of the National Planning Policy Framework and the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD. There would be no material adverse impact upon highway safety as a consequence of the internal layout or to residential amenity and subject to the receipt of no adverse comments from the Landscape Development Section, the landscaping and open space provision within the site is considered acceptable. There are no other material considerations which would justify a refusal of this reserved matters submission.

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

Amendments have been sought from the applicant and the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

1.1 The Application is for the approval of reserved matters relating to internal access arrangements, layout, scale, appearance and landscaping in respect of a residential development of 113 dwellings. The principle of the residential development of the site has been established by the granting of outline planning permission 13/00426/OUT at appeal in January 2015. Details of access from the highway network were approved as part of the outline consent.

1.2 The outline consent for the site was granted subject to a condition that required any reserved matters applications for the site to accord with the principles set out in the Design and Access Statement and the illustrative Masterplan drawing that accompanied that application. Objections have been received on the grounds that it is considered that the application fails to accord with the principles of the Design and Access statement and the drawing as conditioned in the appeal decision

and as such, it is in clear breach of Condition 4 and the application should not have been validated. The condition requires any reserved matters application to accord with the principles of the Design and Access Statement. Your Officer has considered the application against those principles and is satisfied that it accords with Condition 4 of the outline consent granted at appeal. Some of the detailed reasons why objectors consider that the application does not accord with those principles will be considered further below.

1.3 A number of objections have been received from local residents relating to the impact of a housing scheme of this size upon the surrounding highway network, local amenities and the capacity of the sewerage system. These are matters that were considered and accepted as not grounds for refusing the outline planning permission and therefore, cannot be revisited now. Issues of impact on view and impact on property values have also been raised but these are not material planning matters.

1.4 The issues for consideration now are:-

- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed layout have any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?
- Is the proposed landscaping and open space within the site acceptable?
- Other issues

2. Is the proposal acceptable in terms of its design and impact on the form and character of the area?

2.1 The NPPF at paragraph 56 indicates that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 it 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.

2.2 Policy CSP1 of the CSS lists a series of criteria against which proposals are to be judged including contributing positively to an area's identity in terms of scale, density, layout and use of materials. This policy is considered to be consistent with the NPPF.

2.3 Section 7 of the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010) provides residential design guidance. R3 of that document states that new development must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it.

2.4 Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

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

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

2.5 R12 of that document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area.

2.6 R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

2.7 The development would comprise 113 dwellings with a density of 26 dwellings per hectare (dph). A variety of house types are proposed which would be predominantly 2-storey with bungalows adjacent to the existing bungalows on Hillview Crescent and Sandyfields. Higher density development would be situated centrally within the site with the larger detached properties along the northern edge and facing the public open space.

2.8 Given the variety of dwelling size, density and style currently in the village, it is considered that the layout proposed would respect local character. In allowing the appeal (13/00426/OUT), the Inspector was satisfied that 113 dwellings would result in a density that would strike an acceptable balance between reflecting the character of the village housing and making efficient use of housing land. Objections have been received from residents and the Parish Council on the grounds that in comparison with the indicative layout in the outline application, it is considered that there is an increase in housing density next to the existing estate boundary. It is the case however that the density of the overall development remains the same as that accepted by the Inspector and your Officer's view is that the layout adjacent to the existing dwellings, which includes a number of bungalows, is appropriate.

2.9 The principal facing material would be red brick with rendered projections and gable fronts at the junction of key internal vistas and the addition of weatherboarding on the dwellings along the countryside boundaries. Detailing would be simple and unfussy with double-frontage dwellings at prominent locations, providing focal points and features to enhance legibility through the development. Concerns have been raised by local residents on the grounds that it is considered that the materials do not reflect the wide variety of brick and tile finishes in the vicinity. Your Officer's view however is that the materials palette proposed would provide a consistency throughout the site but would provide sufficient articulation and focal points to create variety and interest in the street scene.

2.10 Concern has been expressed stating that the majority of parking is now in front of properties rather than to the side. Whilst there are some dwellings where parking is to the front, particularly the smaller semi-detached units, car parking and garages would generally be to the side of dwellings and it is not considered that the street elevations would be dominated by parking.

2.11 The layout as originally submitted included dwellings in the north-western corner of the site, encroaching into the landscape buffer that was shown on the indicative masterplan to extend along the full length of the northern boundary of the site. Your Officer was concerned that the incursion of development into this area would have an adverse impact on the continuity of the landscape buffer and therefore would have a detrimental effect on the relationship of the development within the landscape. The layout has been amended so that the landscape buffer extends fully into the north-western corner of the site. The dwellings on Plots 89 and 90 would face towards the open space and whilst there would now be less space for tree planting along the western boundary of the site, it is considered that sufficient planting could be incorporated elsewhere along that boundary.

2.12 In allowing the appeal, the Inspector stated that the indicative layout showed that breaks in the built development could maintain visual corridors to extend the public views from the 4 cul-de-sacs that lead to the site boundary out into the countryside beyond. Concerns have been raised by residents stating that the proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent and that public views from the existing avenues towards Madeley Park Wood are now obstructed. Similar to the scheme now proposed, the illustrative layout considered by the Inspector showed the proposed dwellings forward of the existing properties on Sandyfields and Gateway Avenue. Whilst the dwellings adjacent to Hillview Crescent now project forward of the existing bungalows contrary to what was shown on the indicative masterplan, views would be maintained from Hillview Crescent across the public open space and beyond to the countryside.

2.13 The layout of the site follows closely that of the illustrative Masterplan drawing and the design parameters set out in the Design and Access Statement are reflected in this detailed scheme. The

layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

3. Would there be any adverse impact on residential amenity?

3.1 This falls into 2 elements – the residential amenity of existing adjacent occupiers and the residential amenity of future residents of the development.

Existing occupiers' amenity

3.2 Concerns have been raised by residents on the grounds of impact on light and privacy. Specific reference is made to the impact of two-storey houses proposed in locations previously designated for bungalows and to what is perceived to be an inadequate separation distance from No. 14, Gateway Avenue.

3.3 The two-storey houses referred to are those on plots 5, 6 and 7. The rear elevations of those properties would be 18m from the gardens of the adjacent dwellings on Gateway Avenue and Hillview Crescent and such a distance is considered to be sufficient to ensure that there would be no significant adverse impact on the amenity of the occupiers. Although there is a window in the side elevation of No. 14, Gateway Avenue, it is not a principal window as defined in the Council's SPG and no windows are proposed in the side elevation of the dwelling proposed on Plot 1. There would be no significant adverse impact on light or privacy therefore.

Amenity of future occupiers of the development

3.4 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

4. Would there be any adverse impact upon highway safety and does the detailed scheme promote sustainable transport choices?

4.1 The means of access to the site was determined at outline stage, with vehicular access provided via Gateway Avenue and an emergency access from Hillview Crescent that would serve as an alternative pedestrian/cycle access. Therefore although objections have been received regarding increased traffic and the inadequate width of Gateway Avenue, the site benefits from outline consent, and an objection to the principle of such a use in terms of its impact upon the highway network could not now be sustained.

4.2 Concerns have been raised on the grounds that it is considered that the road layout is unimaginative, is urban in character and does not reflect that of a rural village. The internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site rather than comprising a series of cul-de-sacs. This is further to discussions with the Highway Authority who wished to see the internal roads linked to provide a connected layout with the need to reverse kept to a minimum. The Highway Authority has no objections to the detail of the proposal subject to conditions and the proposal is considered acceptable in terms of impact on highway safety.

4.3 Objection has been raised on the grounds that there is no indication that the public right of way between the site and the A53 is to be upgraded. In allowing the appeal, the Inspector did not consider it necessary to impose a condition requiring the upgrading of the public footpath and therefore it is not considered that such a requirement could be imposed at this stage.

5. Is the proposed landscaping and open space within the site acceptable?

5.1 In consideration of the appeal proposal, the Inspector made reference to the present village fringe comprising a mix of garden vegetation interspersed with the hard built form of dwellings adjoining the boundary and timber fences. He stated that the landscaped perimeter shown on the indicative

scheme should in due course lead to a more attractive village fringe than at present. He went on to state that the proposed mitigatory planting would help to integrate the proposed development into the wider landscape without undue harm to the rural surrounds of the village.

5.2 Concerns have been expressed by local residents and the Parish Council on the grounds that in comparison with the indicative masterplan in the outline scheme, the open space is reduced and the landscaping plans have changed significantly. It is stated that the layout fails to indicate tree planting to create the “tree-lined” streets and garden planting of ornamental species to create “landscape layers” that were promised.

5.3 Officers are satisfied that the amount of open space proposed is acceptable and accords with the dimensions indicated on the Pegasus drawing referred to by the Inspector in Condition 4 of the outline consent. However, regarding the plans as originally submitted, Officers shared residents’ concerns that the landscaping had been significantly reduced from that indicated in the outline application. In particular, the landscaping along the northern perimeter had been reduced to a single line of trees and very little street tree planting and rear garden planting was proposed.

5.4 Amended plans have been received which indicate additional tree planting within the area of open space along the north-western boundary of the site. Whilst the original plans showed just a single line of trees along the boundary, the revised plans include further tree planting to the other side of the proposed swales. In addition, further tree planting is proposed in appropriate locations within the streets and the larger rear gardens where appropriate.

5.5 Your Officer is satisfied that the revised landscaping provides a more robust buffer between the built development and the open countryside and that the additional street and rear garden tree planting would help to soften the development and provide an attractive street scene.

5.6 The Landscape Development Section (LDS) has expressed concern that the open space containing the SUDS does not provide sufficient public access and lacks a meaningful public use. Reference has been made to the illustrative layout in the outline application which indicated a footpath through the open space. As referred to above, the internal road layout differs from that illustrated in the outline application, in that it provides a continuous loop around the northern part of the site to provide a connected layout. This has resulted in the provision of informal shared surfaces adjacent to the open space and therefore the provision of a footpath through the open space is not considered necessary.

5.7 The LDS initially raised concerns regarding the Locally Equipped Area of Play (LEAP) to the east of the site and in particular the offset distances from the dwellings. The location and design of the play area have been amended and the LDS are satisfied that the proposed play area now accords with Fields in Trust guidance.

6. Other Issues

6.1 Network Rail has expressed concern that the increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. They state that the developer has not proven to Network Rail’s satisfaction that their expectations for the drainage on the proposal area can be met and therefore further clarification is required regarding the swales. The applicant’s agent has written to Network Rail providing them with a detailed explanation of the proposed drainage system which includes an infiltration tank system and attenuation basins. The further comments of Network Rail are awaited and will be reported to Members if received.

