

Public Document Pack

Date of meeting Tuesday, 24th May, 2016
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham

PLEASE NOTE EARLIER START TIME

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Tagedale Quarry,
Mucklestone Road, Loggerheads. Renew Land Developments
Ltd. 16/00202/OUT** (Pages 9 - 24)
- 5 **Application for Major Development - Site of former Jubilee
Baths, Nelson Place, Newcastle. Westlands Estates Ltd.
16/00244/FUL** (Pages 25 - 34)
- 6 **Application for Major Development - Former St Giles' & St
George's Primary School, Barracks Road, Newcastle.
Staffordshire County Council. 16/00362/FUL** (Pages 35 - 42)
- 7 **Application for Minor Development - Land West of Ravens
Close, Bignall End. Aspire Housing Group. 16/00273/FUL** (Pages 43 - 52)
- 8 **Application for Minor Development - Land North of Bar Hill
Road, Onneley. Mr D Johnson. 16/00336/OUT** (Pages 53 - 60)
- 9 **Application for Other Development - 20 Melrose Avenue,
Newcastle. Mr R Mandley. 16/00255/FUL** (Pages 61 - 66)
- 10 **Application for Other Development - Old Hall, Poolside,
Madeley. Mr G White. 16/00252/LBC** (Pages 67 - 72)
- 11 **Application for Other Development - Budleigh Farm, Back
Lane, Betley. Mr Alexander. 16/00185/COU** (Pages 73 - 82)
- 12 **Appeal Decision - Rowney Farm, Market Drayton Road,
Loggerheads** (Pages 83 - 86)
- 13 **Article 4 Direction for Whitmore Conservation Area** (Pages 87 - 94)

- 14 **Article 4 Directions for Madeley and Audley Conservation Areas** (Pages 95 - 106)
- 15 **Half yearly report on planning obligations** (Pages 107 - 118)
- 16 **Quarterly Enforcement Management Report** (Pages 119 - 124)
- 17 **Open Enforcement Cases** (Pages 125 - 126)
- 18 **URGENT BUSINESS**

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

Members: Councillors Braithwaite, Cooper, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Pickup, Reddish (Vice-Chair), Simpson, 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.

PLANNING COMMITTEE

Tuesday, 26th April, 2016

Present:- Councillor Mrs Sophia Snell – in the Chair

Councillors Braithwaite, Cooper, Fear, Hambleton, Loades, Northcott, Owen, Pickup, Proctor, Reddish, Simpson, Williams, Williams and Winfield

1. APOLOGIES

Apologies were received from Councillors Heesom, Mancey and Welsh.

2. DECLARATIONS OF INTEREST

Councillor Reddish declared an interest in 15/16007/HBG. (Family member is a Trustee).

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 29 March, 2016 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT GATEWAY AVENUE, BALDWINS GATE. KIER LIVING LTD. 15/01106/REM

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

(proposed by Councillor Loades and seconded by Councillor Northcott)

- (i) The layout / density and design of plots 1 – 10, including the provision of two storey accommodation and the forward position of the development at the end of Hillview Crescent is out of keeping relative to the adjoining existing development.
- (ii) This part of the development has an unsatisfactory relationship in terms of residential amenity with properties on Gateway Avenue and Hillview Crescent.
- (iii) The clustering of the affordable units within the overall development including within plots 1-10 would be contrary to policies on seeking inclusive developments and the Council's Affordable Housing SPD.

5. APPLICATION FOR MAJOR DEVELOPMENT - THE ORME CENTRE, ORME ROAD, NEWCASTLE. ORME CENTRE LTD. 15/00700/OUT & 15/01078/LBC

Resolved: (a) That application (15/00700/OUT) be refused for the following reasons:

(Proposed by Councillor Fear and seconded by Councillor Reddish).

- (i) Poor design of the new building with an adverse impact on the setting of the listed building and overbearing impact on Orme Road, having regard to its surroundings.
 - (ii) Likely significant additional on street parking demand leading to an exacerbation of congestion and harm to highway safety on streets in the vicinity of the development.
 - (iii) Failure to provide with the application an Air Quality Assessment in accordance with policies in the development plan, NPPF and NPPG.
- (b) No resolution was made in respect of application 15/01078/LBC.

6. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT RAVENSDALE, OFF CHEMICAL LANE, TUNSTALL - SOT REF 59353/OUT (NULBC REF 348/233)

Resolved: That Stoke on Trent City Council be advised that the Borough Council has no objections to the application provided that the City Council are satisfied that the development, in addition to the development permitted at Chatterley Valley, will not materially affect the operation of the strategic highway network, and to be asked to consider whether controls over HGV routeing arrangements would be appropriate.

7. APPLICATION FOR MAJOR DEVELOPMENT - CONSULTATION BY CHESHIRE EAST ON OUTLINE APPLICATION AT LAND OFF CEDAR AVENUE, ALSAGER. 348/234

Resolved:

- (i) That Cheshire East be informed that the Borough Council has no objections to the application.
- (ii) That Cheshire East be informed that the Borough Council has no wish at present to be consulted on applications for less than 200 dwellings in or adjoining Alsager unless such developments form part of a larger area or are within the North Staffordshire / South Cheshire Green Belt.

8. APPLICATION FOR MAJOR DEVELOPMENT - QUEENS HOTEL, ETRURIA ROAD, BASFORD. SOTCC REF. 59587/FUL (NULBC REF 348/235)

Resolved: That Stoke on Trent City Council be advised that the Borough Council has no objections to the application subject to the following:

- (i) An Archaeological Watching Brief condition is imposed on any approval. Consideration should also be given to the Roman Road.
- (ii) Access to the public right of way is maintained during the construction period or a temporary diversion is put in place during this period.

Stoke on Trent City Council are also to be asked to assure themselves that the level of parking provision within the scheme will not lead to additional parking demand on adjoining streets within the Borough.

9. **APPLICATION FOR MINOR DEVELOPMENT - THE BRAE, DEN LANE, WRINEHILL. MR R ASHFORD. 16/00238/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 submission documents
- (iv) Removal of permitted development rights for extensions, outbuildings and hardstandings
- (v) Soft landscaping scheme to include full details of replacement planting and boundary treatments
- (vi) Completion of access, parking and turning areas prior to occupation
- (vii) Access/ entrance walls to be provided to a maximum height of 900mm
- (viii) Surface water drainage interceptor rear of the highway

10. **APPLICATION FOR MINOR DEVELOPMENT - MITCHELLS WOOD FARM, BELLS HOLLOW, CHESTERTON. FARMHOUSE STOVES. 16/00146/FUL**

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

- (i) Temporary three year permission
- (ii) Removal of building after three years
- (iii) Approved plans.

11. **APPLICATION FOR OTHER DEVELOPMENT - KEELE HALL, KEELE UNIVERSITY, KEELE. UNIVERSITY OF KEELE. 16/00157/LBC**

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

- (i) Time limit
- (ii) In accordance with the approved plan
- (iii) Materials as application submission
- (iv) The windows installed to be in accordance with details that have been submitted to and approved by the Local Planning Authority.

12. **APPLICATION FOR OTHER DEVELOPMENT - KEELE HALL, KEELE UNIVERSITY, KEELE. UNIVERSITY OF KEELE. 16/00207/LBC**

Resolved: The application be refused for the following reason:
(Proposed by Councillor Proctor and seconded by Councillor Fear)

Such alterations would be harmful to the special interest of the listed building and the authority are not convinced of the justification for such works having regard to the height of the existing balustrading.

13. PROPOSED CONSERVATION AREA AT WATLANDS PARK, WOLSTANTON AND CONSIDERATION OF AN IMMEDIATE ARTICLE 4 DIRECTION AT NUMBER 7 PARK AVENUE, WOLSTANTON.

- Resolved:**
- (i) That the proposal to designate a Conservation Area at Watlands Park be agreed in principle and officers now carry out the necessary consultation in respect of the proposed area that will help to inform the decision on whether to designate a Conservation Area and its boundaries.
 - (ii) That the draft Appraisal and Management Plan Supplementary Planning Document (SPD) for the proposed Conservation Area be approved for public consultation purposes to help inform that decision.
 - (iii) That an immediate Article 4 Direction be made with respect to 7 Park Avenue, Wolstanton in the terms set out in the report, and that within the statutory six month period officers report back on the results of the required publicity to the Direction.

14. DRAFT BRAMPTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT

- Resolved:**
- (i) That the submitted Draft Conservation Area Appraisal and Management Plan (CAAMP) Supplementary Planning Document (SPD) be approved for consultation purposes.
 - (ii) That a further report be received on the outcome of the public consultation, before adoption of the SPD is considered.

15. APPEAL DECISION -APPEAL BY ST. QUENTIN RESIDENTIAL HOMES LTD AGAINST THE DECISION OF THE COUNCIL REFUSING PLANNING PERMISSION FOR A TWO STOREY EXTENSION TO PROVIDE A 24 BEDROOM ELDERLY MENTALLY INFIRM (EMI) UNIT AND REPLACEMENT CONSERVATORY AT ST QUENTIN RESIDENTIAL HOME, SANDY LANE, NEWCASTLE

- Resolved:** That the decision be noted.

16. APPEAL AND COSTS DECISIONS - APPEAL BY ASPIRE HOUSING AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR 4 NO., 2 BEDROOM, SEMI-DETACHED PROPERTIES AT A SITE OFF QUEENSWAY, NEWCASTLE

- Resolved:** That the decisions be noted.

17. APPEAL AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR TWO DETACHED 4/5 BEDROOM DWELLINGS AT WREKIN HOUSE, OFF MUCKLESTONE WOOD LANE, LOGGERHEADS

- Resolved:** That the decision be noted.

18. PROVISIONAL PLANNING COMMITTEE SITE VISIT DATES - 2016-17

- Resolved:** That the list of times and dates for possible Planning Committee site visits for 2016/17 be agreed.

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

- Resolved:
- (i) That the report be noted.
 - (ii) That the Head of Planning continue to report, on a quarterly basis, on the exercise of authority to extend the period of time for an applicant to enter into Section 106 obligations.

20. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - THE BARRACKS, BARRACKS ROAD, NEWCASTLE (REF: 15/16007/HBG)**

- Resolved:** That a grant of £5000 for the repair of the windows at the Barracks be approved, subject to the appropriate standard conditions.

21. **ANY OTHER BUSINESS**

The Chair thanked the committee members and officers for their contribution during the past year. Councillor Proctor thanked Councillor Snell for her valuable contribution to the committee during her time as Chair.

COUNCILLOR MRS SOPHIA SNELL
Chair

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

16/00202/OUT

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

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

The 13 week period for the determination of this application expires on the 23rd June 2016.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by 21st June 2016, securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £530,545 towards education provision ((on the basis that the development as built is for the full 128 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at the catchment school St. Mary's CE Primary School, Mucklestone**
- iii. Provision of 25% of the dwellings as affordable units**
- iv. A contribution of £6,300 towards travel plan monitoring**
- v. A financial contribution of a sum yet to be agreed towards the provision of a travel plan for St. Mary's CE Primary School, Mucklestone**

PERMIT subject to conditions concerning the following matters:

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

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

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% buffer supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The key adverse impacts of the development - namely the fact that the development of the application site would not

form a natural or logical extension to the village of Loggerheads, would involve development in part on open countryside and the likelihood of a somewhat high level of private car use - do not significantly and demonstrably outweigh the key benefits of this sustainable development - the making of a significant contribution towards addressing the sizeable undersupply of housing in the Borough, the provision of affordable housing in the rural area, and the visual improvement of a gateway to Loggerheads. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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

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

Key Issues

1.1 Planning permission was refused earlier this year for the residential development of up to 128 dwellings (Ref. 15/00015/OUT) at Tagedale Quarry. The reason for refusal is as follows:

The development of this site would constitute unsustainable development by reason of its location in relation to the built-up area of Loggerheads and its lack of accessibility to key services and facilities, including the catchment Primary School St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, there being no suitable and safe footpath access to that school from the development. The proposed development would result in a high level of private car use having regard to its location and limited bus services and therefore would be contrary to the requirements and guidance of the National Planning Policy Framework (2012).

1.2 A very similar scheme has now been resubmitted with the addition of a footpath in the north-eastern corner of the site linking the site to Rock Lane, and additional information to seek to address the above reason for refusal. This is the application here being considered.

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

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

1.5 There have been no material changes in planning circumstances since the consideration of the previous application and therefore, it is not considered necessary to comment upon matters of impact on the setting of Listed Buildings, impact on the landscape, highway safety, residential amenity or flooding. Given the previous reason for refusal, the issues for consideration in the determination of this application are as follows:

- Is there appropriate pedestrian access from the site to village facilities, including to St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, to ensure a sustainable development?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2.0 Is there appropriate pedestrian access from the site to village facilities, including to St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School, to ensure a sustainable development in terms of its location?

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

2.2 The centre of the site would be approximately 1100m (1.1km) walking distance from the village centre of Loggerheads, i.e. the food store, post office and library, and approximately 1600m (1.6km) from the catchment primary school. The equivalent distance to the nearest non-catchment area primary school is about 1,400 m. The nearest bus stops are located on the A53 in the vicinity of the double mini roundabouts and are approximately 800m from the centre of the site.

2.3 In response to the reason for refusal of the previous scheme, the applicant has submitted supporting information as follows:

- It is important to consider that there are three strands to sustainable development: environmental, social and economic. Accessibility to services is only one of a wide range of considerations in the overall planning balance that needs to be considered;
- There is a good range of local services available within reasonable proximity of the site;
- Whilst Loggerheads does not have a high school, there is a high school in Market Drayton, which is a 10 minute bus journey from Loggerheads and Madeley High School also serves the catchment;
- A greater range of facilities are available within Market Drayton which are also located within a 10 minute bus journey from Loggerheads. Bus stops are within walking distance of the site;
- In terms of walking distances, Manual for Streets states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (around 800m) walk time of residential areas which residents may access comfortably on foot. However, it goes on to state that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. Guidance contained in the Chartered Institution of Highways and Transportation (CIHT) document "Guidelines for Journeys on Foot" states that the preferred maximum walking distance for commuters and education is 2km. In relation to the distance that a child is expected to walk to and from school, the Department for Education and Skills states that the "statutory walking distance" is two miles for children aged eight, and three miles for children aged eight and over. All of the local facilities within Loggerheads can be accessed within a reasonably short walking distance, and such distances fall within those highlighted in the various guidance documents. The 2km distance is referred to within recent Planning Appeals and four decisions are highlighted for consideration;
- With regard to access to the catchment Primary School St. Mary's Church of England Primary School, Mucklestone, access on foot from the site to the school can be gained via Rock Lane, which is located to the north of the site, and a footpath from the site provides linkages to Rock Lane. A letter from the school Headteacher confirms that a 'walking bus' along Rock Lane has operated previously and the school are looking to obtain more volunteers to re-start the 'walking bus' initiative along this route, with the school having the equipment required to do so.
- Staffordshire County Council approved the use of Rock Lane for the 'walking bus' previously and trained parents and staff to operate as 'conductors'. It is not considered that there has been any material change in the condition of the route that justifies the County Council taking an alternative stance on the suitability of this route today.
- The 'walking bus' is controlled by adults and it is not expected that children will walk along the route alone. The route has been used in the past without incident.
- The revised indicative masterplan shows a direct pedestrian link onto Rock Lane at the north east corner of the site to allow prospective residents of the site to walk their children to the Primary School at Mucklestone, which is considered to be a safe and suitable route as demonstrated by its previous use as a 'walking bus' route to the school from Loggerheads and the Headteacher's support for re-using this route.
- With the exception of the small number of homes within Mucklestone itself, the proposed homes at the application site would be the closest and most accessible homes to St. Mary's Primary School (including homes both within and outside the school's catchment area). The application site is both closer and more accessible to/from St. Mary's than the site of the approved homes on the west side of Mucklestone Road, which the Committee approved (Ref. 15/00202/OUT) in July 2015.

- There are very few houses within the school's catchment area and even fewer that are accessible to the school on foot. The application site is clearly more accessible to the school than the vast majority of other homes where pupils come from, particularly mindful that the Headteacher has confirmed that 96% of existing pupils live outside the school's catchment area.

2.4 Your Officer can confirm that it is the case that in the appeal decisions referred to by the applicant's agent where consideration is given to walking, the key distance referred to by Inspectors is 2km. In relation to an appeal decision for 270 dwellings on a site just under 2km from Clitheroe town centre, the Inspector referred to the CIHT walk distance guidance. He went on to state that in assessing accessibility, a degree of realism must be applied and he argued that most journeys of less than a mile (1.6 km) are undertaken on foot. In an appeal decision relating to residential development of up to 75 dwellings at Shepshed, Leicestershire, the Inspector stated that the 2km distance may indeed prove a deterrent to those with small children but to adults, as an alternative to the car, it still offers a reasonable distance for walking. There are a reasonably wide range of facilities and services that are well within a 2km walking distance from the site.