6.2 Objections have been raised from residents on the grounds of adverse impact on drainage. Baldwin’s Gate Action Group (BGAG) has stated that the Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage and that plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. It is suggested that it will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.

6.3 The applicant’s Drainage Consultant has responded in detail to the comments of BGAG but in summary has stated as follows:

1. All surface water drainage has been designed in accordance with the latest Environment Agency guidelines and follows the SUDS hierarchy for new developments. There will be no increase in surface water discharge from the site due to the full use of SUDS/infiltration drainage throughout.
2. All surface water drainage has been designed to accommodate storms up to and including the critical 1:100 year storm plus a so% allowance for climate change.
3. All surface water and foul drainage pipe networks will be checked, approved and adopted by United Utilities.

6.4 The issue of drainage and flood risk was considered in relation to the outline application and the Inspector was satisfied that subject to the design and installation of suitable drainage systems, there would be no undue additional risk of flooding. He imposed conditions requiring the submission of drainage details and requiring the development to be carried out in accordance with the approved Flood Risk Assessment. The Environment Agency has raised no objections to this reserved matters application subject to the receipt of the additional information required by the conditions of the appeal decision. Your Officer has written to both Severn Trent Water and United Utilities providing them with the comments of BGAG on this matter and inviting their comments but no responses have been received. Given that their period for comment has expired, it must be assumed that they have no comments to make. Your Officer is satisfied that the matter of drainage has been robustly addressed by the applicant's consultants and subject to compliance with the relevant conditions of the outline consent, it is not considered that the proposed development would create any additional risk of flooding.

6.5 Concern has been expressed that the affordable housing is not sufficiently "pepper-potted" across the development. The Council's Housing Strategy is satisfied however that the layout achieves an acceptable level of integration.

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 CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N4: Development and Nature Conservation – Use of Local Species
Policy N17: Landscape Character – General Considerations
Policy N21: Areas of Landscape Restoration
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Documents (SPDs)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Relevant Planning History

13/00426/OUT Outline application for up to 113 no. dwellings and associated works and subsequent appeal allowed on 12th January 2015 Refused

Views of Consultees

The **Highway Authority** has no objections to the proposal subject to conditions requiring full details of the tie-in of the access of the site with Gateway Avenue and stating that the integral garage of any Unit D shall be retained for the parking of motor vehicles and cycles.

The **Housing Strategy Officer** states that the affordable housing accords with the terms of the Unilateral Undertaking submitted at the appeal and the layout achieves an acceptable level of integration.

The **Environment Agency** has no objections.

Network Rail makes the following comments:

- Increased surface runoff will be generated from the development and there is a possibility of it flowing towards the railway cutting. The developer has not proven to Network Rail's satisfaction that their expectations for the drainage on the proposal area can be met. Further

clarification is required regarding the swales. Should any issues result from the proposal then the developer will be liable for all mitigation costs.

- Any excavation adjacent to the cutting crest/railway boundary will require supervision by Network Rail to ensure the stability and safety of the railway is not adversely affected.
- The 1.8m high fence proposed by the developer is acceptable to Network Rail.
- It is for the developer and the LPA to ensure mitigation measures and conditions are in place to ensure that noise and vibration from the existing railway are mitigated appropriately prior to construction.
- No trees should be planted next to the boundary with Network Rail land and the operational railway. Only evergreen shrubs should be planted and they should be a minimum distance from the boundary that is equal to their expected mature growth height.
- The developer should submit a Risk Assessment and Method Statement (RAMS) which would consider all works to be undertaken within 10m of the operational railway.

The **Landscape Development Section** states that the revised planting proposals are an improvement on the previous submission and the overall scheme is generally acceptable. The proposed street trees are predominantly very small growing species and there is scope for some larger growing trees to be included. There are concerns that the transitional open space containing the SUDS on the northern boundary does not provide sufficient public access and lacks a meaningful public use. The design for this space should be developed further, more in line with the outline proposals. The proposed play area appears to satisfy the requirements of the Fields in Trust LEAP.

The **Education Authority** states that a Unilateral Undertaking was submitted at the time of the appeal and the education contribution amount and terms should be calculated in line with this.

The **Crime Prevention Design Advisor** states that it is pleasing to note that the applicant has clearly sought to address crime prevention within the design layout. A number of elements are listed that accord with 'Secured by Design' guidance and principles. One aspect of the development that might benefit from some further thought is the boundary treatment where the two ends of Sandyfields will meet the new development. Perhaps providing a formal pedestrian linkage at one of these points might have been beneficial and need not undermine security. In the absence of a link there is a danger that informal paths/desire lines will be created. If there are to be no pedestrian linkages at these points, it may be prudent to reinforce the relevant site boundaries.

A joint response has been received from **Whitmore Parish Council** and **Baldwin's Gate Action Group**. The following is a summary of their comments:

- The application fails to accord with the principles of the Design and Access statement and drawing as conditioned in the appeal decision and as such, it is in clear breach of Condition 4 and the application should not have been validated.
- The plan should be subject to further independent assessment by a third party, as was carried out by MADE during the outline stage.
- The layout fails to protect views towards Madeley Park Wood and views of the oak tree on the SW boundary of the site.
- Two-storey dwellings are proposed in an area shown on the Pegasus drawing to be single-storey dwellings.
- Plot levels may need to be lifted to allow gravity drainage to the existing foul water sewer. This would significantly affect the landscape and visual impact of a large area of the development.
- The existing properties in the area are a variety of finishes and brick colours and the proposed red brick is unsympathetic and does not reflect the surrounding rural context.
- The mews type properties are not compatible with the form and character of the existing village.
- Some plots are forward of the building line and some have frontage car parking spaces rather than front gardens.
- The separation distance from 14, Gateway Avenue has not been observed.
- The density of the NE end of the development has been increased significantly.
- The affordable housing units would not be "pepper-potted" across the development.

- The proposed landscape buffer would comprise a single line of trees rather than the in depth landscaping varying between 20 and 50m in depth that was shown in the outline scheme.
- No street trees or garden trees are shown.
- No improvements are proposed to the existing Public Right of Way linking the site to the A53.
- More information is required regarding boundary treatments.
- The Preliminary Drainage Strategy raises serious questions about both surface water drainage and foul water drainage. It will be necessary for properties to have permitted development rights removed so as to preserve the functioning of soakaways and porous pathways.
- Clarification is required regarding future maintenance responsibilities for the landscaped public open spaces, children's play area, play equipment and swales.
- Child safety concerns relate to the proximity of the play area to the West Coast Main line and to the swales.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The existing highways and footways in Gateway Avenue should be repaired and resurfaced.
- No information has been provided regarding street lighting.
- The application refers to cars queuing to leave Gateway Avenue exceeding seven vehicles but this is contrary to Condition 5 of the Inspector's Appeal Decision.
- The application refers to work starting in May 2016 but Condition 23 of the Appeal Decision states that no work should be carried out during the bird nesting season (1st March to 31st July).
- Any developer contributions towards maintenance of the public open space should be adjusted to assist in the maintenance and enhancement of sites across the whole of Whitmore Parish and not restricted to the development site.
- The establishment of a formal Liaison Committee with the developer should be required.
- HS2 Ltd should be consulted to identify whether the proposal conflicts with any plans for the construction of HS2 Phase 2A and its associated infrastructure.

No comments have been received from the **Waste Management Section** of the Council, the **Environmental Health Division**, the **Staffordshire County Council Flood Risk Team**, **United Utilities**, **Severn Trent Water**, **Chapel and Hill Chorlton Parish Council** and **Maer & Aston Parish Council**. Given that the period for comment has expired, it must be assumed that the above have no comments to make.

Representations

Approximately 57 letters of objection have been received including a submission from **Baldwin's Gate Action Group**. Objection is made on the following grounds:

- The plans differ greatly to those in the outline consent. There are a considerable number of instances where the developer has deviated from the originally agreed plan. The layout fails to comply with Condition 4 of the Inspector's decision and the application is therefore invalid.
- The public views from the existing avenues towards Madeley Park Wood are now obstructed by buildings which protrude beyond the existing building line.
- The proposed dwellings project forward of the building line of Sandyfields, Gateway Avenue and Hillview Crescent.
- There is an increase in housing density of over 50% next to the existing estate boundary.
- The majority of parking is now in front of properties rather than to the side.
- The introduction of two-storey houses in locations previously designated for bungalows leads to a loss of privacy.
- The materials do not reflect the wide variety of brick and tile finishes in the vicinity. A wider variety of brick and tile should be used to blend in with the locality.
- Impact on light and privacy
- No connection is shown to the public right of way between the site and the A53 and there is no indication of how it may be upgraded
- Adverse impact on drainage. No satisfactory solution has been offered to deal with the sewerage and surface water produced by the development. No information has been provided on whether the existing pumping station is capable of dealing with the extra

sewerage. The Council will be sued for damages and costs if any property suffers flooding due to this development.

- Flooding concerns
- The open space is reduced and the landscaping plans have changed significantly. A straight row of trees is proposed rather than the complex landscaping scheme approved as part of the outline.
- The layout fails to indicate tree planting to create the “tree-lined” streets and garden planting of ornamental species to create “landscape layers” that were promised.
- The play areas appear to present a danger to children with the swales on the one hand and the railway on the other
- Traffic impact
- The crossing and loop is now to accommodate up to 7 vehicles which would block 3 driveways and back up to Hillview Crescent
- No details of street lighting are provided
- The central roads appear to be only 5m wide meaning that larger commercial vehicles and service vehicles will be unable to pass each other without mounting the footpath.
- The road layout is unimaginative, lacks character, is urban in character and does not reflect that of a rural village.
- Traffic calming measures are considered necessary at the junction of Hillview Crescent and Gateway Avenue.
- The width of Gateway Avenue is inadequate for the volume and type of vehicles using it
- Impact of traffic noise, dust, fumes and disturbance to views from construction access
- Impact of debris and mud on the roads
- Pressure on local amenities such as school and doctor’s surgery
- Boundary treatment needed to stop residents creating an access route through Sandyfields
- Affordable housing is not interspersed with other properties
- HS2 should be contacted to identify whether the proposals conflict with any future proposals.
- A liaison group should be established to ensure a good working relationship and responsible development of the site.
- Impact on view
- Impact on property values

Regarding the amended plans, one letter has been received making the following additional comments:

The plans still do not comply with Condition 4 of the appeal decision and therefore the legality of the application is questioned.