2.5 Although concerns have been expressed that there is no safe, direct footpath access to the centre of Loggerheads due to flooding of a section of the footpath, any such flooding would only occur on occasion and for much of the year access would be unhindered. In any event, there will be at least a realistic opportunity for occupiers of the development to access the quite extensive range of facilities and services to be found in Loggerheads, as recognised by its designation as a Rural Service Centre, by means other than the private motor car. The introduction of a pedestrian/cycle access linking the site to the existing footway on Eccleshall Road, the pedestrian refuge at the junction of Eccleshall Road (B5062) with Mucklestone Wood Lane and the introduction of a controlled pedestrian crossing on the A53 will improve linkages from the site to the village and will help to reduce the requirement for residents to use their cars.

2.6 Access by foot from the application site to St. Mary's Primary School in Mucklestone, could only be gained via Rock Lane (walking along the main road with its lack of footway would be ill-advised given the speed of passing vehicles). Concerns have been expressed by residents and by the Parish Council that Rock Lane is for a greater part of the year a dark, muddy and dangerous lane that would be an inappropriate route to school. It is stated that a 'walking bus' ceased to operate in the winter months as the children became wet and muddy or there were concerns about pedestrian visibility at the point where Rock Lane joins the B5026 in Mucklestone. The Crime Prevention Design Advisor has commented that in his view Rock Lane is far from ideal in terms of safety, being isolated with no lighting or natural surveillance. Your Officer acknowledges that for part of the year conditions underfoot along Rock Lane may be difficult, but the letter from the Headteacher of the school confirms that a walking bus along Rock Lane has operated in the past and it would appear that there is a realistic possibility that it could operate again in the future, even if it is only for part of the year. A direct pedestrian link onto Rock Lane is proposed at the north east corner of the development site. Given the location it is difficult to see why use of Rock lane should be considered dangerous – it carries very limited traffic indeed and this is a quiet rural location with a presumed relatively low crime rate. An opportunity would exist therefore, for residents of the development site to access this primary school by means other than car. That opportunity at least to some degree is likely to reduce the degree of car use by those residents who have primary age children who attend that particular school – which is likely to be a limited proportion of the residents anyway – the County predicting that for 128 houses there will be approximately 27 primary age children. Although the point can be made that St Marys Primary School is nowhere near other facilities, other than the Church in Mucklestone, and therefore there is no likelihood of linked trips being made in that direction, as could be the case in walks into Loggerheads, access to the catchment primary school is only one of the considerations in assessing the accessibility of the site.

2.7 The applicant has offered to make a financial contribution towards the preparation of a travel plan for St. Mary's Primary School and this could be secured via a Section 106 Agreement. Clearly the proposed development will inevitably put additional pressure on the school and it is considered that a financial contribution towards a travel plan for the school will meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Further advice will follow regarding the sum required.

2.8 On a wider scale, this is not a remote, rural location and distances to higher order settlements and facilities are relatively short. Taken as a whole these points overall weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location.

2.9 The applicant's agent highlights that there are three strands to sustainable development - environmental, social and economic - and accessibility to services is only one of a wide range of considerations in the overall planning balance that needs to be considered. The three aspects of sustainable development were considered in relation to the previous application and it is not thought necessary to consider them again now. Members may wish to review the report that came to the 5th January meeting.

3.0 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?

3.1 Subsequent to the previous decision on the 5th January the Planning Committee on the 13th January received a Mid-year update on the 5 year housing land supply position in the Borough, which took into account evidence on housing needs contained within the Joint Strategic Housing Market Assessment (SHMA). The report indicated that in order to understand (and to demonstrate) the ability of the supply of housing land to meet the full, objective assessment of housing needs identified in the SHMA, it would be necessary to measure the supply of housing land across both local authority areas rather than within the Borough of Newcastle-under-Lyme alone. In the absence of such information it provided an interim and indicative picture of potential housing land supply in the Borough only. Considering the lower and upper ends of the range of projected household needs in the Borough alone, and accepting a requirement to provide a 20% buffer on the basis that there had been persistent under-delivery, the conclusion reached was that the Borough cannot demonstrate a five year supply of housing land against any part of the housing needs range. Even against the lowest housing need figure the Borough could only demonstrate 3.97 years' worth of supply, and against the highest housing need figure 1.9 years' worth.

3.2 Paragraph 49 of the NPPF states that housing applications should be "considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a 5-year housing land supply of deliverable housing sites.

3.3 This is the position the Borough is at present in, notwithstanding the assertions of Loggerheads Parish Council as referred to in the consultation section. Taking into account the national Planning Practice Guidance the Core Strategy "requirement" based as it was on evidence that informed the now revoked West Midlands RSS no longer is an appropriate basis for assessing the adequacy of supply. Secondly the Parish Council's approach also assumes disaggregation into rural and urban supply calculations is possible, but it is not – the focus should be on the housing market area as already indicated.

3.4 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The latter situation does not apply to this case, so the key test to be applied is do the adverse impacts of the development significantly and demonstrably outweigh its benefits.

3.5 The applicant has undertaken their own assessment of the 5 year housing land supply and they suggest that the position is even worse than your officers consider to be the case. The applicant suggests that relative to the higher end of the housing need range there is a supply equivalent to 1.87 years and relative to the lower end a supply equivalent to 3.48 years. They calculate that a 1.87 year supply represents a shortfall of 3414 dwellings. The difference relates to the inclusion of past shortfall against the CSS target for the years preceding 2013.

3.6 As the report to the 13th January meeting advised, the position set out in the latest 5 Year Housing Land Supply Statement suggests that an even greater weight (in the balancing exercise that must be

undertaken) will at least for the immediate future have to be given to the contribution a site makes to housing land supply.

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

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 SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

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

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

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

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

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

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

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

Relevant Planning History

- 77/04237/N Erection of a workshop and a lorry park in connection with haulage business - Approved
- 97/00122/CPO Staged infilling of quarry and use as agricultural land on completion – Approved
- 01/00308/CPO Variation of conditions 6, 23, 24, 25 and 28 of 97/122/CPO to extend time limits on restoration, submission of noise monitoring and aftercare and landscaping schemes and the erection of marker posts at Tagedale Quarry - Approved
- 01/00350/CPO Storage of soil prior to use for restoration purposes - Approved
- 04/00389/CPO Application not to comply with condition 1 of permission 97/122/CPO to extend the date of commencement by 2 years to 16 June 2006 – Approved
- 05/00356/ELD Certificate of Lawfulness for use of site as a lorry park/haulage yard for the parking, repair and maintenance of heavy goods vehicles, fuel storage and associated offices – Granted
- 05/01166/FUL New office building, workshop extension, alteration of two accesses and closure of further access – Withdrawn
- 06/00214/FUL New office building, workshop extension, alteration of two existing accesses and closure of existing access – Refused
- 07/00114/FUL New offices and replacement workshop – Refused and allowed on appeal
- 08/00659/FUL New offices and workshop (revised scheme to 07/00114/FUL) – Approved
- 10/00537/FUL Retention of two static mobile homes for residential use for security staff – Refused and a subsequent appeal against an Enforcement Notice was dismissed and the enforcement notice upheld, however planning permission for one mobile home was granted
- 11/00543/FUL Retention of portal framed building/amendments to previously approved application ref. 08/00659/FUL and associated landscaping – Approved
- 12/00004/FUL Retention of new basement area for new offices previously approved under planning application 08/00659/FUL – Approved
- 12/00498/FUL Retention of mobile home for storage associated with security purposes - Approved
- 14/00080/FUL Erection and retention of a canvas covered temporary building for a period of 2 years – Refused
- 14/00369/FUL Erection of a building for storage and workshop associated with the current use – Approved
- 15/00015/OUT Outline planning application for the erection of up to 128 dwellings (including details of access) – Refused – copy of notice of appeal received

Views of Consultees

The **Education Authority** states that the development falls within the catchments of St. Mary's CE (VA) Primary School (Mucklestone) and Madeley High School. Excluding the Registered Social Landlord (RSL) dwellings from secondary only and assuming 109 of the units would be open market houses, a development of 128 houses could add 27 Primary School aged pupils and 17 Secondary School aged pupils. Both Madeley High School and St. Mary's CE (VA) Primary School are projected to have limited places available in one year group only The education contribution for a development of this size would be 27 primary school places (27 x £11,031 = £297,837) and 14 secondary school places (14 x £16,622 = £232,708). This gives a total request of £530,545.

Regarding the walking bus, the Headteacher of St. Mary's has confirmed that the school do not operate a walking bus any longer mainly due to the fact that the children who were on it were the children whose parents had to go to work. The school offered a breakfast club instead which is very popular and there is no need for the walking bus currently. The school wish to be flexible to the idea of a walking bus but would not wish to be bound by a planning condition now. The Connectivity Team at Staffs County Council would be able to support the school with a travel plan if required by a condition. They also comment that Rock Lane may not be fit for purpose for a walking bus, although the Headteacher does not agree. If there was a walking bus in the future they would suggest a S106 contribution to enhance the lane.

The **Highway Authority** state that modelling of the access junction and surrounding network shown in the Transport Assessment (TA) shows that they will operate within their practical capacity during peak hours in future years with the development traffic added. The existing access from the B5026 Eccleshall Road will be upgraded to provide a priority controlled ghost island right turn land junction. The site is well located in terms of walking distances to most village services and the developer is

proposing to improve this facility by providing a controlled pedestrian crossing on the A53 west of the Eccleshall Rd/Mucklestone Rd double mini-roundabout junction. The proposal will provide a safe crossing point over the A53 which will be of benefit to both current and prospective residents. This and associated measures will reduce the traffic speeds on this section of the A53. It is also proposed to introduce a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction to assist pedestrians in crossing Mucklestone Wood Lane, although turning manoeuvres for large vehicles need to be checked to stop encroachment. No objections are raised subject to conditions regarding full details of the site access, full details of the layout of the site, submission of a travel plan and submission of a construction method statement. It is requested that the developer enters into a Section 106 Agreement to secure a £6,300 travel plan monitoring fee, a controlled pedestrian crossing and speed reduction features on the A53 west of the A53/Eccleshall Rd/Mucklestone Rd double mini roundabout junction, the provision of a pedestrian/cycle only access to the site linking to the existing footway, the provision of a pedestrian refuge on the B5026 Eccleshall Road/Mucklestone Wood Lane junction and the County Council legal and technical fees in respect of preparing and engraving the agreement.

The **Crime Prevention Design Advisor** has no objection to the principle of housing on the site and states that the layout possesses many sound crime prevention principles. However concern is raised regarding the use of Rock Lane as a primary pedestrian route to school and back. It is narrow, used by farm machinery, muddy under foot and therefore would be hard work and unpleasant with children and pushchairs. It is far from ideal in terms of safety, being quite a long route which is isolated, has no natural surveillance, has no lighting and can feel quite enclosed in places where an individual on their own would feel and could be potentially vulnerable. It seems likely that many mothers would be too unhappy about using the lane on their own and consequently might resort to driving the short distance instead.

Loggerheads Parish Council objects to the current application on the following grounds:

- The LPA's site notices state that the proposal "does not accord with the provisions of the Development Plan in force in the area".
- Their own Loggerheads Housing Needs Assessment prepared in April 2016, based in part on the Borough Council's Joint SHMA indicates that supply of housing already substantially exceeds demand
- Furthermore in the context of the CSS and the rural target of a maximum of 900 dwellings between 2006 to 2016, as a result of decisions, the provision to date is far ahead of that required to achieve the 2026 projection. The Rural Area is far ahead of requirement thus negating the requirement for any further development in the wholly unsustainable locality of Loggerheads.
- The land has not been a quarry for 40 years; rather it has been a tip for various materials. In spite of being advised of this the applicant seems to be ignoring the fact that the site will not be viable for housing development which will require piles and other expensive foundations to considerable depths. The development is undeliverable and thus will make no contribution to actual housing supply.
- The applicant's interpretation of the letter written by the Head Teacher of St. Mary's School at Mucklestone is misleading and seriously flawed. The walking bus has only ever been used in the summer months. It is not a year round route and therefore the reason for refusal must stand.
- The crossing point at the school end of Rock Lane (of the B5026) is close to a blind bend on a narrow road with an unrestricted speed limit. Recent observations have not noted any pedestrian access to the school with all journeys observed by car.
- The current application shows a pedestrian access to Rock Lane at the north end of the site but fails to point out that this will not be available for use for at least 6 years from the start of work on the site.
- A License to tip to achieve the required levels will be necessary and there is no record of the County Minerals and Waste Department having been consulted on this aspect.
- Contributions towards education and open space have been omitted. There is no requirement to consider whether such contributions comply with the CIL Regulations.
- There is no safe walking route to the school and most journeys to and from the school will be by car.
- This is not previously developed land and much of the site has not been developed in the past.

- The highway consultants have overlooked a Technical Note they prepared for LPC in 2010 in which they state that the existing junction arrangements at the Mucklestone Road/A53 junction did not conform to the then correct design standards. In particular they state that the A53 is effectively severing the two halves of the community and is likely to dissuade pedestrian and cycle movements.
- The Design Review Panel was correct to state that this is not a natural extension of the existing village.
- With respect to the 5 year housing land supply position there is no direct relationship between the number of consented plots and the delivery of completed houses. Delivery of houses is a direct result of market and financial forces and the perceived shortfall – underdelivery - is not actually related in any way to the five year land supply. Indeed the records of delivery confirm that the original assumptions for housing requirements were flawed.
- There are a number of references, in the submission, to Loggerheads having been designated as a Key Rural Service Centre when the only additional development it had to support was to be on brownfield sites within the village envelope, not extensions outside of the village envelope. It is contended that Loggerheads should cease to be regarded as such forthwith as it is no longer accurate (and the BC can produce no record that LPC was consulted at the time).
- With regard to the impact on the Listed Building, White House Farm, the Planning Authority should arrange for an independent authoritative assessment.
- There is no safe, direct footpath access to the centre of Loggerheads. The route does not comply with minimum disabled route widths and has a dip which floods making the crossing on foot impossible.
- The pedestrian crossing at the east side of the roundabouts is unsafe, in that it means that pedestrians will have to then cross Eccleshall Road to reach the village's main facilities.
- Given the prominent position of this site in the landscape and the potential for light pollution, the applicant should provide an assessment.
- The Parish Council's objection to the original application 15/00015/OUT should also be considered as part of their objection to this application.

The comments of **Loggerheads Parish Council** regarding Application No. 15/00015/OUT were as follows:

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

- Nearly half of drivers exceed the 30mph speed limit. There is a very active Speed Watch Group in the area and the 85th percentile is 37mph.
- A considerable length of Mucklestone Wood Lane has no footpath.
- The Design Review Panel was correct to state that this is not a natural extension of the existing village.
- There is not considered to be sufficient carriageway width for a pedestrian refuge at the junction with the B5026 and Mucklestone Wood Lane.
- Drainage concerns as there is a pronounced dip in Mucklestone Road where it crosses the Tadgedale Brook which is subject to continuous flooding whenever it rains. This has a resultant constraint on pedestrians crossing to the western side of the road which has the only footpath on this stretch of road. Vehicular traffic is also often restrained by the same regular flooding.
- The whole of the foul drainage system in Loggerheads south of the A53 needs an overhaul.
- The Tree Report is two years out of date and it is recommended that a Tree Preservation Order is made to prevent further destruction of the tree belt on the north side.
- The Parish Council has re-run the calculations in the Viability Report making a number of adjustments to determine whether the site is deliverable and a viable development. A revised calculation demonstrates that the site has a negative land value demonstrating that the development of the site for housing is a totally unrealistic proposition.
- There have been five major developments in Loggerheads in the recent past producing approximately 540 new houses. There are regularly upwards of 100 properties for sale within 2 miles of the centre of Loggerheads. The housing market in Loggerheads is being satisfied by existing stock.
- There are a number of factual errors in the assumptions made in the Waterco Consultants Drainage Strategy.
- The 'quarry' was in fact a 'tip' for landfill between 1977 and 1994 and this is not referred to in the Committee report. A report has been submitted by a consultant but it is on the website as a representation from neighbouring residents.
- The geo-environmental reports fail to address all of the known history of the site and they haven't explored all relevant sources of local knowledge.
- The applicants are proposing a cut and fill exercise including importation of approximately 65,000 cubic metres. This would result in significant lorry movements and would risk mobilising contaminants that could pose a threat to the underlying aquifer. Neither of these aspects has been fully considered by the Planning Officer and should require Environment Agency approval and a separate planning approval from the Waste Planning Authority, in this case, Staffordshire County Council, and there is no evidence that the County has been consulted.
- Piling is being proposed to secure foundations but the Environment Agency has stated that piling shall not be permitted. The Committee report fails to address this.
- The Environmental Health Officer's response states that further site investigations are required that could result in additional remediation being recommended. Planning Officers are seemingly ignoring this.
- The Council appear to be ignoring the NPPF advice to take into account the cumulative effects.
- The yard stands on top of approximately 35 feet of unregulated fill
- The field to the west of the site is in fact fill material
- On the other side of the road is an area of designated landscape value
- The large depression in the ground is not a "quarry base", rather it is an area of fill
- The base has been described as 'gravel' but it is in fact road planings, a hazardous waste
- Beyond the small bungalow on the top of the bank is a lagoon seriously contaminated by phenol. The whole tip lies above the major drinking water aquifer on the area.
- Beyond the depression is an embankment topped by a plateau. This is processed waste overlying unregulated tipping.
- The former County Council Officer in charge of this tip before he closed it down following an incident involving phenol, has identified a number of chemicals present or permitted in the tip.
- Officers consider Rock Lane as a safe pedestrian route for unaccompanied children attending St. Mary's School in Mucklestone. Members will draw their own conclusions about this muddy and unlit route.