Applicant’s/Agent’s submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Noise and Vibration Impact Assessment

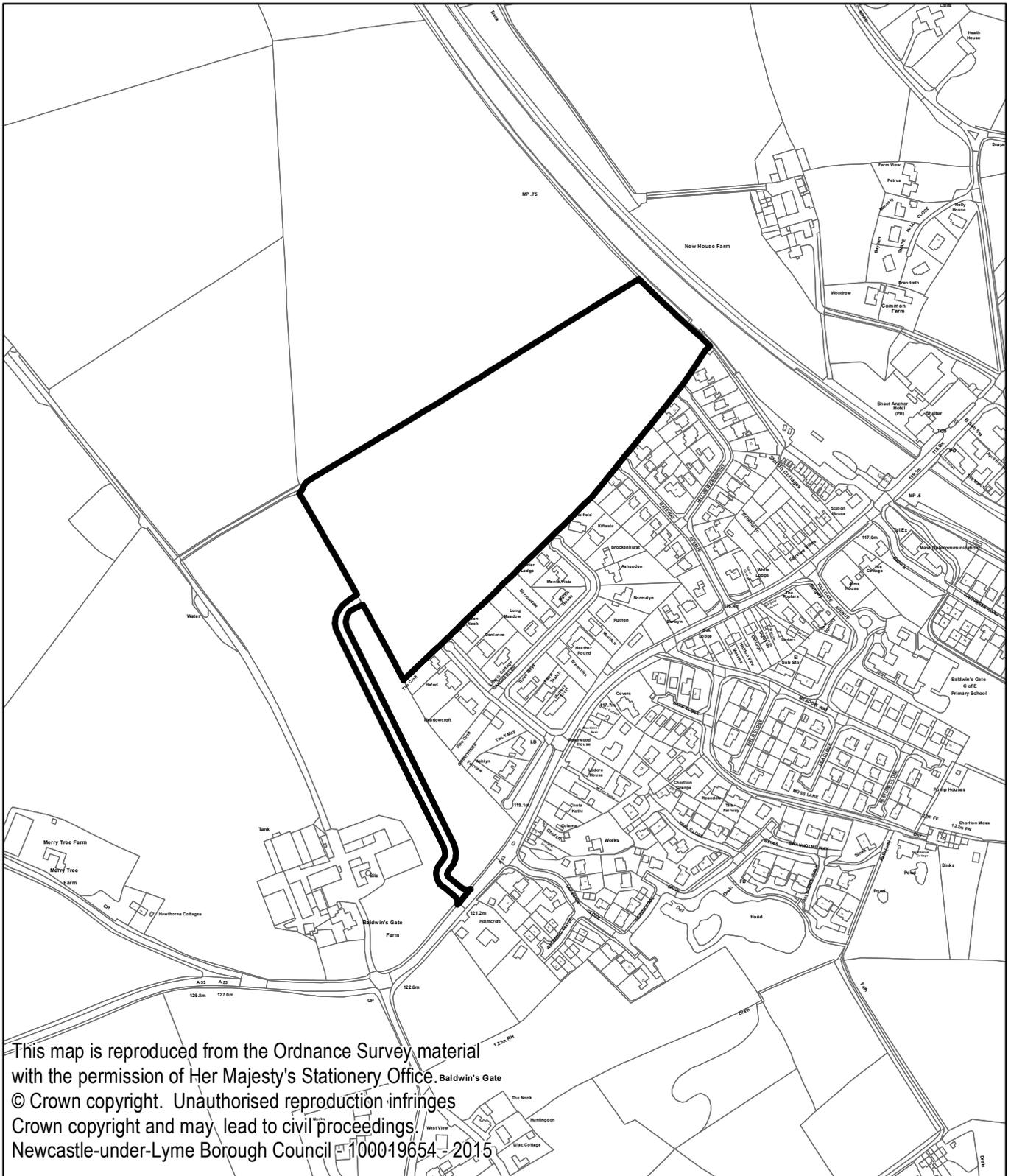
All of these documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01106/rem>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

16th March 2016



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

15/00692/FUL

The application is for full planning permission for a residential development comprising 12 houses.

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

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

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

A decision on the application was deferred at the meeting of the Committee held on 2nd February to enable your officers to obtain independent advice from the District Valuer (DVS) regarding the financial viability of the scheme with policy compliant financial contributions.

The 13 week period for the determination of this application expired on the 23rd December 2015.

RECOMMENDATION

A. Subject to the applicant first entering into a section 106 obligation, by 10th May 2016, to secure a review mechanism of financial contributions if the development is not substantially commenced within 12 months from the date of the decision, permit the application subject to conditions relating to the following matters:

1. Standard Time limit for commencement of development
2. Approved plans
3. Submission and approval of external materials
4. Boundary treatments
5. Prior submission and approval of a landscaping scheme
6. Removal of permitted development rights for hardstandings within all front gardens
7. Removal of permitted development rights for extensions, roof alterations and outbuildings for all plots
8. Provision of access prior to occupation
9. Provision of parking and turning areas
10. Surfacing details
11. Access road shall remain un-gated
12. A surface water interceptor
13. Submission and approval of Construction Method Statement
14. Tree Protection (overhanging trees)
15. Tree pruning (overhanging trees)
16. Design measures to secure noise levels
17. Construction/ Demolition Hours
18. Drainage – foul and surface water
19. Full contaminated land

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 a review mechanism there would be no up to date justification for a development with no policy compliant financial contributions towards public open space and education.

Reason for Recommendation

This resubmitted application involves a reduction in the number of dwellings from 14 to 12 and this has resulted in a more appropriate scheme in terms of the design and the impact on highway safety. The principle of the development was accepted previously and circumstances have not changed. In

addition no significant harm would be caused to neighbouring properties. It is also accepted, following the obtaining of independent financial advice that the scheme is not viable with policy compliant financial contributions towards public open space and education places, and so these are not sought but a S106 agreement should be secured for a review mechanism.

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 resolved matters of design and highway safety. Following the agreement of the applicant to pay the Council's costs, independent advice from the District Valuer (DVS) has been received. In consideration of the advice now received from the DVS it is accepted that the development is acceptable and would represent a sustainable form of development and complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for 12 dwellings on the former Audley Workingmen's Club site located on New Road in the village envelope of Bignall End.

Access to the proposed development would be off New Road and a grade II Listed milepost is located on New Road opposite and in close proximity to the site. The proposal is not considered to adversely affect the setting of this milepost.

The application is a resubmission following a previous refusal (15/00279/FUL) on the grounds that the proposal (for 14 dwellings) would have resulted in an overdevelopment of the site, with an unacceptable level of off street car parking leading to highway safety issues. The application was also refused on the grounds that the applicant had failed to make an appropriate financial contribution relating to public open space and education places.

The application came before the planning committee of the 2nd February but was deferred to enable your officers to obtain independent advice from the District Valuer (DVS) regarding the financial viability of the scheme with policy compliant financial contributions.

The principle of the development for housing was accepted during the consideration of the previous application. Circumstances have not changed since that decision to warrant reconsideration of this issues and as such the main issues to be addressed in the determination of this new application are now:-

- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Would the proposed development have any significant adverse impact upon highway safety?
- S106 obligation considerations
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

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

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

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

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

The scheme has been reduced from 14 dwellings down to 12 which results in the scheme having a layout that would be less cramped. The density of the scheme is also now more in keeping with that within the wider area of Bignall End. The dwellings are well spaced and three pairs of dwellings are located at the end of the internal access road which is a visual improvement on the linear style which was proposed previously.

Whilst the individual design of the dwellings, which are all very similar with identical features within the front elevations, are acceptable the submission and approval of facing materials should be conditioned. The reduction in the number of dwellings proposed also allows soft landscaping to be increased, particularly in relation to front gardens.

A condition removing permitted development rights for hardstandings to be formed on front gardens is advised along with the submission and approval of a landscaping scheme. Subject to the advised conditions the design of the scheme is now considered acceptable and would not harm the form and character of the area. This would meet the guidance and requirements of the NPPF which is considered acceptable.

Would there be any adverse impact on residential amenity?

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

The revised layout results in the rear elevations of plots 7-12 facing towards the side boundary of no.9 Rileys Way but the development would comply with the requirements of the SPG.

It is advised that permitted development rights for all of the plots should be removed for extensions and outbuildings due to the limited rear garden sizes. The ability to undertake alterations to the roof of each dwelling without the need for planning permission should also be removed to ensure that no harm is caused to the amenity of neighbouring occupiers.

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

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

In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. The NPPF also seeks to promote sustainable development and development in sustainable locations. Audley Parish is identified in the Core Strategy as a Rural Service Centre and this location has public transport opportunities (in the form of a bus service) operating on New Road with schools and other amenities within easy walking distance. Audley village centre is also within easy walking and cycling distance from the application site.

Insufficient off street car parking and the ability to manoeuvre a refuse lorry in the site were a reason for refusal of the previous application. The revised layout and a reduction in the number of dwellings now allows each property to have a minimum of two off street car parking spaces which would accord with Local Plan policy T16 for 2 and 3 bed properties.

It is acknowledged that certain plots have parking spaces that are not immediately adjacent to the front door which could result in cars being parked on the access road. However, the potential harm arising from such parking arrangements is considered minimal and this would not raise a significant concern.

The Waste Management Section has also removed their objections and the development would allow a refuse lorry to manoeuvre within the site.

Subject to the conditions advised by HA the development is unlikely to cause any significant highway safety concerns.

S106 obligation considerations

The Landscape and Development Section (LDS) and the Education Authority (EA) have indicated that the proposed development would require a contribution to be secured for Public Open Space and Education respectively. These being a contribution of £33,093 to primary school provision (3 pupil places) at Ravensmead Primary School and a contribution of £41,202 for capital development/improvement of greenspace and maintenance of Local playground facilities at Bignall End Road which is the only public open space within the locality.

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

Both contributions were considered during the previous application and it was concluded that they would be consistent with the provisions of the NPPF and the tests of the CIL regulations, as amended, which are that a planning obligation should be:-

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

In the absence of a planning obligation the previous application failed to secure the required financial contributions and was subsequently refused because without these contributions the development would be contrary to policies of the development plan and the NPPF.

The applicant has submitted a viability report in support of this application which seeks to demonstrate that the contributions would make the scheme financially unviable. This appraisal has been undertaken on a 'developers return' basis and by the firm of Butters John Bee.

Members were advised prior to the committee meeting of the 2nd February that the applicant had agreed to pay the Councils fees in obtaining independent advice from the District Valuer (DVS) regarding the financial viability of the scheme with policy compliant financial contributions.

Your officers subsequently instructed the DVS and their final viability appraisal report has now been received and concludes that the scheme is not viable with the policy compliant financial contributions. The DVS were also asked to confirm what, if any, financial contributions the scheme could support and they have confirmed that the scheme would be unviable if any level of contribution was secured.

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 and within their report the DVS have advised that a review mechanism should be applied. On this basis it would be quite reasonable and necessary for the LPA, when securing less than policy compliant contributions, to require the independent financial assessment of the scheme to be reviewed if the development has not substantially commenced within one year of the grant of the planning permission. If the scheme is then evaluated to be able to support contributions then these would need to be secured via a Section 106 agreement. Members will recall that a number of previous applications have included such a mechanism within S106's and as such a draft model agreement has been prepared by the Council which secures this mechanism.

On the basis of the above the advice of officers is that financial contributions towards POS and education places are not viable at this time but a S106 agreement to secure a review mechanism is required to ensure that the viability is reappraised if the development is not commenced within 12 months of the date of any permission.

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP5: Open Space/Sport/Recreation
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations

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)

RICS Guidance Note 'Financial Viability in Planning' 1st Edition

HCA Good Practice Note Investment and Planning Obligations – responding to the downturn

Relevant Planning History

15/00279/FUL Proposed Re-development at Audley Workingmens Club for the erection of 14 houses **Refused**

Views of Consultees

Audley Parish Council support the application for 12 dwellings.

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

The **Highway Authority** raises no objections subject to conditions which secure the access prior to the occupation of any of the dwellings, surfacing, parking and turning are provided, the access remaining un-gated and the submission and approval of a Construction Method Statement.

The **Landscape Section** has raised no objections subject to conditions regarding tree protection, tree pruning and a landscaping scheme.

A contribution of £2,943 per dwelling should be secured towards the improvement and maintenance of local playground facilities at Bignall End Road which is a 644 metre walk from the site.

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

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

The **Waste Management Section** raises no objections.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** supports the redevelopment of the site for housing. They have offered advice on the boundary treatment on the eastern boundary which borders the neighbouring open space. 1800mm high railings or a low brick wall/blunted rod topped railings 1800mm high combination should be considered. This could provide greater natural surveillance over the public open space making it safer, reduce the likelihood of any anti-social behaviour in that corner of the public open space including graffiti, and provide a greater sense of visual connection for the new residents with the wider area.

Representations

One letter of support has been received indicating that the site needs to be developed.

Applicant/agent's submission

The application is accompanied by a Design & Access Statement and a Site Investigation Desk Study report. These documents are available for inspection at the Guildhall and searching under the application reference number 15/00692/FUL on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/>

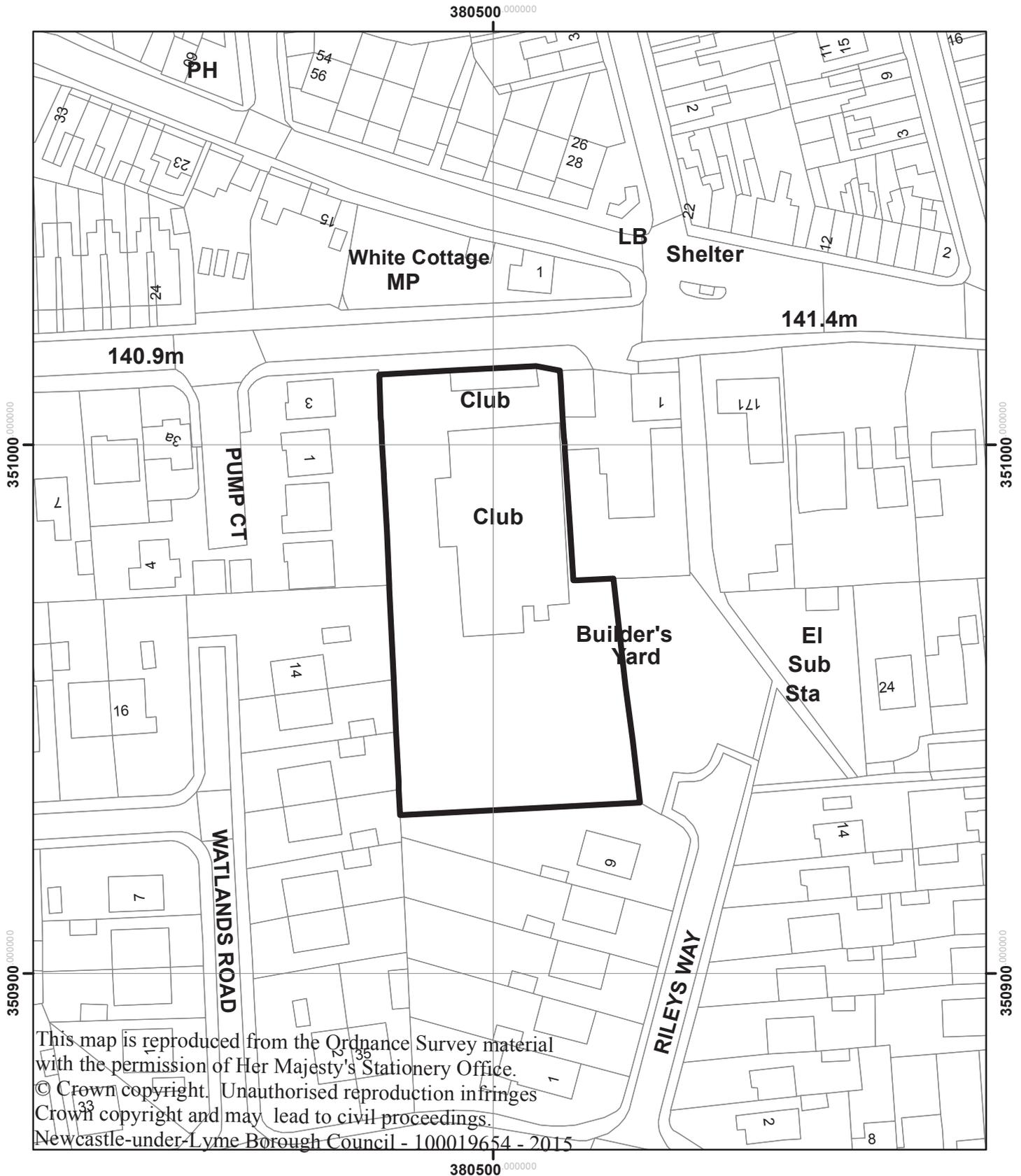
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

15th March 2016

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DAVID WEATHERALL BUILDING, KEELE UNIVERSITY
KEELE UNIVERSITY

16/00164/FUL

The application is for variation of condition 2 of planning permission 15/00583/FUL for the erection of a 2 storey extension to the David Weatherall Building, in order to allow the addition of condensing units on the roof of the building.

The condensing units measure 1.7 metres in height by 1.2 metres wide by 0.75 metres deep and are situated above the main entrance point of the building.

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

The site of the building lies outside of, but near to, the Grade II Registered Parkland

The 13 week period for the determination of this application expires on 25th May 2016.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- 1. Approved drawings**
- 2. All other conditions associated to permission 15/00583/FUL continue to apply.**

Reason for Recommendation

The air condensing units are required to meet servicing requirements for the internal spaces. Although the condensing units will be viewable from the front (the car parks side) of the building they are located behind a step in the roof preventing views of them from other vantage points along the main entrance into the university campus. Their inclusion in the design is a minor change in the context of the overall scale of the David Weatherall campus building and would not be detrimental to its appearance.

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

Following on from pre-application negotiations the proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments are considered necessary.

Key Issues

The application is for variation of condition 2 of planning permission 15/00583/FUL for the erection of a 2 storey extension to the David Weatherall Building in order to allow the addition of condensing units on the roof of the building.

The condensing units measure 1.7 metres in height by 1.2 metres wide by 0.75 metres deep and are situated above the main entrance point of the building. The sole key issue to consider is

the design of the development and its impact on the visual appearance of the building acceptable?

Paragraph 56 of the National Planning Policy Framework (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. Paragraph 64 states that permission should be refused

for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

The condensing units will only be visible from the front of the building, the car park side, not from Keele Road, the more prominent side. They are also situated behind a step in the roof, further reducing their prominence. The units are to be an off white colour (or similar) to blend in with the colour of the facing materials of the building. The scale and positioning of the units will not be harmful to the overall appearance of the facility.

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

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

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

Relevant Planning History

01/00874/FUL	Proposed medical school and primary care science research centre	Permitted 2001
12/00383/FUL	Single storey rear extension, two storey side extension and first floor side extension.	Permitted 2012
13/00634/FUL	First floor extension	Permitted 2013
14/00953/FUL	Erection of a single storey extension and new canopy over existing service yard	Permitted 2015
15/00583/FUL	Two storey extension and basement, to rear of David Weatherall Building to extend iPCHS research facility.	Permitted 2015

Views of Consultees

Comments from **Keele Parish Council** are awaited. The due date for those is the 25th March. If no comments are received it can be assumed there are no objections to the proposal.

Environmental Health Division have no objections.

Representations

None received to date.