- There is no complete footpath route from the site to Loggerheads and this would be a danger to people who would have to cross Muckleston Road.
- White House Farm is a Listed Building to the east and above the site with views down in to the site.
- There is insufficient health and well-being support within a reasonable distance of this site
- The applicant proposes to relocate 17,000 cubic metres of compacted waste material from the northern end of the site to the depression in the centre and then import 47,000 cubic metres of fill from off-site resulting in approximately 7000 large HGV return movements through Loggerheads village and along Muckleston Road
- The County Council Minerals and Waste Department have confirmed that the relocation of waste fill and importation of approved additional fill will require a separate planning application to the County. Only after the County grant permission can the applicant then apply for a site license to the Environment Agency. Without Environment Agency approval this work cannot be carried out.

Representations

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

- Unresolved pollution issues
- Unsustainable
- Outside of the village envelope
- No facilities and schools and doctors are full
- Only a few buses
- Highway safety concerns
- Not a Key Rural Service Centre due to a lack of facilities
- Rock Lane is for a greater part of the year a dark, muddy and dangerous unlit 'passage'. It would be an inappropriate route to school.
- The walking bus ceased to operate in the winter months as the children became wet and muddy. It has not run for the last 3 years due to parents' concerns over the volume of traffic at the Muckleston end of the lane.
- The drainage on Muckleston Road is incapable of handling the current excess of water, making the main pedestrian access to the site from the village via Muckleston Road often impossible at times due to flooding
- The proposed crossing of Muckleston Wood Lane would be still be dangerous even with a pedestrian refuge, because pedestrians have poor visibility of vehicles turning into the lane from the B5026.
- In excess of 100 dwellings have already been granted planning permission in Loggerheads
- It should not be assumed that the inability to demonstrate a 'robust' 5 year housing supply should outweigh all other considerations
- Impact on views
- Impact on wildlife
- Noise, light and air pollution
- Impact on the setting of a listed building, White House Farm, has not been properly considered

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Urban Design Appraisal
- Phase I Geo-Environmental Site Assessment
- Phase II Geo-Environmental Site Investigation
- Drainage Strategy
- Flood Risk Assessment
- Heritage Assessment
- Tree Survey Report
- Landscape and Visual Appraisal

- Transport Assessment
- Travel Plan
- Economic Benefits Report
- Draft Head of Terms

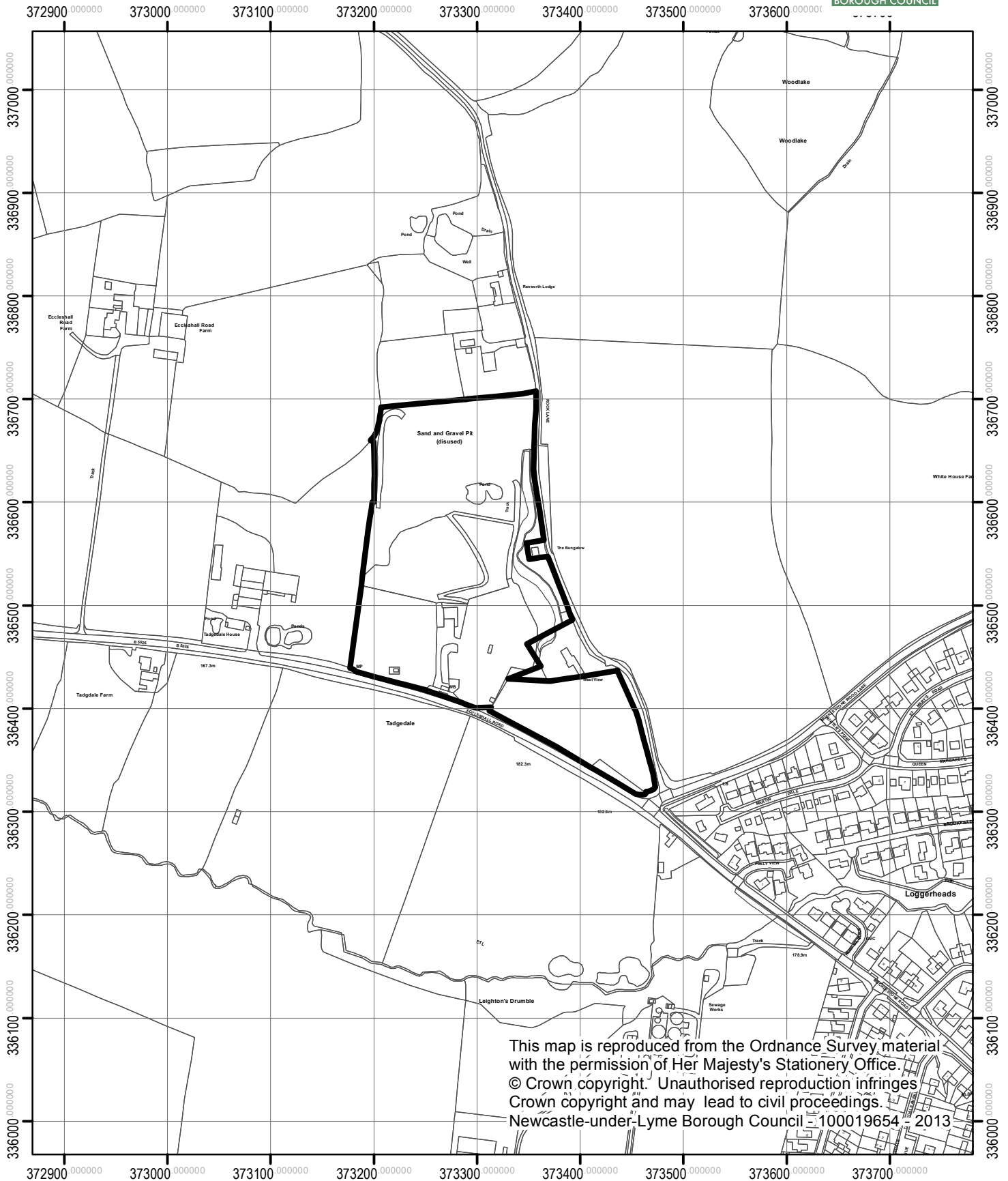
All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00202/OUT>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

12th May 2016



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**JUBILEE BATHS, NELSON PLACE
WESTLANDS ESTATES LTD**

16/00244/FUL

The application is for full planning permission construction of a 273 room student development on six floors comprising 165 self-contained rooms and 108 en-suite rooms in clusters of 2 and 4 with shared lounge/kitchen areas. Ancillary accommodation including an IT suite, gymnasium, meeting room and cinema room is provided.

Vehicle and cycle access is proposed from School Street accessing a below ground parking area for 19 vehicles and cycle storage for 110 cycles. Two communal landscaped areas are proposed along School Street raised above street level.

Planning permission was granted in 2015 for a scheme with a fundamentally unchanged external appearance comprising amongst other elements 244 rooms of student accommodation with some 21 car parking spaces.

The site lies within the Newcastle Town Centre Conservation Area and the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within a Live-Work Office Quarter.

The 13 week period for this application expires on 15th July 2016.

RECOMMENDATION

- A. Subject to the applicant entering into a Section 106 obligation by no later than 30th June , to secure the following:**
- (i) a financial contribution to the enhancement and maintenance of an area of public open space of £219,172 and a travel plan monitoring fee of £2,200.**
 - (ii) 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.**

Permit subject to conditions relating to the following matters:-

- 1. Approved plans**
- 2. Materials**
- 3. Occupation to be restricted to students only**
- 4. Details of landscaping to be agreed, to include details of boundary treatment/security fence to the landscaped areas.**
- 5. Landscape management plan**
- 6. 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.**
- 7. Provision of parking, turning areas and pedestrian visibility splays**
- 8. Replacement of disabled parking spaces that will be lost to accommodate the site access.**
- 9. Prior approval of the details of the management of the parking area and measures to prevent occupiers having cars.**
- 10. Implementation of Travel Plan**
- 11. Gymnasium, IT suite, cinema room and any other accommodation for the students use only**
- 12. Prior approval of ground floor glazing to rooms to ensure adequate privacy**
- 13. Prior approval of window treatment within the whole building to ensure consistency of approach**
- 14. Provision of the security measures set out in the submission, or other measures that have been agreed.**
- 15. Construction hours**
- 16. Construction Management Plan**
- 17. Implementation of measures to reduce the impact of noise as set out in the submitted noise assessment.**
- 18. Prior approval of plant and machinery, including a noise assessment and mitigation measures**
- 19. Piling operations, including a noise and vibration assessment, to be carried out in accordance with details that are agreed beforehand. The Council and residents of Brunswick Street and Hanover Street to be notified at least 14 days in advance of the commencement of the piling operations.**
- 20. Submission of an air quality impact assessment and details measures to minimise air pollution before installation of biomass and CHP systems and adherence to approved details for the life of the development.**
- 21. Details of ventilation system to ensure appropriate indoor air quality**
- 22. Waste storage and collection arrangements**
- 23. Implementation of security/crime prevention measures**
- 24. Importation of soil**
- 25. Removal of permitted development rights for telecommunication apparatus**

B. Failing completion, by the date referred to above, of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of a secured planning obligation the public open space needs of the development, the required contributions to sustainable transport measures and potentially to on street parking measures, would not be met; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

This is an application that follows the granting of planning permission for the construction of a 244 room student development on this site (application reference 15/00166/FUL). The development remains acceptable in principle within the urban area of Newcastle close to the town centre - a sustainable location for student housing. The scale, massing and external appearance of the building remains fundamentally unchanged from the permitted development and as such the proposed development would preserve the character and appearance of the Conservation Area and the setting of nearby listed buildings, as was the conclusion in respect of the permitted development.

The current application involves additional student rooms, and a reduction in parking spaces. Whilst, as with the previous application, it is not considered that the highway safety consequences arising from any additional on-street parking demands will be severe appropriate controls that were secured in association with the permitted development should be secured in association with the revised development. As such, as stated within the National Planning Policy Framework, the development should not be prevented or refused on transport grounds.

Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

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

Key Issues

Full planning permission is sought for the erection of a block of student accommodation comprising 273 bedrooms with ancillary accommodation, with the formation of a new access onto School Street and associated car and cycle parking.

This follows planning permission for a 244 bedroom student accommodation block in 2015 reference 15/00166/FUL - a planning permission that remains extant. Some work has been undertaken on the site including the demolition of the former Jubilee baths building. The additional bedrooms replace duplex (over two floor) single person accommodation that was permitted.

In granting planning permission for the development permitted under reference 15/00166/FUL it was concluded that the principle of the proposed development was acceptable in this location. That remains the case. In addition it was accepted that the building would not harm the character and appearance of the Conservation Area. In this regard the development has not fundamentally changed in the current application from that permitted in respect of its scale, massing and appearance. The limited changes are the introduction of a door on the School Street elevation, serving a substation, and the inclusion of a perforated roller shutter door on the entrance to the car park (although it was always anticipated that there would be a barrier of some kind at this access point). In addition on where the glazing is for the full height between the ground and first floor, an opaque glazed panel has been introduced so that the floor that has been introduced is not visible externally.

In light of the limited nature of the changes to the appearance of the building it is not considered necessary to reconsider this issue in any detail at this time as the conclusion that the development would not harm the character and appearance of the Conservation Area remains valid in this case.

Other issues that were addressed in the consideration of the development permitted under reference 15/00166/FUL were residential amenity of the occupiers and crime prevention/security. The conclusions reached, that the development was acceptable in respect of such issues subject to conditions, also remain valid, there having been no material change in circumstances.

The introduction of additional student rooms as currently proposed, however, requires further consideration in respect of highway safety and what, if any, planning obligations are necessary to make this development acceptable. These will be addressed below.

Is the impact of the development on highway safety acceptable?

The access to the site would be via School Street. Based on the maximum parking standards in the Local Plan relating to student accommodation expected to be provided by Keele University (the closest comparison), the development should not be permitted to provide more than 69 spaces. 19 spaces are proposed. Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The 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.

In permitting the previous application on the site it was accepted that the level of parking within the development (21 spaces or 8.6%) was acceptable. It was accepted that students accommodated within the building would be discouraged from having a car with them, as they would not be permitted to bring a car to Keele University and would not be given a parking space at the development. In addition, they would have easy access to a very good bus service would influence students to leave any vehicle they may have at home.

There were concerns, however, that some students will nevertheless bring their car and will park remotely from the premises on residential streets where there are no parking restrictions thereby aggravating on street parking problems. In light of such concerns, and in accordance with the advice of the Highway Authority, the permission was conditional upon a parking survey of residential streets being undertaken in an agreed area, followed by a second survey 12 months after full occupation to ascertain whether there are any parking issues. In addition, if the surveys demonstrated that the development had created parking issues then a residents parking zone should be established paid for from £50,000 which would be deposited by the developer through a legal agreement.

The current scheme involves a 12% increase in the number of student bedrooms from 243 to 273 within the development, and a small reduction in the level of parking to be provided from 21 to 19 (a reduction in onsite provision from 8.6% to 6.9%). Whilst this would not materially increase the likelihood of highway safety issues arising from the development as a result of on street parking, all conditions that were imposed on the permitted development and the associated planning obligation remain appropriate and necessary for the current proposal.

What, if any, planning obligations are necessary to make the development policy compliant?

The only planning obligations that was considered necessary to make the permitted development policy compliant, in addition to the requirement to provide a financial contribution to enable the creation of a residents parking zone, were a Travel Plan monitoring fee and a contribution towards the improvement and maintenance of nearby public open space (Queen's Gardens). Given that there have been no changes in planning circumstances it remains the case that in principle of such obligations would comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

The development as currently proposed involves an overall increase in the number of student bedrooms and any contribution secured should be recalculated to reflect this, making the same adjustments that were made in respect of the permitted scheme. Such adjustments were in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling which isn't the case for the type of accommodation proposed. In addition the occupiers of the development are of an age where they should not use equipped play areas and as such the development should not be expected to provide this element of the standard contribution.

As indicated above the public open space contribution secured in the permitted scheme was to be spent on improvements to Queen's Gardens. It is not known whether the additional contribution secured from this scheme could all be spent within Queen's Gardens or whether it would need to be split between Queen's Gardens and another nearby area of public open space (of which there are a number). As such further information will be reported in this regard.

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

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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 SP2:	Spatial Principles of Economic Development
Policy SP3:	Spatial principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change Policy
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development – Sustainable Location & Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy B3:	Other Archaeological Sites
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas
Policy B10:	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
Planning Practice Guidance (PPG) (2014)
The Community Infrastructure Levy (CIL) Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)
Developer Contributions Supplementary Planning Document (SPD) (September 2007)
Affordable Housing SPD (2009)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

09/00734/DEEM3 Proposed Health and Wellbeing Centre which includes a 25m swimming pool, learner pool, spectator gallery, changing facilities, climbing wall, fitness suite, children's activity zone, dance studio and multi-purpose room (Jubilee 2) permitted and constructed on the adjoining site on Brunswick Street.

15/00166/FUL Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking has been permitted on the application site, following the completion of a related Section 106 agreement. The permission is extant.

Views of Consultees

The **Environmental Health Division** indicates that it has been demonstrated that land contamination does not present a risk to future site occupiers and as such the standard contaminated land conditions are not required. A condition in respect of imported soil forming material is, however, considered necessary to ensure appropriate soils are used in the landscaped areas. (Further comments regarding noise and air quality are to be sent separately and will be reported).

The **Police Architectural Liaison Officer** welcomes the broad proposal to create modern attractive student accommodation at this landmark location. Providing a safe and secure environment for the students as well as an attractive and functional one should be at the heart of the proposals and notes that the submission includes information where crime prevention and security is addressed.

The Council's **Conservation Officer** has no objections to the proposal.

The **Conservation Advisory Working Party** (CAWP) has no objections.

The views of the **Highway Authority** have been sought and as the last date for their comments has passed without a response it must be assumed that they have no observations to make upon this application.

The deadline given to **Historic England** to comment on this proposal has not yet been reached, any comments received from them will be reported.

Representations

None

Applicant's/Agent's submission

The applicant has submitted the following

- Transport Statement and Draft Framework Travel Plan
- Air Quality Assessment
- Asbestos Report, Survey and specification for abatement works
- Site investigations into contaminated land
- Heritage Statement
- Archaeological building recording and paleo-environmental analysis
- Design and Access 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/16/00244/FUL>

Background papers

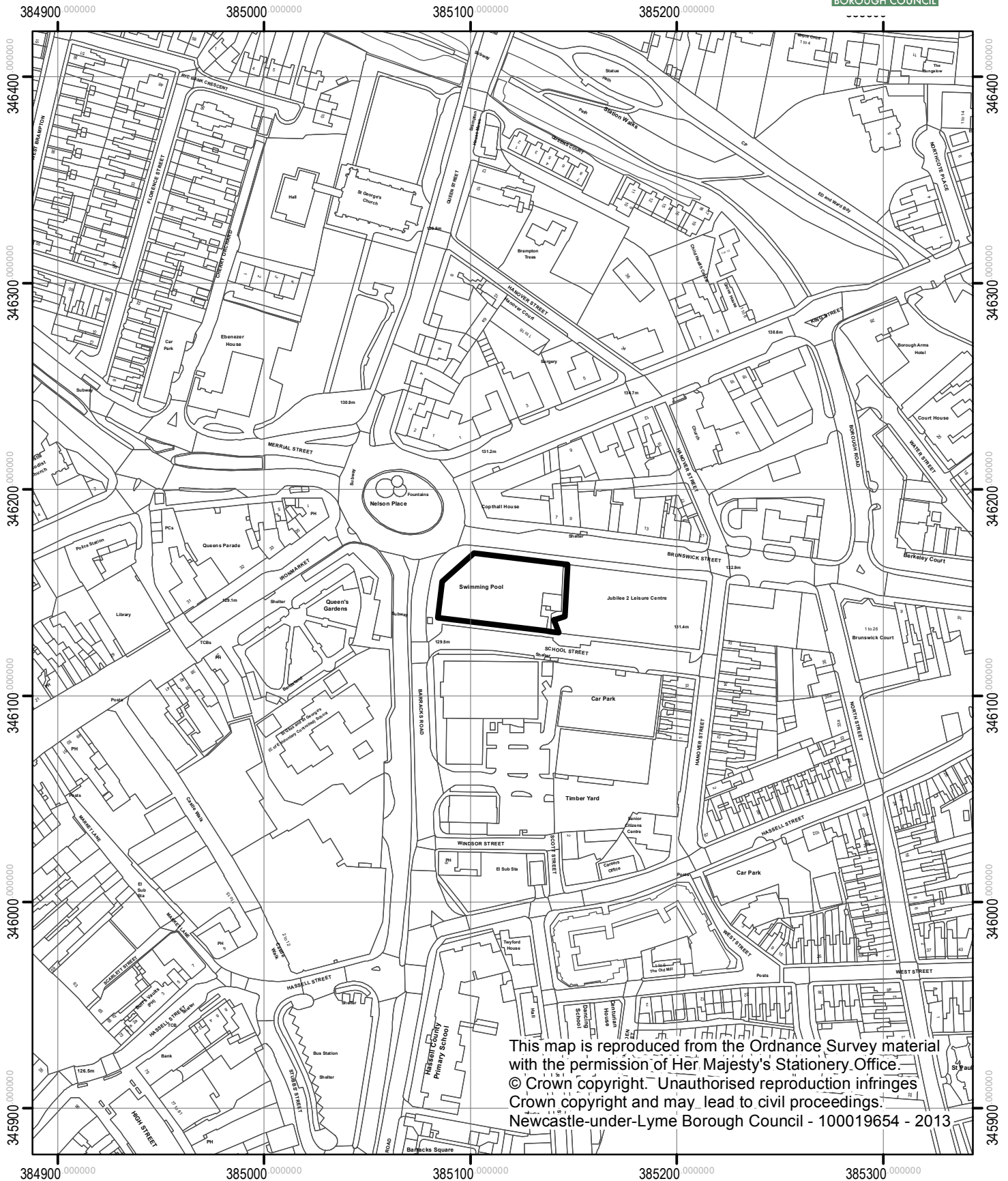
Planning files referred to

Planning Documents referred to

Date report prepared

10th May 2016

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FORMER ST GILES' & ST GEORGE'S PRIMARY SCHOOL, BARRACKS ROAD
STAFFORDSHIRE COUNTY COUNCIL

16/00362/FUL

The Application seeks to vary condition 3 of planning permission 16/00008/FUL for a new Public Services Hub building and associated works. Condition 3 as worded in the decision notice is as follows:

Within 5 weeks of commencement of the construction of the building hereby permitted details of the external materials to be used in the construction of the development as shown on drawing no 6229-110 rev A, which shall specifically include details of a reddish stone where stone is proposed (rather than the buff stone indicated), shall be submitted for the approval of the Local Planning Authority. The development shall be constructed in the approved materials.

The reason given for the condition within the decision notice was "in the interest of visual amenity and to protect the character and appearance of the Conservation Area" in accordance with relevant policies.

The varied wording of condition 3 as proposed in this submission is as follows:

Within 5 weeks of the commencement of the construction of the building hereby permitted details of the external materials to be used in the construction of the development as shown on drawing no. 6229-110 rev A, which shall specifically include details of a stone where stone is proposed, shall be submitted for the approval of the Local Planning Authority. The development shall be constructed in the approved materials.

The site lies within the Newcastle Town Centre Conservation Area, the Urban area of Newcastle and the Primary Shopping Area as designated on the Local Development Framework Proposals Map. In addition it is within the Town Centre Historic Core as defined in the Newcastle Town Centre Supplementary Planning Document.

The 13 week period for this application expires on 29th July 2016.

RECOMMENDATION

- (a) Subject to the applicant entering into a S106 obligation by no later than 30th June 2016, that preserves the Council's position in respect of obligations secured through permission 16/00008/FUL (and as such secures a financial contribution to introduce Resident Parking Zones if it is demonstrated through surveys that these are required) PERMIT the variation of condition 3 so that it reads as follows:

The building hereby permitted shall be faced, on the elevations where buff stone is shown as specified on drawing no. 6229-110 rev A, in Mottled Jura Limestone. Details of all other external materials to be used in the construction of the development shall be submitted for the approval of the Local Planning Authority within 5 weeks of the commencement of the construction of the building. The development shall be constructed in the approved materials unless alternative materials are agreed in writing by the Local Planning Authority.

and subject to the imposition of all other conditions attached to planning permission 16/00008/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.

- (b) Should the matters referred to in (A) above not be secured by 30th June 2016 that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation the required contribution to sustainable transport measures and potentially to on street parking measures the development would not be acceptable; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 emphasises the need to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The cladding of the development in Mottled Jura Limestone on the most prominent elevations would preserve the character and appearance of the Conservation Area and also the setting of nearby Listed Buildings including the Queen Victoria statue.

The effect of a grant of approval is to create a new planning permission. Subject to the requirement to provide a financial contribution to introduce Resident Parking Zones, if it is demonstrated through surveys that these are required, and the imposition of the same conditions as were imposed on 16/00008/FUL it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

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

Key Issues

Full planning permission was granted in March for the construction of a four storey public sector hub. The application seeks to vary condition 3 of the permission.

The Authority cannot reconsider the principle or the design of the public sector hub building in the determination of this application, but it does have the following options:-

- If it considers that a reddish stone is required, the original condition should remain and the application refused,

- If it considers that the condition should be varied then it should approve the application subject to the reworded condition or subject to a different condition as it considers appropriate.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes in the interim, such a permission should also make reference to the other conditions of the original planning permission. In this case the permission should also be the subject of a Section 106 obligation as was the original permission (which secured a financial contribution to be used to fund Resident Parking Zones in the event that it is demonstrated through surveys that the development results in on street parking problems).

The materials of the proposed building as indicated in application 16/00008/FUL were stated to be a buff stone on the most prominent elevations that face Queen's Gardens (front elevation) and Barracks Road (side elevation), and on part of the car park elevation (rear elevation) closest to Barracks Road, with the remaining elevations clad in a more neutral masonry effect cladding. Whilst the proposed materials were considered to be broadly acceptable a reddish stone, rather than the buff stone indicated, was specified in the condition as it was considered to be a more appropriate colour in the town centre where red brick is the predominant facing material. This was in accordance with the comments of the Conservation Officer and the Conservation Advisory Working Party.

The applicant has attempted to find materials that accord with the requirements of the condition and has identified a number of examples of reddish sandstone. The examples sourced have all been ruled out, however, primarily due to the porous nature of the material, which at the thickness that it needs to be for the proposed construction system would allow water through to the wall. All would, therefore, require annual treatment with a sealant to reduce their porosity, which would create an ongoing maintenance issue and would affect the appearance of the material. In addition one of the sourced sandstone was considered to be too dark (St Bees); one not of a sufficiently high quality (Doddington); and one could not be described as reddish (Darney).

The material that has been selected is the Mottled Jura Limestone (a sample of which will be displayed at the meeting) which is sourced from Germany, it is understood. This is a high quality material that has a smooth surface and a buff/beige background colour that is mottled with darker coloured fossils distributed across the surface. Whilst it is a material that is can be used internally, on floors for example, it is also widely used as an external cladding material. Members might wish to note that the material is used at One Staffordshire Place, Stafford – the County Council's offices.

The modern clad building that has been permitted is already a contrast to the traditional buildings within the town centre. The facing material that is now proposed will further emphasise this contrast but will not detract from the overall appearance of the development. As such the same conclusion can be reached, that the development would preserve the character and appearance of the Conservation Area and the setting of nearby Listed Buildings, including the Queen Victoria statue.

The wording of the condition as proposed by the applicant does not specify the use of the Mottled Jura Limestone. As such if the suggested wording is used it would require the developer to seek approval of that material through the submission of details to satisfy that condition, notwithstanding that if the recommendation is followed it has been accepted that this material is appropriate. Your Officer's view, therefore, is that the condition should therefore make specific reference to this material.

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 ASP4: Newcastle Town Centre Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B5: Control of Development Affecting the Setting of a Listed Building
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13: Design and Development in Conservation Areas
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)
Newcastle Town Centre SPD (2009)
Newcastle Town Centre Conservation Area Appraisal and Management Plan

Newcastle Extensive Urban Survey

Relevant Planning History

Demolition of former St Giles' and St George's School to facilitate the redevelopment of the site was permitted earlier this year (reference 15/01077/FUL). An application to vary condition 4 of that permission, which restricted when the demolition of the building could take place, was subsequently permitted in March (reference 16/00082/FUL).

Planning permission for the new public sector hub building and associated works was permitted in March (reference 16/00008/FUL). Whilst the former St Giles' and St George's Primary School building on the site has recently been demolished, such development is not a commencement of the public sector hub development given that such works under a separate permission.

Views of Consultees

The **Conservation Advisory Working Party (CAWP)** would prefer a red hue to the proposed stone cladding rather than yellow for the new building and from a sustainable perspective feels that the material should be procured locally.

Historic England indicates that on the basis that the proposal will not result in a reduction of the quality of materials or finish, it has no objections in principle. They recommend that the application is determined in accordance with national and local policy guidance, and on the basis of the Authority's specialist conservation advice.

The Council's **Conservation Officer (CO)**, considered that a reddish 'hollington' sandstone was a good material as it reflected other buildings within the Borough and the reddish hue would blend well with the red brick around the town and a smooth cut finish with the contemporary design would work well for the town giving it a robustness and quality. The CO understands that from a practical point of view this stone is not a good choice however. The chosen material does have colour variation in it and will give a clean contemporary

appearance that is a stark contrast to the setting of the gardens but has concerns that it has the appearance of an internal floor or wall tile.

The **Newcastle South Locality Action Partnership** and the **Victorian Society** have been consulted and any comments received in time will be reported.

Representations

One letter of representation has been submitted indicating that “to replace the loss of the mature trees a red stone facing for the new hub should be required as it will be a positive advantage that the stone grows green lichens and mosses on the huge north face that will be towering over the Queen's Gardens. The damp dullness in the gardens will transform them into a slimy grotto of green. This perfect shade garden will be almost unique for any urban setting in Britain and may foster a new Category for "Britain in Bloom". The Mottled Jura Limestone, if utilised, should be inside the public areas of the building. The sympathetic response to the surrounding few listed buildings, and the Bronze Sculpture of Queen Victoria is to uphold the original planning permission and utilise Red stone. If external cleanliness and low maintenance costs are the pivotal criteria just clad it all in self-cleaning glass as a symbol of the Transparency of local government”.

Applicant's/Agent's submission

The applicant has submitted a heritage assessment in support of the application in addition to the requisite forms. The reasons referred to within the heritage assessment as to the choice of the external material proposed are set out below.

- Aesthetics - this includes the before and after effects of sealing the alternative sandstone considered, vandalism etc. and the fact that Jura limestone is the most mottled alternative.
- Sustainability – the source of material was one of the most sustainable, as would be the maintenance requirements (i.e. frequency of using any harmful substances to maintain the stone).
- Properties of the material – of particular note is the stone's longevity, slow speed of corrosion and reduced porosity.
- Maintenance requirements – this stone would require less ongoing maintenance in order to enable a consistent appearance across the building (particularly in relation to the growth of mould on the north side of the building). In addition, other stones would need to be treated with a stone sealant (resulting in excessive CO₂ emissions) to reduce the porosity of the stone (on a yearly basis) which would result in a heavy reliance of the use of mechanical aids to access the façade.
- The proposed stone would best assimilate within the context of the other materials proposed for the façade.

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/16/00362/FUL>

Background papers

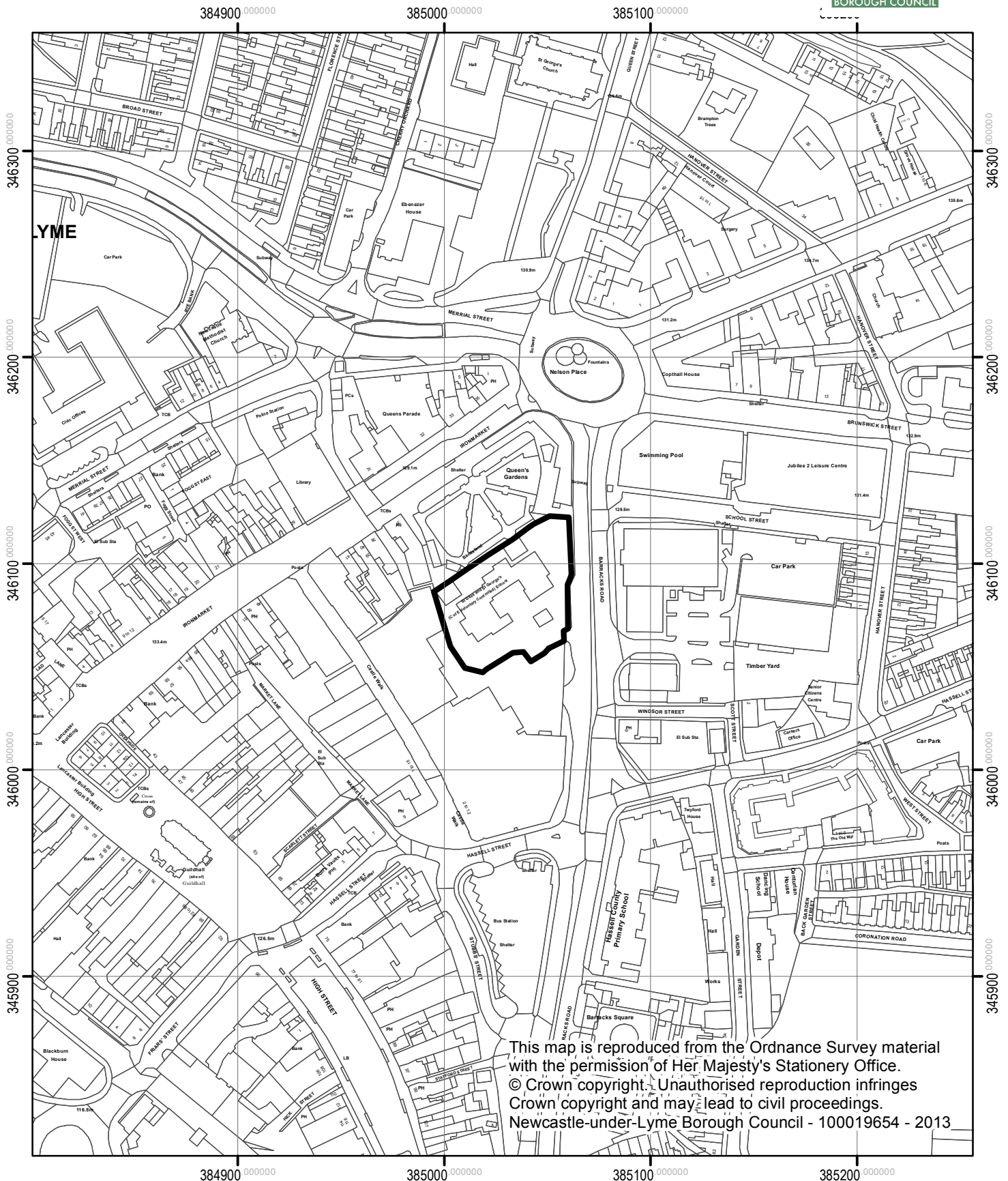
Planning files referred to
Planning Documents referred to

Date report prepared

5th May 2016

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Former St Giles And St Georges Primary School 16/00362/FUL



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**LAND WEST OF RAVENS CLOSE, BIGNALL END
ASPIRE HOUSING GROUP**

16/00273/FUL

The application is for full planning permission for a residential development comprising 6 houses.