Applicant's/Agent's submission

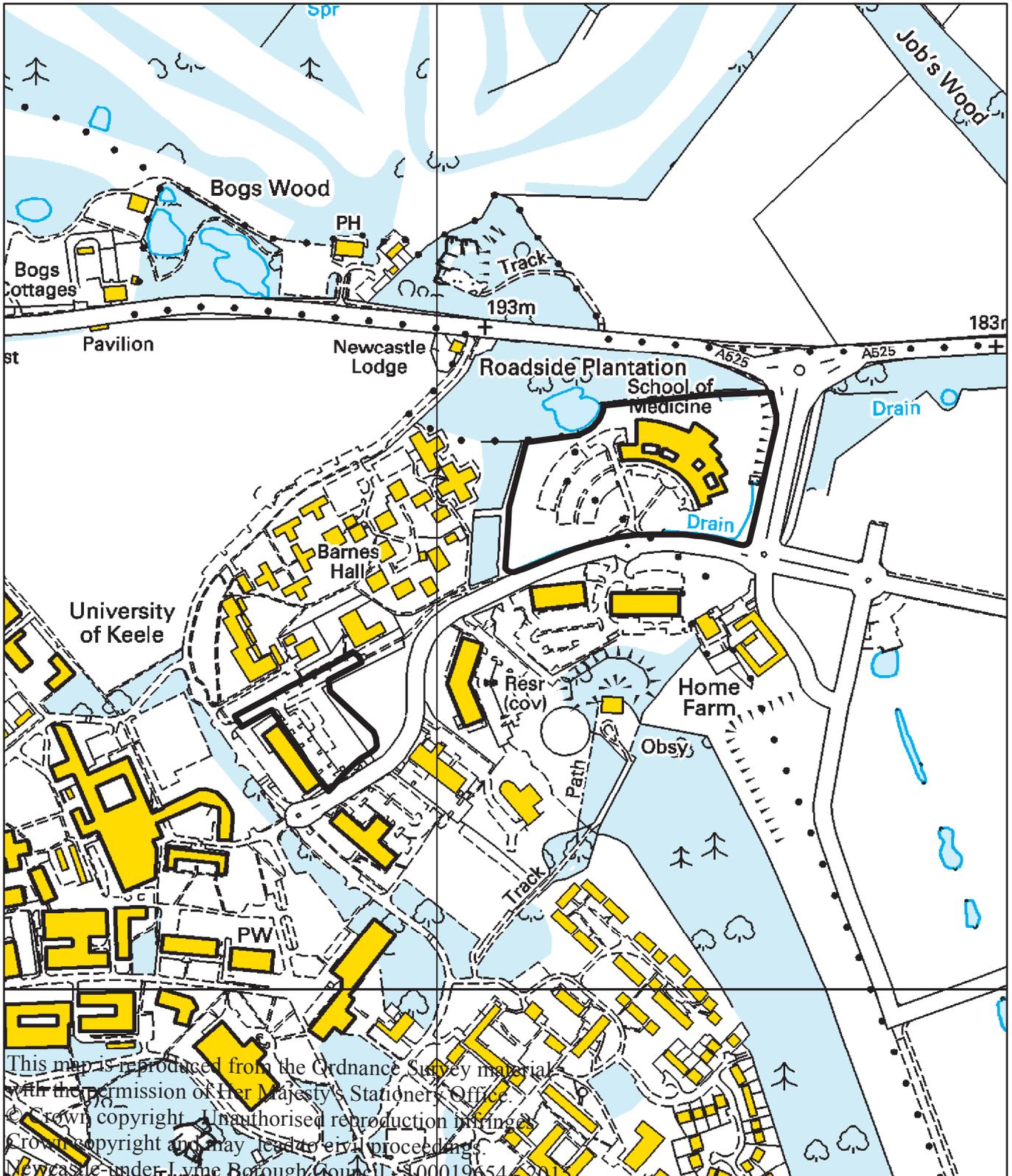
The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00164/ful>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

16 March 2016



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HOLLY BARN, HOLLY LANE, HARRISEAHEAD
MR D RILEY

16/00099/FUL

The application is for full planning permission for the proposed rebuilding of a barn for residential use.

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

The application is brought to the committee as the applicant is a member of staff of the Borough Council.

The 8 week period for the determination of this application expires on the 1st April 2016.

RECOMMENDATION

REFUSE for the following reason:

The proposed development represents inappropriate development within the Green Belt, as it is not for any of the exemptions as listed in the National Planning Policy Framework. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives of the National Planning Policy Framework.

Reason for Recommendation

The proposed development represents inappropriate development within the Green Belt. Very special circumstances do not exist which would outweigh the harm to the Green Belt that would be caused by virtue of inappropriate development. The development therefore does not accord with the aims and objectives 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

The applicant was given the opportunity during the application to set out a case as to the very special circumstances that justify inappropriate development in the Green Belt. It is not accepted that very special circumstances exist in this case and as such it is considered that the application is an unsustainable form of development and therefore conflicts with the aims and objectives of the National Planning Policy Framework.

Key Issues

This is an application for full planning permission for the proposed rebuilding of a barn following partial collapse and partial demolition, for residential use. The barn is located within the Green Belt and an Area of Landscape Restoration, within the open countryside, as indicated by the Local Development Framework Proposals Map.

The General Permitted Development Order permits the change of use of an agricultural building to a dwellinghouse and any associated building operations necessary to convert the building subject to the developer first applying to the local planning authority for a determination as to whether the prior approval of the authority is required. An application for the prior approval of the change of use of an agricultural building to a dwellinghouse, and associated operational development, was granted consent in 2015 (reference 15/00098/COUNOT) and such the conversion of the barn for residential use was accepted. The decision letter in respect of the prior approval clarified that the consent was for the conversion of the building and not its replacement or rebuilding, indicating that this would require planning permission.

Since the prior approval was granted, the building partially collapsed and was partially demolished, leaving approximately one quarter of the building still standing. Your Officer's view is that there is no longer a building to convert and that the developer could not rely upon the prior approval that was granted for the reconstruction of the building for its intended residential use and that planning permission would be required.

The key issues in the determination of this application are therefore:

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area and on the Area of Landscape Restoration
- Highway Safety and car parking
- Impact on amenity
- If the development is considered to be inappropriate development, so the required very special circumstances exist?

Is the development 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."

The NPPF further states in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this are listed at paragraphs 89 and 90. The exceptions identified include:

1. the re use of buildings provided that the buildings are of permanent and substantial construction;
2. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replace; and
3. the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development..

The applicant considers that the development would fall under exception 3 based as the site constitutes previously developed land, as the conversion works resulted in the removal of the structure from its agricultural use and the development has no greater impact on the openness than the existing.

Land that is or has been occupied by agricultural buildings is not included in the definition of previously developed land as set out in the NPPF. The removal of an agricultural building and the commencement of its reconstruction for residential use does not, in the opinion of your Officer, mean that the site is no longer in agricultural use and that it should now be defined as previously developed land. Even if the site was now considered to be previously developed land, for the development to fall within exception 3 it would have to be concluded that the development had no greater impact on the openness of the Green Belt than the existing development. The existing development on site is approximately a quarter of the agricultural building that was previously on the site. The proposal involves the reconstruction of that building. What is proposed is therefore does have a greater impact on the openness than the existing.

The proposal therefore does not fall within exception 3, nor does it fall within exceptions 1 and 2.

Therefore, the starting point is that the proposal represents inappropriate development in the Green Belt, which should not be approved unless very special circumstances can be demonstrated which would outweigh the harm caused to the openness of the Green Belt by definition of the inappropriate development.

Impact on the character of the area

Saved Policy N21 of the Local Plan states that the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape, and that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

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

The proposal involves the rebuilding of the demolished/ collapsed barn using bricks from the collapsed structure. The building is being rebuilt to the same size that the barn was prior to its collapse/ demolition, and would utilise the bricks from the original building where possible. The proposed replacement building is simple in its design and is not considered to be inappropriate in this rural location

A hardstanding area is referred to in the supporting statement, which has been installed adjacent to the building. It is understood that this would be used as the parking area.

The application has not defined a residential curtilage, and the red edge is not considered to represent a proportionate curtilage to the building, should permission be granted. A residential curtilage that is proportionate to the size of the barn could be conditioned for approval should permission be granted, which should be smaller, and permitted development rights should be removed should permission be granted, both in relation to extensions and alterations to the building and outbuildings in the garden area.

Overall, it is considered that the barn if built with reclaimed bricks and of the same size as it was prior to being demolished would have a limited impact on the character of the landscape restoration area.

Highway Safety and car parking

The proposal is for a 3 bedroom dwelling. One of the bedrooms is labelled as a study however it is large enough to accommodate a bedroom therefore is being considered as such. Three bedroom dwellings require a maximum of two off road car parking spaces, which could be accommodated in a small area of hardstanding.

The Highway Authority has no objections to the proposed development, and has not recommended conditions should the application be approved.

If very special circumstances are accepted for the re-building of the barn as a dwelling and the change of use of land to residential curtilage, then the car parking requirements can be provided for. Very special circumstances are discussed below.

Impact on amenity

The proposed dwelling would not cause any loss of amenity to neighbouring residents in terms of loss of light or privacy. In addition amenity space to meet the needs of the occupiers of the proposed dwelling can be provided. As such it is considered that the proposal is acceptable in this regard.

Do the required very special circumstances exist that would overcome the harm caused by inappropriate development in the Green Belt

The applicant has advanced a case of very special circumstances which are taken from the Design and Access Statement and the 'Special Circumstances' statement that was submitted during the application process. The main points of the case are summarised as follows:

- The building is proposed to be re built to the same form, mass and scale as the barn that was demolished/ collapsed, using the original bricks
- The building has never been capable of conversion as it had no foundations, fire damage and passing trucks had been shaking the building, making it unstable. The conversion of the barn for residential purposes was authorised as permitted development. The scheme which was approved as permitted development and that for which permission is now sought are identical

- A coal seam under the building required removal, and the only way to do this safely was to demolish the building as advised by Building Control
- The application site is not isolated in terms of proximity to services and facilities available at Harriseahead, Mow Cop, Brown Lees and Knypersley.
- If permission is refused the building will remain in a dangerous and dilapidated state
- The Council does not have an up to date 5 year housing land supply and the proposal will go towards meeting local housing needs
- The local community would welcome the proposed development and ensure the occupation of the barn and make full use of the disused land
- Although Green Belt land, it is not undeveloped land – there is a building on the site and the proposal would not change its character and appearance
- The impact on the openness of the Green Belt will be no different to the existing situation – the only reason permission is now required is that more significant works than originally anticipated are now required
- While rebuilding is now necessary, it does not involve a “new build” in the countryside
- The proposal involves a redundant building on already developed land – the reuse of a redundant building and developed site represents sustainable development. The ability to contribute sustainably to meeting housing needs without causing harm to the character of the countryside and to the Green Belt, is a special circumstance

It is acknowledged that the development would utilise the original bricks to rebuild the barn to the same footprint and size is a point in favour of the development, however it does not overcome the strong policy objections to inappropriate development in the Green Belt as set out in the National Planning Policy Framework. Inappropriate development is, by definition, harmful to the openness of the Green Belt.