The application site, of approximately 0.18 hectares, is within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to resident's concerns.

The 8 week period for the determination of this application expires on the 30TH May 2016.

RECOMMENDATION

Permit, subject to conditions relating to;

- 1. Standard time limit;**
- 2. Approved plans;**
- 3. Prior approval of external facing materials;**
- 4. Prior approval landscaping scheme;**
- 5. Access, parking, servicing and turning areas being provided prior to occupation;**
- 6. Additional 8 no. car parking bays being provided for existing residents before the existing parking area is removed;**
- 7. Prior approval of a Construction Management Plan**
- 8. Prior approval of a written scheme of archaeological investigation;**
- 9. Finished floor level shall be 150mm above ground level**
- 10. Affordable housing provision.**
- 11. Full land contamination conditions;**
- 12. Submission and approval of noise assessment/ mitigation measures;**
- 13. Construction and demolition hours;**
- 14. Foul and surface water drained on separate systems;**
- 15. Prior approval of drainage scheme**

Reason for Recommendation

The site is located within the village envelope of Bignall End which is accepted as a sustainable location for new housing. The benefits of the scheme include the provision of affordable housing within an appropriate location. Whilst concerns have been expressed about parking and highways safety it is considered that the applicant has now addressed these matters and the development provides an acceptable level of off street car parking for existing and future occupiers. Overall the development is considered to represent a sustainable form of development in this rural area and any harm is clearly outweighed by the benefits of the scheme which include the provision of six affordable housing units. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

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

Following the withdrawal of the previous application the applicant has successfully addressed concerns of the LPA and no further amendments are considered necessary. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for 6 dwellings (three pairs of semi-detached dwellings) on land to the rear of the existing Aspire Housing site, off Ravens Close, part of which is presently set aside as

the main car parking area for the existing development. The site is located within the village envelope of Bignall End, adjacent to, but not within, the Green Belt as identified on the Local Development Framework Proposals Map.

The main issues in the consideration of the application are:

- Is the principle of the development on this site acceptable?
- 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?
- Highway safety and loss of parking facilities
- Affordable Housing
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of the development on this site acceptable?

The site lies in the rural area within the village envelope of Bignall End.

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

Policy ASP6 is more specific towards housing in rural areas and states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing. This is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

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

The site is partly open space and part existing car parking area. Being located in the village boundary (one of the Audley Parishes) and close to a range of services and facilities it is considered to represent a sustainable rural location.

The Local Planning Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) given that it does not have a full objective assessment of need. The starting point therefore must be one of a presumption in favour of residential development. As has already been stated the development is considered to represent sustainable development and the issue of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits will be considered below.

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

Paragraph 56 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. The section of the NPPF on "Requiring Good Design" discusses the importance of the design of the built environment, and to plan positively for the achievement of high quality and inclusive design for all developments.

The development site is to the rear of the existing apartment development off Ravens Close, on an area of land that has a lower level than the surrounding dwellings. The existing accommodation is set within large rectangular buildings of two storey height running parallel with the main road, Old Road.

Across the main road the houses are a mixture of semi-detached, detached and terraced dwellings. Therefore the development of 3 pairs of semi-detached units would fit in with the prevailing character of this part of the village.

The proposed dwellings would be two storeys in height. The submitted plans show that in order to level off the development site there would need to be some filling of the site. This would slightly raise existing ground levels but the finished floor levels of the new houses would still be some 2.27m below the existing level of Ravens Close and more than 1.56m below the floor levels of the existing apartment buildings.

The height of the dwellings would be unlikely to materially harm the prevailing character of the surrounding area. The massing and scale of the dwellings is considered acceptable.

The proposed parking facilities within the site are located to the front of the proposed dwellings. These show an allocation of 2 car parking spaces per new dwelling with two overspill spaces. The layout is interspersed with informal planting areas and a retaining wall is to be constructed to retain the excavated parking area. Each dwelling would have a private garden space to the rear, accessed via a small raised patio and steps.

Overall, the proposed development is considered to have an acceptable impact on the character and form of the area, and complies with Policy CSP 1 of the Core Spatial Strategy and the aims of the NPPF.

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 proposed houses would be at right angles to the north facing, rear elevations of the existing apartments and at a lower site level. The principal windows in the new dwellings would be located in the front and rear elevations facing east/west. The side elevation of the new units nearest to the existing apartment building would be separated by a distance of 13.5 metres, which meets the minimum separation distance requirements.

Therefore the proposed development would not lead to the significant loss of residential amenity to neighbouring properties and the development would comply with the requirements and guidance of the NPPF.

Highway safety and loss of parking facilities

The National Planning Policy Framework states that a safe and suitable access to the site should be achievable for all people and 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.

Policy H4 of the local plan indicates that planning permission will not be given for additional dwellings on garage forecourts unless the car parking facilities serve no local need, alternative parking with equivalent or better capacity and accessibility is proposed, and the car parking facilities that would remain would be satisfactory for the identified demand.

The existing residential properties at Ravens Close have access to a parking area for 16 vehicles and a further eight parking spaces which are located at right angles and directly accessed off Ravens Close. The parking area would be lost as a result of the development.

To address the requirements of Policy H4 the application has been supported by a transport assessment which considers matters such as the loss of car parking; accessibility of the proposed residential development; and car parking provision for the proposed residential development. The

report recognises that the proposed development will displace parking from an existing Ravens Close parking court as indicated above, however, the surveys carried out (which include additional surveys to consider shift work patterns following previous criticism) conclude that there is a maximum demand of 18 vehicles associated with the existing residential units at Ravens Close.

Policy T16 of the Local Plan indicates that for two bedroom dwellings as proposed a maximum of two parking spaces per dwelling is required. As such, taking into consideration the maximum level of parking required for the existing properties as demonstrated by the surveys, up to 30 spaces are required (up to 12 for the proposed and 18 for the existing). The proposed development provides two of the proposed dwellings have two, on plot parking spaces with the remainder having one on plot parking space. A further parking area for six vehicles is to be provided directly in front of the new dwellings. In addition the proposal provides six new parking spaces at right angles accessed off Ravens Close and the formally laying out of an additional two parking spaces at the turning head of Ravens Close which is not required (such spaces currently informally in use). Adding in the existing eight parking spaces accessed directly off Ravens Close which are to be retained a total of 30 spaces will be provided for the existing and the proposed dwellings.

It is acknowledged that at certain times of the day on street car parking demand is high and that a high number of objections have been received regarding car parking and the loss of the car parking court. It is, however, considered that the application demonstrates the car parking facilities that would remain would be satisfactory for the identified demand from existing residents and the proposal provides adequate parking for the proposed. The proposed development would provide sufficient off street car parking for proposed and existing occupiers in this sustainable rural area

The Highways Authority has raised no objections on access and parking grounds subject to conditions. They have, however, indicated that the number of spaces would represent over provision. The development provides the maximum level of parking as set out in policy for the proposed dwellings as well as meeting the demand for parking from existing dwellings. In such circumstances, taking into account the Secretary of State's statement referred to above, it is not considered appropriate to seek amendments to reduce the level of parking from that proposed.

The proposal therefore accords with policies H4 and T16 of the local plan and the guidance and requirements of the NPPF which seeks to promote sustainable methods of transport.

Affordable Housing

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

In this case, irrespective of the planning policy requirements outlined above Aspire as a Registered Social Landlord (RSL) have applied for development where all of the 6 units proposed are to be affordable. As such the policy requirements would be met.

Affordable Housing is usually secured by a S106 agreement but in the past applications by Aspire (where all units are to be affordable) a condition has been considered acceptable due to the low level of risk of the development being sold on the open market following the grant of permission – Aspire being a key partner of the Borough Council in the delivery of local housing strategy. It is considered appropriate that a condition is imposed in this case.

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

In this particular case, it is not considered that the adverse impacts of allowing the proposed development significantly and demonstrably outweigh the benefits which include the provision of six affordable housing units and accordingly permission should be granted.

APPENDIX

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

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026 (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 H4: Housing Development and Retention of Parking Facilities
Policy T16: Development – General Parking Requirements

Other Material Considerations

National Planning Policy

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

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

Relevant Planning History

16/00020/FUL	Erection of 6 dwellings	Withdrawn
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Views of Consultees

Audley Parish Council objects to the application on the grounds of insufficient parking and the car parking survey is inaccurate. The development will displace cars onto a heavily parked up and congested narrow street, which is adjacent to a primary school. The residents of the flats believe that they are also losing valuable amenity green space. This loss will affect their quality of life. The tenants of the flats believe that they have the same rights to parking as the new proposed tenants/occupiers and therefore they consider this to be a breach of their human rights due to the inequalities.

The **Environmental Health Division** raises no objections subject to full contaminated land conditions, constructions hours and prevention of annoyance (Noise).

The **Highway Authority** raises no objections subject to conditions regarding the access, parking, servicing and turning areas have been provided; the additional 6 parking bays on the east side of Ravens Close and 2 formally marked out in the redundant turning head as shown on the approved plan 003-(PL)-7898 have been provided; and the submission and approval of a Construction Management Plan.

The **Landscape Section** has not responded by the due date of the 29th April 2016 and it is therefore assumed that they have no comments to make on the development proposal.

United Utilities raises no objections subject to foul water and surface water conditions.

Staffordshire County Council as the **Lead Local Flood Authority** indicates that the site is not within the updated Flood Map for Surface Water 1 in 100 year outline so the risk of surface water flooding is low. They have recommended that finished floor levels are set 150mm above surrounding ground levels in line with good building practice.

Staffordshire County Council Archaeology have indicated that the proposed development has the potential to impact upon significant archaeological remains including Old Road, the original road along which Audley developed during the medieval period; the potential for back plot activity associated with Medieval street front buildings; the water course (with the attendant potential for late prehistoric exploitation of this resource) and a motte and bailey castle; a scheduled monument. Should permission be granted, a staged archaeological evaluation should be undertaken so recommends a condition accordingly.

Representations

31 objections have been received on the grounds of loss of existing residents parking.

The objections indicate that the beat surveys provided in the transport assessment do not truly reflect the residents parking needs. There is no viable reason why the existing 26 spaces cannot be retained. The proposal would be contrary to Policy H4 of the local plan

Objections regarding boundary treatments and the impact on neighbouring flats have also been made.

Applicant/agent's submission

A Design and Access Statement, Transport Assessment, Geo-Environmental Assessment Report along with the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall or via this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00273/FUL>

Background Papers

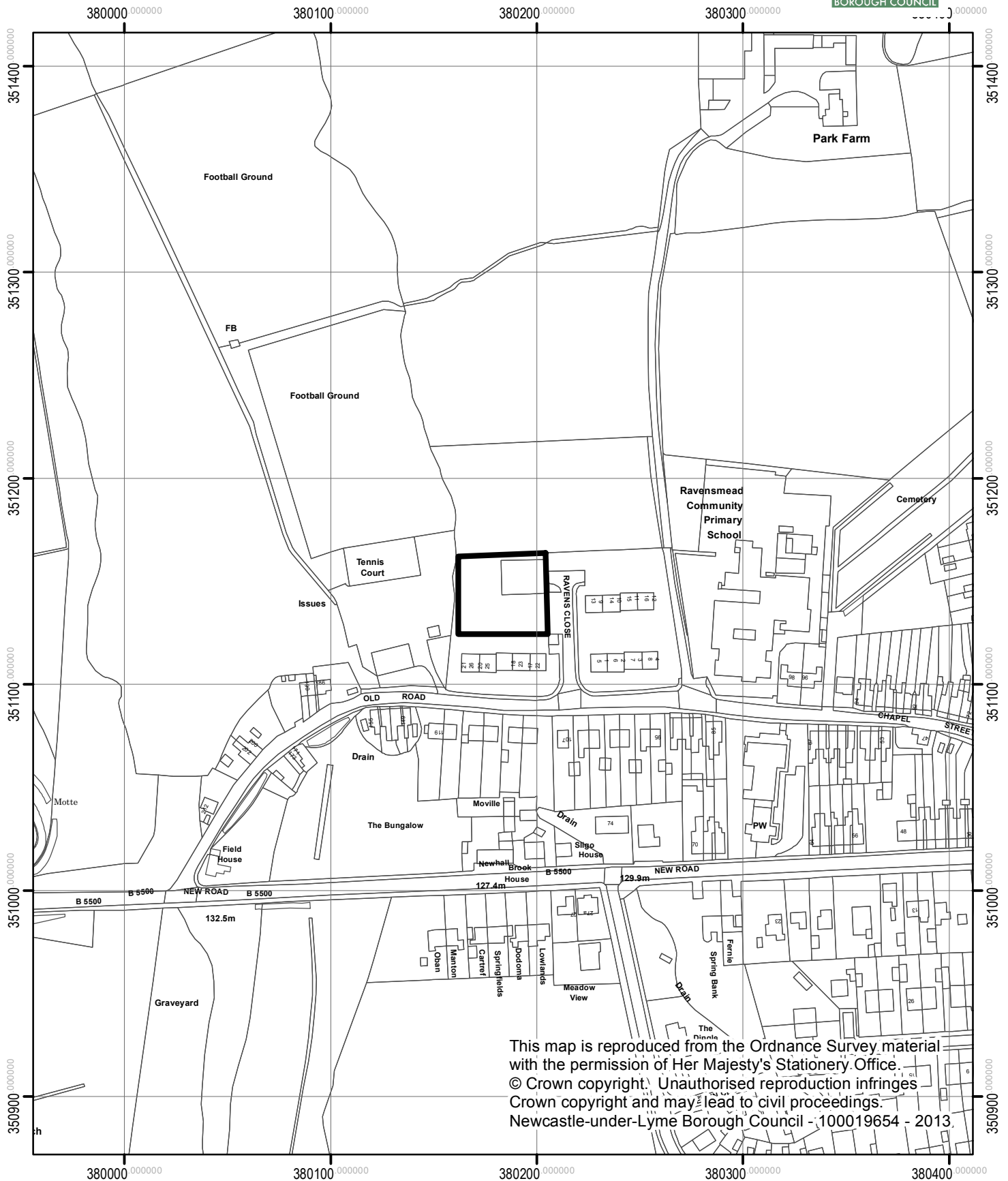
Planning files referred to
Planning Documents referred to

Date report prepared

6th May 2016

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**Land West of Ravens Close,
Bignall End
16/00273/FUL**



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**LAND NORTH OF BAR HILL ROAD, ONNELEY
MR DENNIS JOHNSON**

16/00336/OUT

The application is for outline planning permission for the erection of two dwellings on a site that has a lawful use as a storage yard. Details of the access from the highway network is submitted for approval as part of this application with all other matters (appearance, landscaping, layout, scale, and access within the site) reserved for subsequent approval.

The site is within the open countryside outside of any defined village envelope and within a Landscape Maintenance Area (policy N19) as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors who consider that the proposal would 'tidy up' the site and two houses would provide much needed housing in the rural area.