The building that was on the site has now, to a large extent, been removed through demolition and collapse. What remains on site does not meet the definition of a building and as such there is no building on site to convert. If the building was still on site at this time a comparison of what is now proposed, which is tantamount to the construction of a new building, and the impact of the conversion of the existing building on the Green Belt would be appropriate. In the current circumstances, however, it is the view of your Officer that there is not a fall-back position to be taken into consideration in the determination of the application.

It is correct that conversion of the building to a dwelling was approved through a prior notification application process. The Planning Practice Guidance (PPG) advises that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. Whilst the permitted development rights recognise some building operations are required the extent of works which are also covered by the permitted development rights are matters such as the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

Whilst it was clear that the building required some reconstruction there was no evidence that it was not capable of conversion at the time prior approval was granted under the permitted development rights. The granting of such consent does not mean that that the Local Planning Authority is obliged to permit this application when it subsequently became apparent that the building was not capable of conversion. The point made by the applicant that the structural report, undertaken after the prior approval was granted, revealed that the building was structurally unsound and that the building was not capable of conversion does not amount to a very special circumstance therefore.

Whilst it is accepted that the site is not isolated this does not amount to a very special circumstance, as a sites sustainability does not come into consideration if a development is inappropriate development in the Green Belt. Similarly, the lack of the five year housing land supply would not amount to very special circumstances in a Green Belt location.

If permission is refused and what remains of the building is left on site would not be considered to be harmful to the openness of the Green Belt. It would be the owner's responsibility to ensure his land and property is safe and secure. The wider benefits to the community of the barn being occupied would not be significant enough to comprise very special circumstances to justify the rebuild.

In conclusion, there are no very special circumstances that would outweigh the harm caused by inappropriate development in the Green Belt, and the development should be refused as it does not accord with planning policy.

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

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

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

Space around Dwellings Supplementary Planning Guidance (2004)

Relevant Planning History

15/00098/COUNOT Permitted April 2015 Prior notification for conversion of existing barn to residential use and associated operational development

Views of Consultees

Kidsgrove Town Council has not commented on the application

The **Coal Authority** has no objections to the application.

The **Environmental Protection Division** has no objections

The **Highway Authority** has no objections

The **Footpaths officer** has not commented on the application

The **Building Control Partnership** has provided their site inspections report, which provides a chronology of dated visits

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted, along with a Design and Access Statement and a 'Special Circumstances' statement. These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00099/FUL>

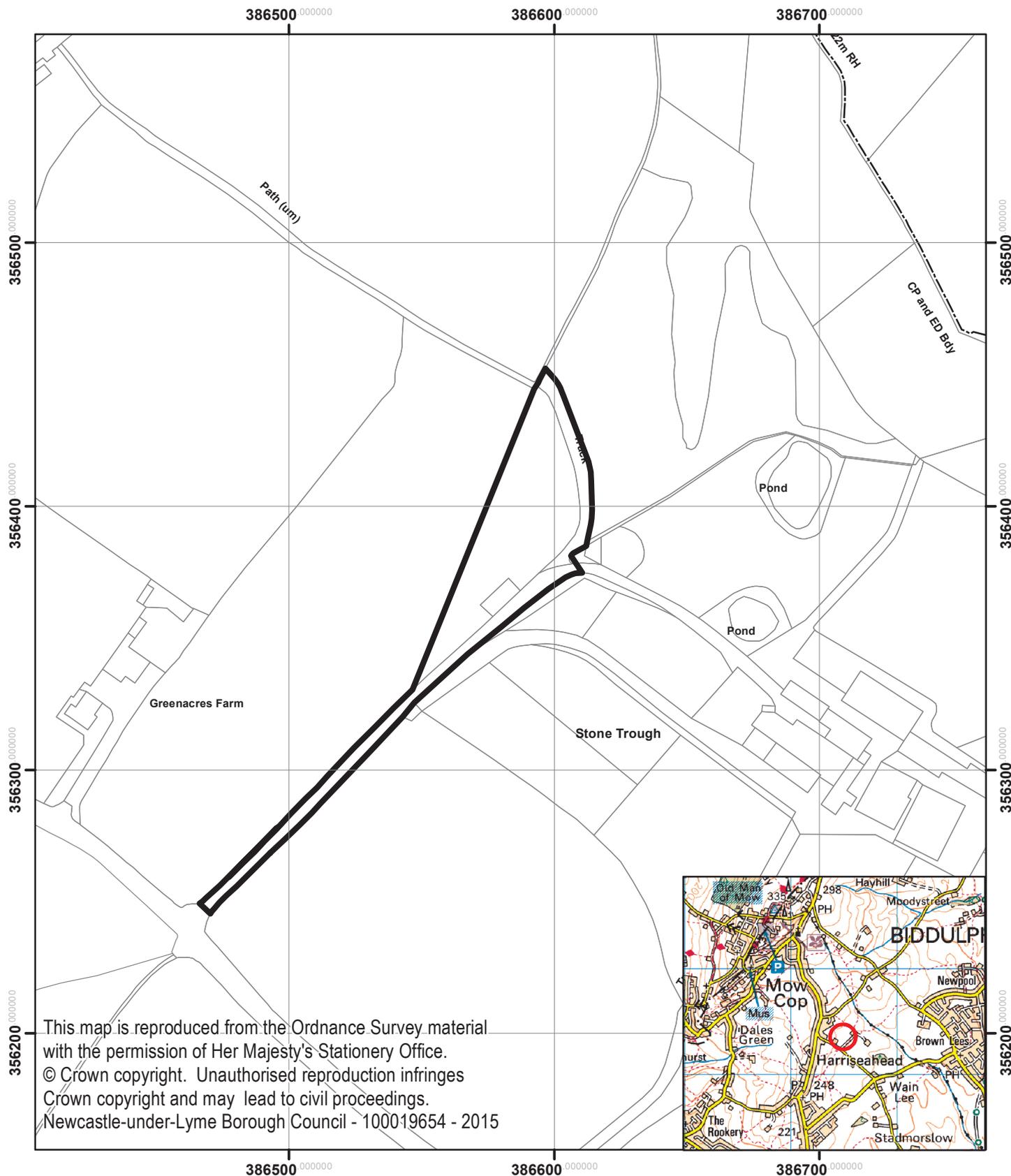
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

8th March 2016

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LOCK UP GARAGES, SUSSEX DRIVE, KIDSGROVE
WAVERLEY REALTY LTD

16/00174/OUT

The application is for outline planning permission for 5-7 dwellings, with all matters reserved, at the lock up garage site off Sussex Drive, Kidsgrove.

The application site lies in the urban area of Kidsgrove 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 access to the site.

The 8 week period for the determination of this application expires on 21st April 2016.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The development of 7 dwellings is unlikely to provide adequate amenity standards for the residents, in terms of distances between principal windows and side walls of existing dwellings, contrary to the standards as set out in the Space Around Dwellings Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.**

Reason for Recommendation

An indicative plan (not to scale) has been provided which shows that it is unlikely that 7 dwellings can be accommodated within the site, whilst achieving adequate residential amenity for future residents. The application therefore does not 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

Additional information has been sought from the applicant to address concerns, however the information received does not demonstrate that the site can accommodate 5-7 dwellings and achieve appropriate living conditions for the occupiers. This is therefore considered to be an unsustainable form of development that does not comply with the provisions of the National Planning Policy Framework.

Key Issues

This is an application for outline planning permission for the erection of 5-7 dwellings on a site located within the urban area of Kidsgrove as indicated by the proposals map. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval, although an indicative (not to scale) layout plan has been provided.

The site is a previously developed site currently occupied by lock up garages.

The key issues in the determination of this application are:

- The principle of the development
- Whether the development could achieve an acceptable character and appearance
- Whether the development could achieve acceptable residential amenity standards
- Whether the development would have an acceptable impact on trees surrounding the site
- 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. This site is a previously developed, brownfield site. The application is therefore considered to comply with the aims of Policy ASP5 of the Core Spatial Strategy.

Policy H4 of the Local Plan states that planning permission will not be granted for additional dwellings on garage courts or communal parking areas unless one of the following is satisfied:

- i. the car parking facilities serve no local need
- ii. alternative parking with equivalent or better capacity and accessibility is proposed
- iii. the car parking facilities that would remain would be satisfactory for the identified demand.

The site appears to contain 21 garages the loss of which, if in full use as car parking spaces, could result in a further 21 cars being parked on the street or in the surrounding area should the application be permitted. The applicant states that three of the garages are not in use, and the remainder are used for storage only. If this is the case, then they would appear that the garages do not serve a local need and therefore the proposal accords with the requirements of Policy H4.

The Local Planning Authority is 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 other 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.

Could the proposed development of 5-7 dwellings achieve an acceptable character and appearance?

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 accessed from an existing access off Sussex Drive, and is located behind the dwellings on the street. Therefore the development is considered to represent backland development. It is currently occupied by lock up garages, which have a neutral impact on the character of the streetscene. The proposal is to demolish these garages.

Given the application is for outline permission, no details have been submitted regarding the appearance of the development. An indicative layout plan showing how 5-7 dwellings could potentially be accommodated on the site has been received. Although not to scale the plan is sufficient to show that the development would have a fairly cramped layout and appearance, and that there would be little opportunities for landscaping the site. Notwithstanding this it is not considered that the design would be so harmful as to warrant refusal on this backland site.

Is the development capable of achieving acceptable amenity standards?

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 site is located in a predominantly residential area, and is surrounded by mostly two storey residential properties. The indicative plan is not to scale, however it shows that the guidance regarding separation distances, as set out in the Space Around Dwellings SPG, between principal windows and side walls of existing dwellings could not be achieved with the layout as shown on the indicative layout for 4 of the 7 dwellings. The outlook from the proposed properties would be unacceptably dominated by the side elevation of the existing properties. Given the nature of the site there is little scope to reposition that number of dwellings to achieve the separation distances in accordance with the SPG. Therefore it has not been demonstrated that 5-7 dwellings could be accommodated within the site that would provide appropriate living conditions for the occupiers.

Would the development have an acceptable impact on trees surrounding the site?

There are trees surrounding the application site, presumed to be outside of the applicant's control. Whilst the application is not supported by a tree survey and a scale plan it is considered that the site could accommodate residential development without adverse impact on trees.

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 NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

The current access to the site is approximately 2.9(m) wide and therefore can only accommodate one vehicle accessing or egressing the site at any one time. The proposal to build 7, 2 bedroomed residential units would, however, result in less vehicular movement in and out of the site than that which could be generated by the current use of the site, for 21 garages along with additional hardstanding areas.