The 8 week determination period expires on the 16th June 2016

RECOMMENDATION

Refuse for the following reason;

- 1. The development of this site, whilst meeting the definition of previously developed land, within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).**

Reason for Recommendation

Whilst the Council currently cannot robustly demonstrate a 5 year plus 20% supply of deliverable housing sites the scheme proposed in this location would represent an isolated location and the benefits of the scheme do not significantly and demonstrably outweigh the benefits. The proposal would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

KEY ISSUES

The application is a resubmission following a recent refusal in April 2016 for the same scheme. The application was refused on the following grounds;

"The development of this site, whilst meeting the definition of previously developed land, within the open countryside is contrary to specific policies within the National Planning Policy Framework as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location for development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, given the absence of special circumstances as referred to in paragraph 55, there is no presumption in favour of permitting

this development. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012)."

The design of the dwellings/ impact of the landscape, residential amenity levels, highway safety matters and the impact on ecology were all considered acceptable subject to conditions. Therefore, given that the last application was only recently refused and there has been no changes in planning circumstances, the only matters for consideration are the principle of residential development in this location and whether any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

The principle of residential development

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

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

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

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

It is acknowledged that the site has an existing lawful use as a storage yard which results in a large proportion of the site satisfying the definition of previously developed land. However, as indicated above this site is not within a village envelope and nor would the proposed dwellings serve an identified local need as defined in the CSS.

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

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

Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental.

Onneley is not identified as a key Rural Service Centre. It has limited services and facilities and a limited bus service (two a day on each week day and no service at weekends) and bus stops which is unlikely to provide a realistic alternative to the car for many journeys to work, visiting large supermarkets or visiting entertainment and leisure facilities in larger settlements.

The nearest Key Rural Service Centre of Madeley at a distance of 1700 metres to the development boundary could not be easily or safely reached on foot given there is only pavement on limited sections of the route and the road (A525) which is heavily trafficked. The likelihood therefore is the new development would be serviced by private motor vehicles only which would render the site highly unsustainable.

Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. This could represent the social element of sustainable development. It is not accepted that the proposed development would achieve this objective, however, as it would make very little contribution towards the vitality of the rural communities in the area due to the lack of reasonable access to the nearby settlements by any transport other than the private car.

A number of appeal decisions have been referenced within the applicant's submission. Most notably the submission refers to an appeal decision at Rowney Farm which was allowed despite it being outside of a key rural service centre. In that instance it was a wholly different development proposal in that it was for the change of use of an existing Granny Annexe to one independent dwelling with the inspector stating that "the change to the appeal property's planning status would not represent such an increase in the reliance on the private motor car to conclude that the resulting effects would be 'significant and demonstrable' and therefore at odds with the Framework. Any effects would be minimal and outweighed by the appeal proposal's benefits, albeit modest, in supporting local shops and other services and the contribution to the supply of housing in the Borough". In contrast the proposal in this instance is for two new dwellings which is much further from a rural service centre and there would be a likelihood of a high level of private car use due to the distance and the route not being easy or safe to walk.

Members should note that a more recent appeal decision has been received for a scheme for new dwellings at Rowney Farm. The appeal was dismissed due to it representing an isolated location with the adverse impacts of the proposal significantly and demonstrably outweighing the benefits, when assessed against the relevant development plan policies and the Framework as a whole.

The application site is also considered to represent an isolated location for the reasons indicated above.

As such it can be argued that the proposal is contrary to specific policies in the NPPF that indicate development should be restricted and therefore that there is no presumption in favour of granting permission in this case.

Would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework?

As indicated above the proposal is considered to be contrary to specific policies within the Framework but it is appropriate to go on to consider what the adverse impact of granting planning permission might be and whether they significantly and demonstrably outweigh any benefits.

The NPPF presumes against new isolated houses in the countryside because that is not a sustainable form of development. Future occupiers will be heavily reliant on the use of private motor vehicles with very limited benefit to the rural community and services.

The site has an existing lawful use as a storage yard but the harm of this use on the landscape is considered minimal and would be replaced by two dwellings which will have a significant impact on the openness of the countryside, as such the impact is considered to be neutral.

As to the benefits (of the development) reference has been made to the present lack of a five year supply. It is acknowledged that the development would make a contribution to this supply albeit a limited one. However, taking all of the above into account it is the view of the Council that the adverse impacts of this development do significantly and demonstrably outweigh the benefits of the development, and accordingly the proposal does not represent a sustainable form of development.

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

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

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

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

Relevant Planning History

16/00171/OUT Outline planning application for the erection of 2 dwellings REFUSED (20.04.2016)

15/00953/ELD Application for a Lawful Development Certificate for existing use of site as a storage yard PERMITTED

N17941 (1989) A detached dwelling Dismissed at appeal

N9745 (1981) Dwellinghouse Dismissed at appeal

Views of Consultees

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land.

The **Highway Authority** raises no objections subject to conditions regarding access, visibility, parking, turning, servicing, drainage, the access being ungated and the submission and approval of a construction method statement.

Madeley Parish Council has been consulted and has until the 16th May 2016 to make any comments on the application. Any comments received will be reported prior to the committee meeting.

The **Landscape and Development Section** has been consulted and has until the 16th May 2016 to make any comments on the application. Any comments received will be reported prior to the committee meeting.

Representations

No letters of representation have been received.

Applicant/agent's submission

The application is supported by a planning statement, indicative plans, transport statement, habitat survey and contaminated land report. These can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00336/OUT>

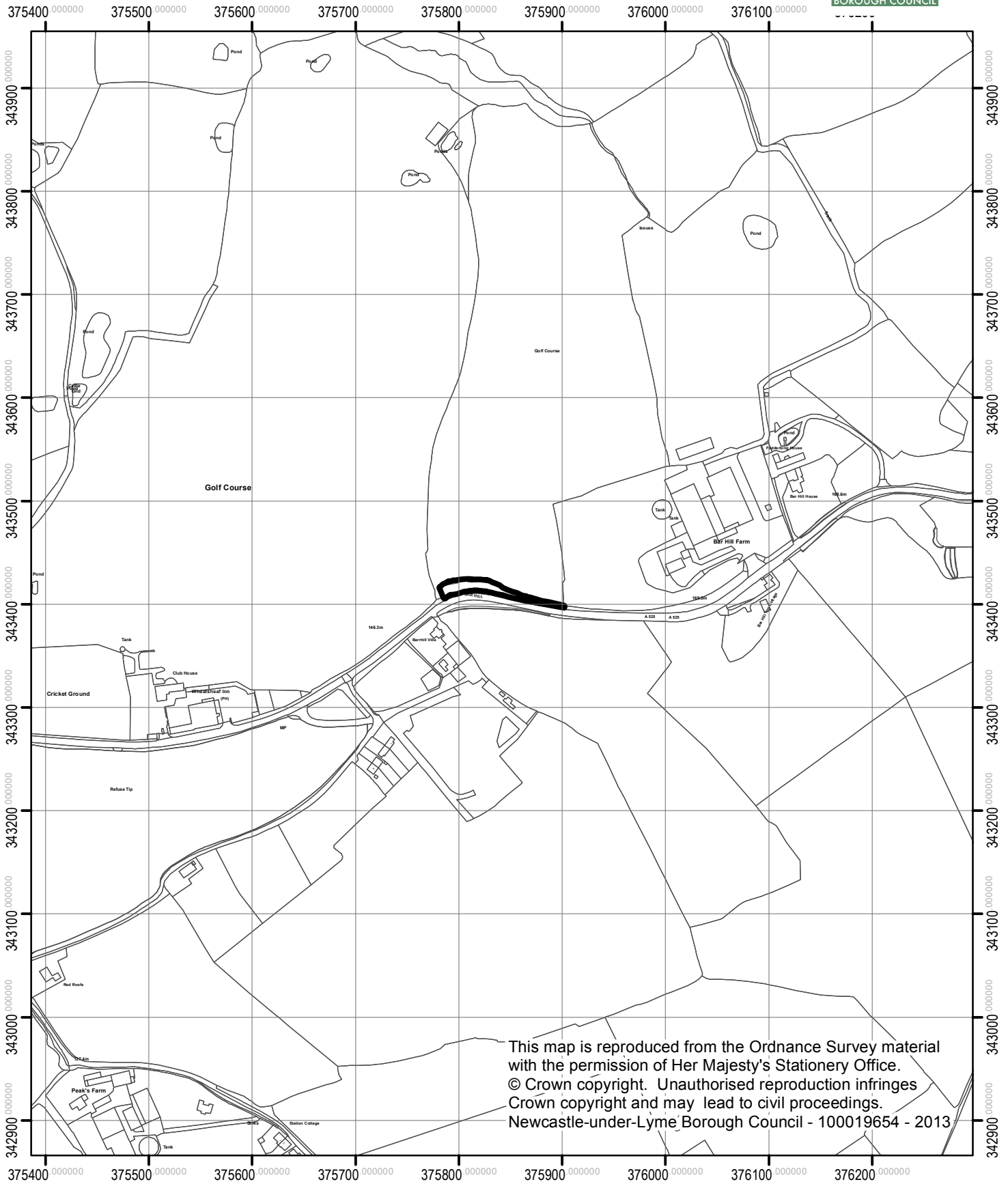
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

9th May 2016

**Land at Bar Hill Road,
Bar Hill Road, Onneley
16/00336/OUT**



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**20 MELROSE AVENUE
MR RICHARD MANDLEY**

16/00255/FUL

The application seeks planning permission for the erection of a porch to the front of the property.

The application has been made by a member of staff at the Council, and in line with the Council's Constitution has to be determined by the Council's Planning Committee.

The statutory 8 week determination period for the application expires on 26 May 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. In accordance with the approved plans**
- 3. Materials as application**

Reason for recommendation

The porch is considered to be of acceptable scale and design, would have an acceptable impact upon the existing streetscene and wider character of the area, and would not affect the amenities of neighbouring properties. The proposal is a sustainable form of development which requires no further revisions or alterations.

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

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

KEY ISSUES

This application seeks planning permission for the erection of a porch to the front of the dwelling measuring 2.5m in height, projecting 1.2m from the front elevation of the dwelling, and spanning 3.5m across the entrance way of the dwelling. The proposed porch is predominantly glazed with elements of render.

As the application site is located within a residential area, the principle of extending a dwelling is accepted, subject to detailed consideration of the following matters;

1. Design of the proposal and impact upon the streetscene and wider character of the area
2. Whether the proposed development would adversely affect the residential amenity of neighbouring dwellings

Design and Impact upon Character of the Area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of the National Planning Policy Framework (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.

Saved policy H18 of the Local Plan relates specifically to the design of residential extensions and advises that the form, size and location of the extension should be subordinate in design to the original dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The application property is a 1950s semi-detached dwelling with detached garage. The application site is located within a residential area of mixed character with varying house type and design.

The proposed porch would be of flat roofed design, utilising glazed elements and finished in render. The scale and design of the porch is considered to be acceptable and subordinate in relation to the dwelling. It is of merit to note that the adjoined property, No.22 has a porch of similar scale and design. The scale and design of the porch is considered to be accepted and would not adversely affect the character of the area or streetscene.

The proposal is considered to meet the policy requirements of policy CSP1, policy H18 and wider design guidance within paragraph 56 of the NPPF.

Impact upon Residential Amenity

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

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

Sufficient spacing would be retained between the proposed porch and neighbouring dwellings to prevent any adverse impact upon their amenities. The proposal would not result in any loss of light, outlook, or privacy. As such, it is considered that the proposal would meet the requirements of the Council's SPG Space Around Dwellings.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H18: Design of Residential Extensions, where subject to planning control

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

NNB03759 Erection of semi-detached dwellings; approved 1957.

Views of Consultees

None

Representations

None received to date

Applicant/agent's submission

The application is supported by a Householder Planning Application, Location Plan, and floor plans with elevations of the existing and proposed development.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00255/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

6 May 2016

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OLD HALL MADELEY
MR GARY WHITE

16/00252/LBC

The application is for listed building consent for the removal of two cross braced trusses in the attic area. This is a further application following permission for the reinstatement of a staircase from first floor to the attic to create a bedroom and shower room with associated partition walls and removal of part of a Victorian beam, application no. 15/01028/LBC.

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

The statutory 8-week period for the determination expires on the 26th May 2016.

RECOMMENDATION

Permit, subject to the following conditions relating to;

- **Time limit condition**
- **Development to be carried out in accordance with the approved plans and submitted details**

Reason for Recommendation

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

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

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

KEY ISSUES

Listed building consent is sought for the removal of two cross braced trusses in the attic which would allow it to be used as residential accommodation.

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

Listed Building consent was granted earlier this year for the reinstatement of a staircase from first floor to the attic to create a bedroom and shower room with associated partition walls and removal of part of a Victorian beam - application no. 15/01028/LBC.

The applicant indicates in their heritage statement that when carrying out works to implement 15/01028/LBC it has become apparent that three existing wooden braces would cause issues of access and a structural alternative is necessary which safeguards the structural integrity of this important building.

The proposal is to remove cross braces from the trusses on the rear and front wing. These would then be braced down to the main floor beams. The front wing truss also has an upright centrally located down to the floor from the horizontal brace.

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

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

CAWP have raised significant concerns about the structural integrity of the works. However, the Councils Conservation officer has had detailed discussions with the applicants appointed structural engineer who has satisfied her that the structural work to the trusses will provide the correct restraint and the vertical props with tight and well executed joints will prevent the rafters from spreading and tying down to the first floor beams which will prevent movement and will not put the building at risk.

No objections have been raised by the Council's Urban Design and Conservation Officer and Historic England (HE) as long as all of the other main roof timbers remain in situ and unmodified.

Subject to the works being carried out in accordance with the application plans it is accepted that the further internal modifications to the attic would not result in a significant harm to the heritage asset and would comply with policy B6 of the local plan and the guidance and requirements of the NPPF.

APPENDIX

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

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

Policy CSP2: Historic Environment

Newcastle Under Lyme Local Plan 2011

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

Policy B6: Extension or Alteration of Listed Buildings

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Relevant Planning History

There is an extensive planning history relating to The Old Hall. The most recent and relevant entry is 15/01028/LBC for the reinstatement of a staircase from first floor to the attic to create a bedroom and shower room with associated partition walls and removal of part of a Victorian beam.

Views of Consultees

Madeley Parish Council have not responded to their consultation by the due date of the 29.04.2016 and it is therefore assumed that they have no comments to make on the application.

Historic England advises that subject to all matters of detail being approved with the Council's conservation officer then there are no objections to the removal of the two cross braced trusses.

The **Urban Design and Conservation Officer** is satisfied that the structural work proposed to the trusses will provide the correct restraint and the vertical props with tight and well executed joints will prevent the rafters from spreading and tying down to the first floor beams and assured that the structural engineer will prevent movement and will not put the building at risk. The previous permission has been granted to utilise the attic floor for domestic accommodation and much of this conversion has been undertaken and done so to a high standard. As long as the work is honest and it can be differentiated between the historic timbers it is not harmful to the overall intrinsic value of this building. All of the other and main roof timbers remain in situ and unmodified. The proposal will not be harmful to the overall significance of the building.

The **Conservation Advisory Working Party (CAWP)** questions the functionality of the attic floor over the historic integrity of the Grade II* listed building. They do not object to the upright timber post being removed but have real concerns that by removing the cross braces which give lateral restraint to the trusses this likely to put pressure on the wall plates and external walls.

Representations

None received.