The proposal seeks to provide up to 7 dwellings. Whilst the comments of the Highway Authority have not yet been received, comments were received on an outline application for residential development on the site in 2015, subsequently withdrawn. In that case the Highway Authority had no objections to residential development of this site, subject to the submission of further information to include details of the level of garages currently occupied and to whom they are assigned to. They sought details of alternative replacement parking provision to be provided prior to any development. They also requested details of parking, turning and servicing provision within the site, means of surface water drainage, surfacing details and that for a two bedroom dwellings; two car parking spaces would be required.

As the loss of garaging is a matter of principle, it is important to assess whether the loss of garaging would cause an on street car parking problem as part of this application. The loss of 21 garages in this area where many residential properties do not have off road car parking could result in a severe on street car parking problem, however the applicant has stated that the garages that are in use are used only as storage, therefore it would appear that there would be no displacement of cars onto the highway. In such circumstances it would be difficult to sustain a reason for refusal on that ground.

Conclusion

To summarise, the development of this site for residential use is considered acceptable in principle. The indicative plan provided demonstrates that the required separation distances between principal windows and side elevations of existing dwellings cannot be achieved and as such the living conditions for the occupiers of the dwellings would be unacceptable. Such an adverse impact would significantly and demonstrably outweigh the benefits of this development which are the benefits of the provision of housing land and the benefits to the local economy through construction and occupation of the development. Based on the above, your officers cannot currently recommend approval of this development, and it therefore conflicts with the policies of the National Planning Policy Framework.

DRAFT

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 H4: Housing Development and retention of parking facilities
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

15/00271/OUT Withdrawn Outline application for residential development with all matters reserved

Views of Consultees

The **Landscape Division** has no objections subject to additional information being provided with the reserved matters application, including a tree survey, root protection areas shown on the proposed layout, and an arboriculture impact assessment

The **Environmental Health Division** has no objections to the proposed development subject to inclusion of the full suite of contaminated land conditions. They had not commented on other matters at the time of writing the report. Any comments will be reported separately.

The **Highway Authority** has not yet provided their response, however did not object to the principle of residential development on a previously withdrawn application in 2015 reference 15/00271/OUT, subject to the provision of additional information and subject to alternative garaging being provided for those still occupied and lost as a result of the development Any comments made on the current application will be reported.

The **Coal Authority** and **Kidsgrove Town Council** have not yet provided comments. Any comments made will be reported.

Representations

None received

Applicant's/Agent's submission

The application forms and plans have been submitted, along with a Contaminated Land Desk study and a coal mining report. These documents are available for inspection at the Guildhall and searching under the application reference number 16/00174/OUT on the website page that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00174/OUT>

Background papers

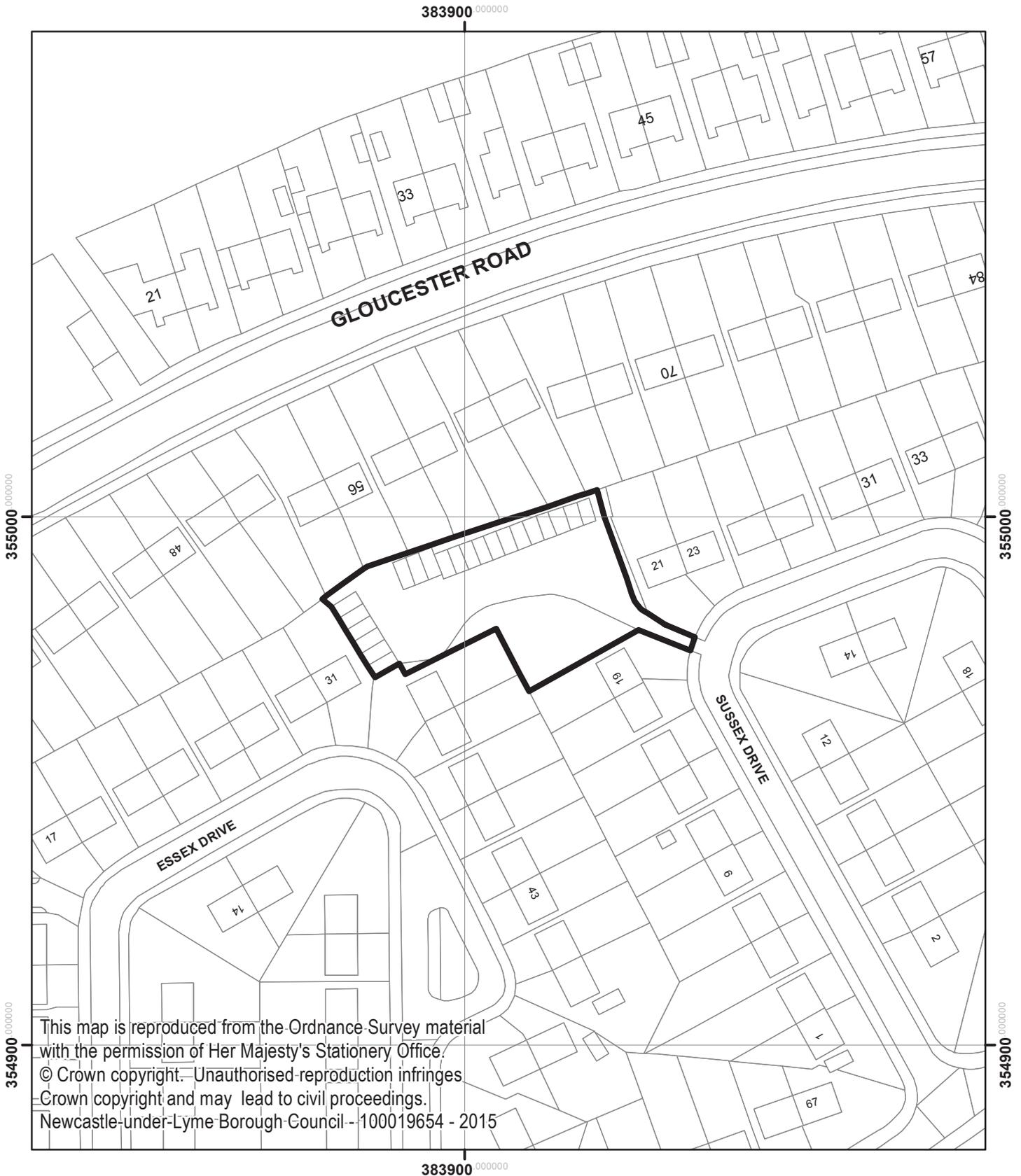
Planning files referred to
Planning Documents referred to

Date report prepared

11th March 2016

DRAFT

Lock up garage site off
Sussex Drive, Kidsgrove
16/00174/OUT



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ARTICLE 4 DIRECTION IN RELATION TO CHANGES TO SMALL HOUSES IN MULTIPLE OCCUPATION (HMOs) IN SIDMOUTH AVENUE, GOWER STREET, GRANVILLE AVENUE, NORTHCOTE PLACE, AND PART OF KING STREET.

Purpose of the Report

To inform the Planning Committee of comments received on the Article 4 Direction so that they can be taken into consideration in the decision as to whether or not to confirm the Direction.

Recommendation

1) That the Planning Committee confirms the Direction

Reason

The notification period is now over and the responses received support the confirmation of the Direction.

1.0 Introduction

1.1 The Planning Committee, on 10th November last year, resolved that an immediate Article 4 Direction be issued to remove, with respect to the area identified, the permitted development rights that allows without the need for planning permission, changes of use from dwellinghouses (Use Class C3) to Small Houses in Multiple Occupation (Use Class C4). The purpose of this report is to inform members of the results of the consultation since undertaken, and to enable the Planning Committee to consider whether the Article 4 Direction should be confirmed.

2.0 Background

2.1 Following the resolution of Planning Committee a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order that affects this property was made. The Direction came into force on 22nd December 2015. The Direction expires at the end of a 6 month period beginning with the date on which it came into force (i.e. by 21st June 2016) unless it is confirmed

3.0 Notification process and results

3.1 The notification period where representations were invited took place between 22nd December 2015 and 26th January 2016. In accordance with legislation, the owners and occupiers of all properties within the area were notified in writing. In addition site notices were erected and a press notice published. A copy of the Direction order and the map showing the land affected by it was available to view on the Council's website

3.2 In total, there have been 33 identical letters in response to the notification submitted from people who reside within the area and are affected by the implementation of the Article 4 Direction. The letters indicate the following;

- firm support of the decision to make an Article 4 Direction,
- fully understand the effects of the Direction and how it will be used to stop the carte blanche change of use of dwellings into houses in multiple occupation without full planning permission.
- Firmly support the prospect that the Direction will become a permanent feature of the area and not be allowed to lapse.

4.0 Next Steps

4.1 As indicated above, the Direction must be confirmed before 21st June 2016 or it will expire. The notification period did not result in the submission of any comments that would suggest or indicate that the Direction should not be confirmed. As such it is recommended that Committee confirm the Direction. Following this, it will be necessary for the Local Planning Authority, as soon as practicable, to give notice of the confirmation and send a copy of the direction to the Secretary of State

5.0 Background Papers

The Town and Country Planning (General Permitted Development) (England) Order 2015.

The responses received to the notification

Date report prepared

15th March 2016

APPEAL BY MR & MRS MORRIS AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF AN AGRICULTURAL BUILDING AT 40A, SANDS ROAD, HARRISEAHEAD

<u>Application Number</u>	14/00792/FUL
<u>LPA's Decision</u>	Refused under delegated powers 5 March 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	6 February 2016

The Inspector considered the main issues to be:

- whether the proposal constitutes inappropriate development in the Green Belt;
- the effect on the character and appearance of the area;
- the implications for ground instability in a High Risk Area as identified by the Coal Authority; and
- whether the harm, by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

In dismissing the appeal the Inspector made the following comments:

- The appeal site is located within the Green Belt, therefore if the proposed building was required in connection with a commercial agricultural holding, then it would constitute an exemption criteria to restrictive Green Belt policies.
- However, there is no suggestion that the appeal site forms part of an agricultural holding. The breeding and rearing of alpacas and sheep is described as a hobby and such hobbies are not covered by the description of agriculture. As a consequence, the appeal scheme could not correctly be described as an agricultural building and therefore the proposal represents inappropriate development. By definition this would cause harm to the Green Belt.
- Whilst recognising that several things have been done to minimise the harmful effect of the proposal on the Green Belt, it would inevitably reduce the openness. Just allowing one exception for inappropriate development could make it difficult for the Council to resist others, leading to incremental encroachment into the Green Belt.
- The appeal site lies close to public footpath Kidsgrove 74. The building would be prominent from the way-marked route, thereby visually reducing openness from a key public vantage point.
- During the course of the planning application an objection was received from the Coal Authority due to insufficient information being submitted in a High Risk Area. The Inspector agreed that the information was required prior to any decision being made, as the impact was a material planning consideration.
- The arguments submitted by the Appellants regarding welfare of animals attract some positive weight but there are other methods of welfare and security.
- In summary, the scheme is inappropriate development in the Green Belt, and as such the principle harm to the Green Belt and especially the loss of openness coupled with the visual intrusion from a key public vantage point and the absence of a Coal Mining Risk Assessment aggregate to elicit a very strong reason for resisting this project. The very special circumstances necessary to justify the proposal do not exist and the appeal is dismissed.

Your Officer's Comments

That the decision be noted.

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APPEAL BY MR NICK PREECE AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR REPLACEMENT OF THE EXISTING BUSINESS UNIT WITH 9 NO. 2 BEDROOM UNITS AT CENTURIAN HOUSE, WEST STREET, NEWCASTLE

<u>Application Number</u>	15/00203/FUL
<u>LPA's Decision</u>	Refused under delegated powers 19th May 2015
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	14th February 2016

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

In dismissing the appeal the Inspector made the following comments:

- The appeal site is situated just outside of the town centre. It is a wedge shaped plot bounded by three streets. Close to the site there is a mix of commercial and residential development that is a range of different scale and heights from single storey to the four storey residential development directly opposite the appeal site.
- As such, the character of the area is mixed and the proposed development would not be introducing a building height that is not already found in proximity to the appeal site.
- Since the proposal subject to appeal was refused the Council has granted planning permission for a lower density scheme comprising of 6 residential two bedroom properties and a ground floor office with storage area. It is similar to this appeal proposal except that the overall height has been reduced to 3 storeys with a maximum height of 10m. This scheme represents a 'fall back' position for the appellants and regard must be paid to that in determination of the appeal.
- Whilst the appeal scheme would result in a building that would be higher than the approved scheme, it would only be by an additional 2.5 metres. Given the diversity that already exists in the street scene and the fact that there is a four storey building situated directly opposite the appeal site, the proposal would not be significantly harmful to the character and appearance of the area. Given the design context of the area, and the separation distances involved, it is not considered that the historic core of the centre would be harmed.
- The proposed height of the building and the external materials that would be used in the construction of its external surfaces would reflect that of the four storey building opposite. It would not therefore look unduly prominent in the streetscene as a result.
- The development proposed would not be harmful to the character and appearance of the area.
- The Council cannot demonstrate a five year housing land supply in accordance with the provisions of the Framework, and as such, the presumption in favour of sustainable development applies which weighs in favour of the proposal.
- There is no harm arising with respect to highway safety or in relation to living conditions for existing surrounding occupiers or future occupants of the development which has been referred to by third parties.
- The appeal is allowed subject to conditions.

Your Officer's Comments

That the decision be noted.

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APPEAL BY MR A RASHID AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A TWO-STOREY SIDE EXTENSION, SINGLE-STOREY EXTENSIONS AND REPLACEMENT DETACHED GARAGE AT 64, BASFORD PARK ROAD, BASFORD, NEWCASTLE-UNDER-LYME

<u>Application Number</u>	15/00595/FUL
<u>LPA's Decision</u>	Refused under delegated powers 14th September 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	2nd March 2016

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

In dismissing the appeal the Inspector made the following comments:

- The appeal relates to one half of a pair of semi-detached dwellings that is located on a prominent corner location.
- The proposed two-storey side extension element would be of a substantial width, which the appellant accepts is around 75% of the original building. It would also project outwardly at two-storey level to the rear. In combination with the single-storey extensions it would add significant width and bulk to the original dwelling and increase its prominence at what is already a key local site. These factors, along with the varying roof forms would result in a dominant and oversized addition that would not be subordinate or sympathetic to the size, scale and design of the original dwelling. Furthermore, due to the relatively exposed corner location of the appeal site, the discordant nature of the proposal would be plainly noticeable from the Basford Park Road and May Avenue highways and the windows of neighbouring properties.
- Although the appellant has referred to examples of other side and rear extensions in the surrounding area, the Inspector saw nothing that persuaded him that this appeal is acceptable in this location. In any case, the appeal has been determined on its own merits.
- The proposal would have a significantly harmful effect on the character and appearance of the dwelling and the surrounding area.
- The appellant has put forward a number of other matters in support of his case including his family's need for extra space, sufficient car parking and the lack of harm to neighbouring properties. These matters would not outweigh or overcome the significant harm that the proposal would cause.
- The appeal is dismissed.

Your Officer's Comments

That the decision be noted.

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Confirmation of Tree Preservation Order

Land at 25 Walton Way, Talke.

Tree Preservation Order No.174 (2015)

Town & Country Planning Act 1990

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

The Provisional Order protects 4 beech trees in the rear garden of 25 Walton Way. The Order was made to safeguard the longer term visual amenity that the trees provide after a tree status enquiry was received which gave rise to concern that they could be felled to remove them as an obstacle to the development of the site.

The Order was made using delegated powers on 29th October 2015. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 29th April 2016

RECOMMENDATION

That Tree Preservation Order No 174 (2015), 25 Walton Way, Talke, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees are best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are clearly visible from Walton Way, Coppice Road and Linley Road (A5011). They are a prominent and important feature, are considered to be an appropriate species for the locality and provide high public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control works to them and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Representations

No representations have been received.

Issues

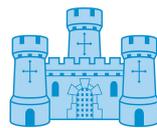
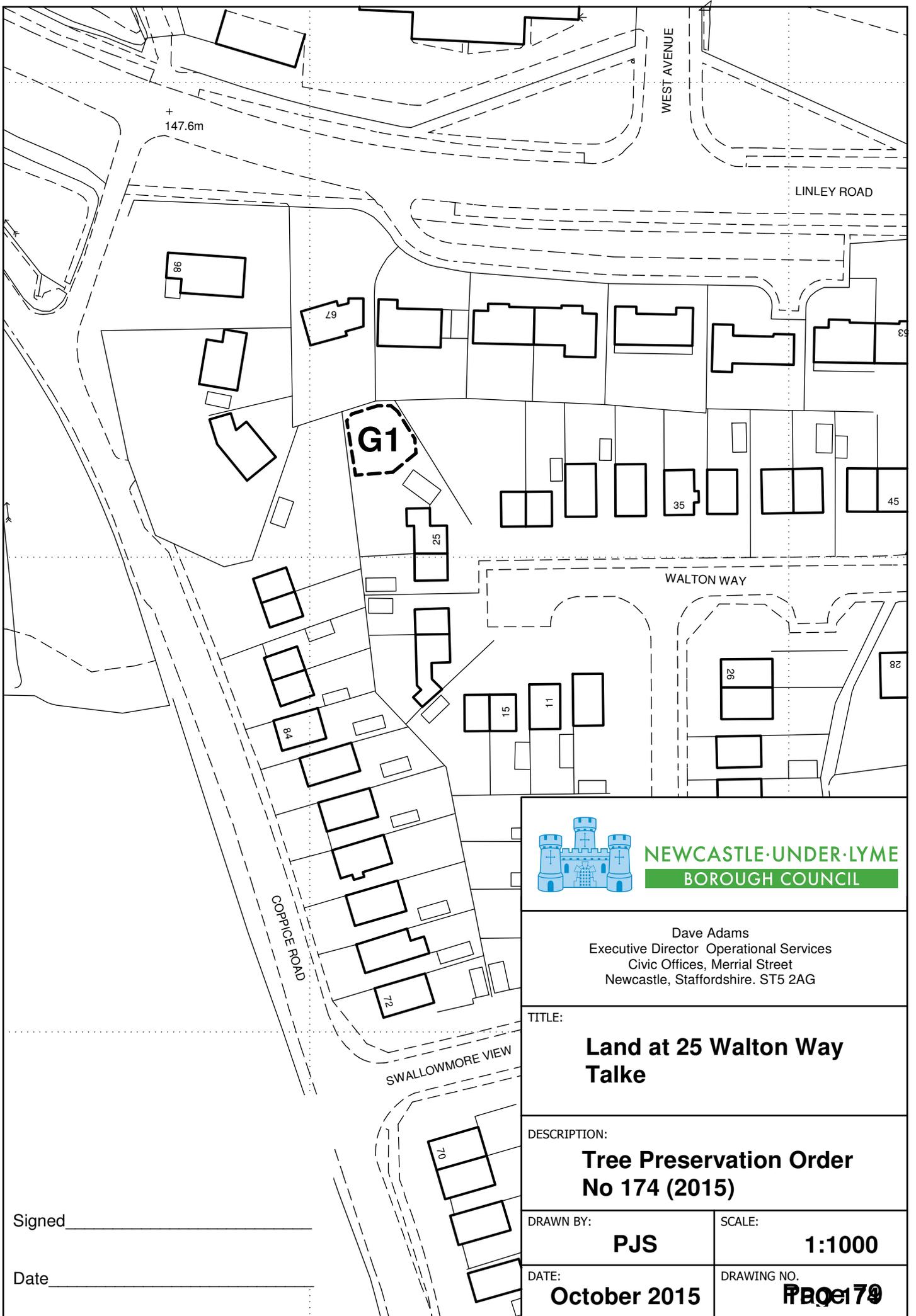
The 4 trees are situated in the rear garden of 25 Walton Way adjoining the neighbouring rear gardens of 27 Walton Way, 65 and 67 Linley Road and 92 Coppice Road. They are large single stemmed mature beech trees which are clearly visible from the surrounding areas. They are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the property but also to the locality.

A tree status enquiry was received by the council on 16th October 2015 from a prospective buyer of the property which listed potential issues in relation to the presence of the trees. This gave rise to concerns that the trees might be unnecessarily lopped or felled.

Your officers inspected the trees and carried out a TPO assessment and the trees were considered worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 29th October 2015 in order to protect the long term well-being of the tree.

Date report prepared

26th February 2016



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL

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

TITLE:

**Land at 25 Walton Way
Talke**

DESCRIPTION:

**Tree Preservation Order
No 174 (2015)**

DRAWN BY:

PJS

SCALE:

1:1000

DATE:

October 2015

DRAWING NO.

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Signed _____

Date _____

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