Applicant/agent's submission

The application has been supported by a Heritage Statement. This document is available for inspection at the Guildhall and searching under the application reference number 16/00252/LBC on the website page that can be accessed by following this link

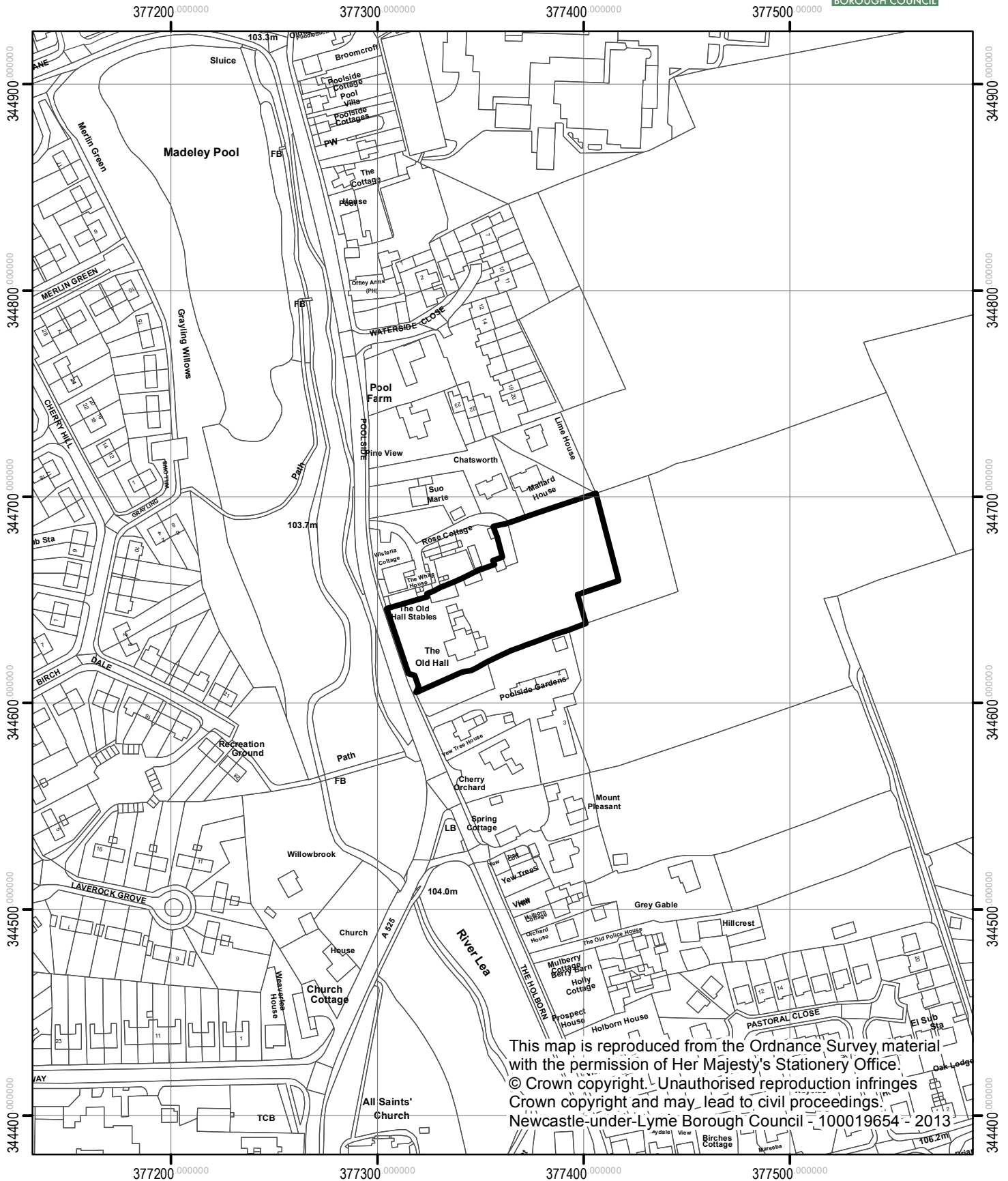
Background Papers

Planning File

Development Plan

Date report prepared

06.05.2016



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BUDDILEIGH FARM, BACK LANE, BETLEY
MR ALEXANDER

16/00185/COU

The application seeks planning permission for the change of use of part of an existing barn building within the curtilage of Buddleigh Farmhouse (currently in use as a games room) and the change of use of the garden area, for the holding of up to 9 wedding ceremonies per annum in total.

The application site is located within the Green Belt and within an Area of Landscape Enhancement, as indicated by the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expired on 2nd May 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. In accordance with the approved plans**
- 3. No more than 9 wedding ceremonies shall be held in the barn and the garden (combined) in any calendar year.**
- 4. Compliance with the recommended mitigation measures of the noise management plan at all times that a wedding event is taking place.**
- 5. Car parking to be within the field – accessed from Main Road as per existing arrangements**
- 6. Removal of the marquee within the residential curtilage when not in use**

Reason for recommendation

The proposed use of the barn building for wedding ceremonies represents appropriate development in the Green Belt, however the proposed use of the residential curtilage for wedding ceremonies represents inappropriate development in the Green Belt. Inappropriate development should not be approved unless very special circumstances exist which would outweigh the harm caused to the Green Belt by definition. It is considered that very special circumstances exist which would outweigh the harm caused by the inappropriate development consisting of the change of use of the garden, these being that the use is temporary for 9 days per annum for 2 hours for each of the days; that there would be no operational development within the residential curtilage that would result in a visual impact on the Green Belt; and such a use would have no greater impact on the Green Belt in other regards than the wedding events that can currently take place on adjoining land without the need for planning permission.

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

A Noise assessment and noise management plan was requested during the course of the application in order to assess the likely impact of the proposal on noise levels to surrounding residential properties. This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for the change of use of the upper floor of the barn, which is currently in use as a games room, to use for up to 9 wedding ceremonies per year, and the change of use of the residential curtilage to accommodate some of these 9 wedding ceremonies, depending on client choice and weather permitting.

Any outdoor weddings would involve the erection of a marquee for the guests to sit beneath during the ceremony, which would be located adjacent to the existing bandstand structure where wedding ceremonies would be held.

A Certificate of Proposed Lawful Use was granted by the Council in 2013 (ref 12/00690/PLD) for the use of the field adjacent to the residential curtilage for up to 28 days per annum as a wedding venue. The applicant is currently able to undertake 9 weddings per year within the 28 day limit under permitted development rights. Due to legal requirements, it is not possible to undertake a wedding ceremony in the field as they have to be within a fixed structure. If this was not necessary, the wedding ceremonies could be conducted within the field where the permitted development rights exist.

Therefore, the key issues in the determination of the application are considered to be:

- The principle of the development – whether it represents appropriate development in the Green Belt
- The impact of the development on the character and appearance of the area
- The impact of the proposal on the Grade II Listed Pigeon House within the residential curtilage
- The impact upon residential amenity
- If inappropriate development, do the required very special circumstances exist that would outweigh the harm to the openness of the Green Belt?

The principle of the development – whether it represents appropriate development in the Green Belt

The National Planning Policy Framework sets out a list of appropriate forms of development in Green Belt locations at paragraphs 89 and 90.

The re use of buildings, provided that the buildings are of permanent and substantial construction, are listed as an appropriate form of development. Therefore, the element of the proposal that includes the use of the existing building for wedding ceremonies is considered to represent appropriate development in the Green Belt.

However, changes of use of land are not listed as appropriate forms of development in the Green Belt, and therefore the use of the garden for wedding ceremonies is considered to represent inappropriate development within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. A consideration of a case for very special circumstances is made at the end of the report, following consideration of all other relevant matters.

The impact of the development on the character and appearance of the area

The proposal would involve the change of use of the barn building and residential curtilage for up to 9 wedding ceremonies per annum. The change of use of the barn would not involve any external changes, therefore would have no impact on the character and appearance of the area.

The change of use of the garden would involve the temporary siting of a marquee for up to 9 days per annum. This temporary siting of a marquee would not be considered to harm the visual amenity of the application site or wider area, given it would be small in size and temporary in nature.

The car parking would continue to operate within the field, with no additional car parking areas being required within the residential curtilage.

Overall, it is considered that the proposed use would have an acceptable impact on the character and appearance of the property and surrounding area, in accordance with Policy CSP 1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework.

The impact of the proposal on the Grade II Listed Pigeon House within the residential curtilage

There is a Grade II Listed Dovecote within the residential curtilage of Buddleigh Farm. Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a listed building.

It is considered that the proposed change of use would not have a harmful impact on the setting of this listed structure, and the proposal is considered acceptable in this regard.

The impact upon residential amenity

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

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

The key issue with regards to the impact on residential amenity is noise from the proposed use. The use currently operates from the field only under permitted development rights. The proposal expands the use into the residential curtilage and outbuilding, therefore a noise assessment was requested to assess the potential impacts of the activities within the residential curtilage on nearby residencies, and so that mitigation methods can be implemented if required.

A noise assessment has been received, which includes a management plan, based upon the survey undertaken on site and the requirements of the pre-existing Premise Licence. The recommendations of the management plan include:

- Continued use of directional speakers
- Continued use of noise limiter, with a maximum limit of 94dBA on the dance floor
- Guests not allowed in the domestic curtilage area after 18:00 – all chairs and tables removed from domestic curtilage by this time and stewards would be present to ensure this does not happen
- Guests monitored and unacceptable behaviour would not be tolerated – wedding stewards on site all of the time, alcohol to be withheld from problem guests
- Quiet signs by exit, stewards at marquee, car park and exit
- Cooling down period of 15 – 30 minutes where alcohol not served – music stops at 11:45pm
- Disposal of glass waste – no bottles to be thrown away after 9pm, all glass waste to be carefully stacked in the Marquee in crates and boxes removed the following day
- Controls for guests who smoke on the premises – designated smoking area next to right hand side of the entrance, using the marquee as a noise barrier
- Procedures for acoustic accompaniments in place for harpist or violinist – to be situated at rear of barn to reduce noise with a temporary acoustic wall panel approximately 1 metre in height

Environmental Health Officers are content that, should the recommendations of the noise management plan be followed, the impact on neighbouring occupiers would be acceptable. It is therefore appropriate to condition the mitigation measures to be adhered to for the lifetime of the use if granted permission.

If inappropriate development, do the required very special circumstances exist that would outweigh the harm to the openness of the Green Belt?

The change of use of the residential curtilage for wedding receptions is considered to represent inappropriate development in the Green Belt, therefore very special circumstances are required to be submitted, which would outweigh the harm caused to the openness of the Green Belt.

The applicant has advanced a case that the proposal will have no greater impact on the Green Belt than that which arises from the wedding events that take place in the adjoining field. The specific points are summarised below:

- Not more than 9 wedding ceremonies per annum in the residential curtilage/ barn (in total)

- The expansion of the business is something that should be supported by the planning system, which should encourage and not act as an impediment to sustainable growth.
- The proposed use is de minimis and planning permission should not be required
- The field edged blue is used as an existing wedding venue and the applicant wishes to expand the current use of the site to allow 9 wedding ceremonies, in line with the current number of wedding receptions currently undertaken (under permitted development rights) within the adjacent field
- When weddings are not being conducted in the residential curtilage, it would continue to be used as private garden in conjunction with the main dwelling house
- The car parking arrangements as undertaken as part of the use undertaken in the field as permitted development, would continue to operate. Guests will arrive and leave via the field gates off Main Road
- On wedding days, it is anticipated that the garden area/ ceremony room would be used for not more than 2 hours by wedding guests
- The marquee that would be erected temporarily would not be a fixed structure
- The existence of the Lawful Development Certificate on the field – and the undertaking of 9 wedding receptions per annum within the 28 day limit of permitted development rights
- The Certificate of Lawful Use places no restrictions on the applicant in terms of guest arrival, departure times, number of guests or vehicle movements. As such, the introduction of wedding ceremonies within the garden land would not be a new or discordant activity/ use at the site. But one that would relate to an existing use of the site.
- The grant of planning permission would allow the applicant to expand his business and offer a more marketable service, in accordance with economic policies within the Framework, which supports economic growth.
- Civil ceremonies are not particularly long services and would be undertaken in the day time. Following the ceremony, there would be photographs, then the guests would be escorted to the reception marquee for the wedding breakfast and evening reception (which is permitted development).
- The use of the garden would not intensify the use of the site, the number of guests would not increase and the traffic to the site would not intensify, as the guests would be attending the site in any event, even if the ceremony were to take place in an alternative location.
- The proposal is temporary
- The bandstand is already in situ and did not require planning permission
- The marquee (if required) would not require planning permission
- In terms of whether the use of the garden would result in encroachment into the countryside, there would be no operational development, only a small, temporary marquee

Whilst the use of the curtilage is not considered to be de minimis in nature, it is very limited in that it would be for only 9 days per annum, for around 2 hours on each day. This level of use is considered very low, and the garden would revert back to garden use for the remainder of the year.

There would be no operational development associated with the use, and the marquee for the ceremony can be conditioned to be removed from the site promptly in order to protect the openness of the Green Belt.

The guests would be in the garden for a maximum of 2 hours, which is a very low level of use, and would not harm the openness of the Green Belt.

It is accepted that the proposal would not make a material difference to the impacts that arise from the wedding use of the adjoining field that operates under permitted development rights, without the need for planning permission, for up to 28 days in any calendar year.

Overall, it is considered that very special circumstances exist that would outweigh any harm caused by inappropriate development in the Green Belt. These are considered to be the temporary nature of the use, and the lack of operational development associated with the use within the garden and that it will not have a material greater impact over the existing use of the adjoining field that operates without the need for planning permission, subject to restrictions imposed through condition.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16: Development: General parking requirements
Policy B5: Control of development affecting the setting of listed buildings

Other material considerations include:

National Planning Policy Framework (March 2012)
Planning Practice Guidance (2014)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

13/00716/FUL Permitted Conversion of part of the existing barn building to provide additional holiday accommodation in association with Hunter's Tryst

13/00258/FUL Permitted Retention of the use of part of an existing barn building as ancillary accommodation

12/00690/PLD Permitted Proposed Lawful Development Certificate for use of land for up to 7 weddings in any one calendar year involving the erection of a marquee, an access gateway and marshalled access

Views of Consultees

Betley, Balterley and Wrinehill Parish Council objects to the application on the following grounds:

- the development constitutes a change of use within the Green Belt without the necessary very special circumstances;
- there are serious issues of noise affecting the residential amenity of nearby residents with current seven events which would, by definition, be increased by nine events;
- the Parish Council is concerned that there have been several breaches of the conditions attached to existing consents.

If the Local Planning Authority is minded to approve they must satisfy themselves that the noise issue is fully addressed and that any breaches of conditions are strictly enforced.

The **Environmental Health Division** advises that the site is located in a predominantly rural area of the Borough. The wedding events business has a premise license allowing live and recorded music

and the sale of alcohol up to 23:45 Friday to Sunday. Operating hours extend to 00:15. There are also extensive gardens that patrons spill out into when weather permits.

There are residential properties to the North (Elms Farm 255m), to the West (Doddlespool 200m) and to the South West (Woodsorrel 130m). This last property is in close proximity of the site and is excluded in the planning application on both the maps and planning statement which have been submitted (Knights, reference number ALE58/8, dated March 2016).

After a number of noise complaints were received regarding amplified music and noise from patrons since the business started in 2013 and in 2014 and 2015, meetings with the business owners resulted in the marquee for the receptions being placed in the adjacent field, rather than the domestic curtilage. In addition, a number of conditions were included in the premises license. Unfortunately, after an amendment to the Licensing Act 2003 that came into force from April 2015, no license is required for live or recorded music before 23:00, provided the number of guests does not exceed 500, resulting in the agreed conditions being null and void, unless as the result of a license review.

Details of a noise assessment and noise management plan have been submitted and meet the criteria requested the original objection. Noise levels have been set so that a maximum of 50dB will be heard at the boundary closest to the nearest dwelling. An acoustic distance calculation was carried out using this information, showing that a level of approximately 46dB will be heard at the dwelling, which will be close to background levels, possibly below it. Given this, the objection is lifted.

The **Highway Authority** has no objections. In the assessment of the application, the highway authority have taken into account the permitted Certificate of Lawful Use of the land for weddings 12/00690/PLD, and that the planning statement proposes access and parking will not be affected by the proposal and the applicant will continue to operate vehicle access and parking in accordance with the requirements of application 12/00690/PLD.

The Council's **Conservation Officer** has no objections

Representations

14 representations have been received which are summarised below:

- The music from the receptions is very loud and disturbs local residents late at night
- Issues with litter
- The development is not de minimis
- The change of use of land within the Green Belt does not fall within an appropriate form of development within the Green Belt, therefore the change of use of land element of the proposal is inappropriate development – very special circumstances are therefore required to outweigh any harm
- The applicant has not advanced any very special circumstances to outweigh the definitional harm and any other harm
- The difference of guests being able to access the residential curtilage is a perceivable difference, and not de minimis
- The proposal is not an intensification of the existing use, it is a new use on a separate planning unit.
- Temporary nature of proposal does not mean that harm will not result
- There is already significant harm arising as a result of the existing use, and the proposed development would extend the geographical extent over which this harm occurs and prolong the duration.
- Level of complaints related to the operation of the land as a reception venue is testament to harm arising from the operation
- Wedding ceremonies have already been carried out within the curtilage, as well as drinks receptions and photograph sessions
- Conducting weddings in the residential curtilage will bring the activities closer to neighbouring properties
- In relation to the Certificate, the applicant has failed to marshall the entrance or provide the matting

- Significant amounts of wedding related material is being delivered and stored in buildings on the site or within the open field outside of the 28 day use restriction
- Increased traffic to the site
- Increased support staff/ employees travelling to the site
- Omissions from noise assessment – the noise disturbance caused by live bands playing in the marquee has not been addressed in the management plan and on which the noise limiting equipment has no effect

The applicant responded to one representation regarding litter, stating that there is no litter problem associated with the use

Applicant/agent's submission

The application is supported by a planning statement, noise assessment, and the requisite plans and application form.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00185/COU>

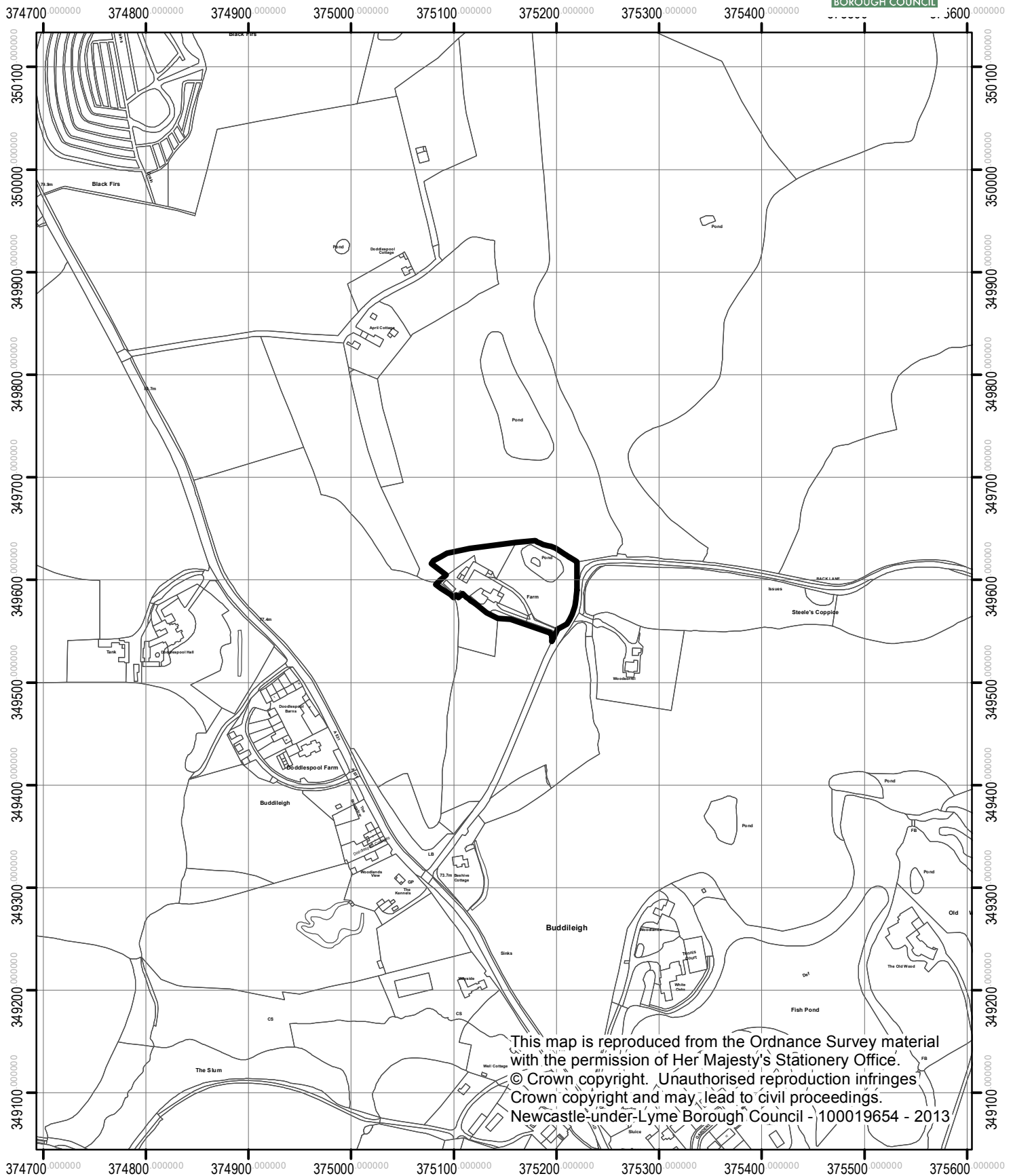
Background Papers

Planning File
Development Plan

Date report prepared

6th May 2016

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APPEAL BY DESIGN CONSTRUCTION MANAGEMENT SERVICES LTD AGAINST THE BOROUGH COUNCIL'S FAILURE TO GIVE NOTICE WITHIN THE PRESCRIBED PERIOD OF A DECISION ON AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 9 DWELLINGS AT ROWNEY FARM, LOGGERHEADS

Application Number 15/00821/OUT

LPA's Decision The appeal was made against a failure to give notice within the prescribed period of a decision on an application. Subsequent to the appeal being lodged it was decided under delegated powers that had the appeal not been lodged the application would have been refused.

Appeal Decision Dismissed

Date of Appeal Decision 28th April 2016

The Inspector recognises that whilst the appeal was submitted as a result of the Council failing to give notice within the prescribed period the Council have indicated that they would have refused permission for the scheme on the basis of the site's isolated countryside location, and the impact of the development on the character of the countryside. As these issues are the main areas of dispute between the parties these were the main issues for consideration. The Council also had indicated that it had concerns that the submitted Unilateral Undertaking would secure a contribution that was not directly related to the development.

In dismissing the appeal the Inspector made various observations including as follows:-

Principle of the development proposed

- The appeal site is outside of the defined village envelope for Loggerheads. For the purposes of the development plan, the site is therefore within the countryside.
- The appeal site is currently partly undeveloped and is occupied by an existing agricultural building. As such it is excluded from the definition of previously developed land contained within Annex 2 of the National Planning Policy Framework (Framework).
- The principle of the development proposed would therefore conflict with policy SP1 and policy ASP6 of the Core Spatial Strategy (CSS) and saved policy H1 of the LP.
- The Council accepts that it is unable to demonstrate an up to date five year supply of deliverable housing sites in line with the requirements of the Framework. As such, the presumption in favour of sustainable development as set out in paragraph 49 of the Framework applies. Therefore limited weight must be attached to any conflict with the above policies
- The Council have referred to paragraph 55 of the Framework in their putative reasons for refusal which, among other things, states that new isolated homes in the countryside should be avoided unless there are special circumstances. None of those listed are directly relevant to the appeal proposal.
- The appeal site is situated approximately 400m from the development boundary/village envelope of Loggerheads. As Loggerheads has been identified as a key rural service centre it is considered a suitable location for new housing development. It is the site's connection with and relationship to Loggerheads that is at issue. The small residential grouping of Rowney Farm, together with the appeal site, lie surrounded by open fields.
- Whilst the appeal site is close to the boundary of Loggerheads, this is not immediately visible until one exits the site and look towards the village. There are also open fields between the village boundary and the appeal site which functionally and visually separates the site from the settlement. Therefore whilst there are a limited number of dwellings and farms in the area, the character of the area close to the

appeal site is defined by the pastoral landscape which surrounds it with little visual evidence of other built development.

- The appeal scheme proposes the construction of a footpath along the highway verge next to the A53 on the opposite side of the highway to the site which would provide a connection to Loggerheads.
- The appellant's Transport Statement (TS) acknowledges that given the semi-rural location of the site, it is assumed that the majority of trips will be car based. The TS refers to the proposed footpath in section 6.2 of the report but accepts that most residents would probably choose not to walk along the A53.
- The Inspector considers that future occupants would be unlikely to choose to walk along the footpath, particularly when walking in groups or with young children due to the nature of the road, the speed limit and users having to cross the busy A53, with its high number of hgv's, twice to get to the village centre. Similarly occupants of the houses would be unlikely to cycle into Loggerheads either. Whilst the distances to the facilities in Loggerheads are not that great (920m from the centre and approximately 1190 from the Hugo Meynell Primary School) it is the specific context to the site and its connection with the village along the A53 which causes her to doubt whether future occupants will access these services via walking or cycling.
- There is no definition within the Framework of the meaning of an 'isolated dwelling' for the purposes of paragraph 55. However, the character of the area close to the appeal site is rural with little visual evidence of other built development. It therefore has a remote, rural feel and is physically and visually separated from the boundary of Loggerheads by open fields. Whilst there are services and facilities available in Loggerheads and the wider area, future occupants would be likely to choose to access these via the private car.
- The contribution that future occupants of the proposed development may make to the vitality of Loggerheads village would be likely to be limited as if they choose to travel by car they may well find it more convenient to travel to larger centres, such as Market Drayton or Newcastle-under-Lyme in order to access a wider range of services and facilities.
- For these reasons, she considers that the proposal would result in the construction of new homes in the countryside which paragraph 55 of the Framework states should be avoided unless there are special circumstances, none of which are directly relevant to the appeal proposal. The appeal site would therefore conflict with paragraph 55 of the Framework, and the principle of development would not be acceptable with regard to the countryside location of the site.

Character and appearance of the area

- The site is surrounded by open fields, framed by woodland and lines of trees and the landscape is dotted with farms with generous spacing between them. Whilst the appeal site is approximately 400m from the village boundary of Loggerheads, views of the developed part of the village are not immediately obvious from the site itself. There are also open fields in between the appeal site and the village which serve as a visual and physical break between them.
- The appearance of the appeal site in its current form makes a positive contribution to the character of the area as it forms part of the mosaic of farms that are visible across the landscape. The existing barn's functional appearance is typical of the type of building one would expect to see in a countryside setting.
- The introduction of up to nine additional dwellings would result in an increase in the level of built development within the area close to the appeal site.
- The type and scale of the development proposed would be at odds with the rural character of the area and in a location that is seen as visually and physically remote from the village. The proposal would also seriously detract from the contribution that the appeal site makes to the character of the area as it would disrupt the pattern of development which is defined by dispersed farms within a pastoral landscape setting.
- Accordingly, she concludes on this issue that the proposal would be harmful to the character and appearance of the area.

Other matters

- There are the Inspector recognises several social and economic factors which weigh in favour of the proposal. These include the provision of additional housing (including affordable units) although given the scale of the proposal she gives limited weight to these considerations. That future occupants may in accessing goods and services in Loggerheads make a modest contribution to maintaining the viability of local services is recognised, as are the limited and short term economic benefits of the construction phase of the proposal. The financial contribution towards open space improvement is seen by the Inspector as a modest benefit. Other factors such as the fact that a safe and suitable access can be formed, and the greenfield status of the land are seen as purely neutral factors.

Conclusions

- In concluding the Inspector recognises that the Framework establishes a presumption in favour of sustainable development, and that as the Council is unable to demonstrate a 5 year supply of housing land, paragraph 49 of the Framework is engaged. Accordingly whilst the principle of housing here, on land beyond the village envelope, would conflict with various development plan policies the weight to be given to this must be limited. There are several social and economic factors which weigh in favour of the proposal including the provision of additional housing (including affordable units), adding diversity to the housing stock, the creation of jobs and other economic benefits during the short duration of the construction phase, a modest contribution to the maintenance of local services should future occupants of the proposal choose to use them, and a financial contribution towards public open space.
- However she also has found that that the proposal would result in the construction of up to nine additional dwellings in an isolated countryside location. The proposal would therefore conflict with paragraph 55 of the Framework and she has also concluded that the proposal would be harmful to the character and appearance of the area and would conflict with policy CSP1 of the CSS, policies N17 and N21 of the Local Plan and the Council's Urban Design SPD. The proposal would also conflict with paragraph 17 of the Framework in this regard (the core principles).
- For the above reasons she considers that in this case the adverse impacts of the proposal do significantly and demonstrably outweigh the benefits, when assessed against the relevant development plan policies and the Framework as a whole.

Your Officer's Comments on this appeal decision

The particular circumstances of this appeal need to be taken into account if comparison is to be made with other proposals. The Inspector for example distinguishes between the appeal proposal new housing proposals that have been allowed at the adjoining Rowney Farm including the conversion of barns to residential dwellings and (on appeal) of a granny annexe to a dwelling – the reuse of redundant or disused buildings being a special circumstance in terms of paragraph 55.. The Inspector makes much comment on the nature of the connection between Loggerheads and the appeal site – the A53. She does find some benefits although gives them limited weight, but the combination of her conclusions that the scheme would result in “isolated dwellings” where the NPPF presumes against these and would be harmful to the character of the countryside (the adverse impacts) outweigh such benefits lead to her conclusion that the appeal should be dismissed. Each proposal needs to be determined on its own individual merits

Recommendation

That the decision be noted.

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ARTICLE 4 DIRECTION FOR WHITMORE CONSERVATION AREA

Purpose of the report

This report proposes the making of an Article 4 Direction in Whitmore Conservation Area which will remove certain permitted development rights from certain properties and require planning approval for works which could have an adverse effect on the special character and appearance of these Conservation Areas.

Recommendation

To agree to the making of an Article 4 Direction for Whitmore Conservation Area on the terms set out in the report.

Reasons

The removal of permitted development rights through an Article 4 Direction would help protect features in the Conservation Area which are key elements to its distinctive special character,

1.0 Introduction

- 1.1 Article 4 Directions are one of the tools available to local planning authorities to help to respond to the requirement in legislation to preserve and enhance their Conservation Areas. Such Directions are made under Article 4 of the General Permitted Development Order (the GPDO) and they withdraw automatic planning permission granted by the GPDO. The existence of an Article 4 Direction ensures that the community, through its Local Planning Authority, has an opportunity to consider any proposed changes by requiring the submission of a planning application to obtain planning permission first for particular types of development. An Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. It does not mean that such development is not allowed.
- 1.2 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Conservation Areas are designated because of their special character and appearance and their architectural and historic interest. The aim of such a designation is to try and preserve and enhance this special character and appearance.
- 1.3 The Conservation Advisory Working Party have been asked for their views on the proposal in this report. Their view is that the vernacular character of our Conservation Areas can and is being eroded through minor alterations and permitted development and it supports the making of an Article 4 Direction as set out in the report below in line with others that are in place within Betley, Basford, and Butterton Conservation Areas.
- 1.4 National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) Order 2015, as amended, makes various forms of development permitted development and thus grants automatic planning permission for them.

The 2014 National Planning Practice Guidance supersedes provides easy accessible and up to date information on all aspects of Planning including the making of an Article 4 Direction. The following link sets out the information needed to make such a direction and answers general questions on procedure and the implications of a Direction.

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

2.0 **Removal of Permitted Development Rights**

2.1 Local planning authorities can remove permitted development rights by either a condition on a planning permission or by an Article 4 Direction. The latter are made on a case by case basis and should be based on whether the exercise of permitted development rights, in the case of Conservation Areas, would harm the visual amenity of an area or damage the historic environment. The potential harm that the Direction is intended to address should always be clearly identified. An Article 4 Direction means that a particular development cannot be carried out under permitted development and therefore needs a planning application.

2.2 Not all areas have the same permitted development rights. There are a range of exclusions to what development is permitted in protected areas, which is known as Article 2(3) land. This covers Conservation Areas. Article 4 Directions are however a means to bring within the scope of planning control some of the incremental changes which can damage the important characteristics of a Conservation Area. The Guidance states that there should be a particularly strong justification for the withdrawal of permitted development rights relating to

- a wide area (such as the whole of a local authority area)
- agricultural and forestry development – such directions would need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development
- leisure plots and use
- the installation of microgeneration equipment.

2.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and immediate directions where permitted development rights are withdrawn straight away, but then must be confirmed following local consultation within 6 months.

2.4 Directions made with immediate effect can relate to development within the curtilage of dwelling houses, works to fences or walls, some changes of use, temporary buildings and demolition of walls and fences (as set out in Parts 1 to 4 and 31 of Schedule 2) of the General Permitted Development Order) but only where the local planning authority justifies that the development to which the Direction relates would pose an immediate threat to local amenity or would be prejudicial to the proper planning of an area. Immediate Directions can also be made in relation to certain more limited types of permitted development rights in Conservation Areas, such as certain alterations to dwellinghouses, if the Local Planning Authority consider this should be so. Article 4

Directions cannot be made for development which has already started or been carried out.

3.0 **Whitmore Conservation Area**

3.1 Whitmore Conservation Area was designated in 1971 by the County Council, within which a short appraisal was prepared to justify the designation. The following statement was made;

“Whitmore is fortunate in remaining practically unaffected by recent development, a tribute to the effectiveness of landlord control, and its buildings are almost without exception well maintained. Its distinctive unspoiled quality is vulnerable, particularly if there should be any fragmentation of the present unified ownership. Future policy will have to be especially sensitive to the delicate balance between unity and contrast which is held by the subtle combination of the siting, design and materials of buildings and their landscape setting. Any essential changes should be suitably small in scale and most carefully detailed so as to maintain the present character”.

3.2 No review has yet been undertaken for Whitmore Conservation Area which was designated over 40 years ago. The programme for reviewing the Borough's Conservation Areas was set by the Council in 2011, and taking into account progress to date, this now envisages such a review at Whitmore will be undertaken in 2019/20. A Conservation Area Appraisal and Management Plan highlights ways of protecting and improving an Area but it is not a requirement.

3.3 The statement from the designation appraisal of Whitmore Conservation Area is still true of the character of the village today and it is still controlled by the same estate and the buildings are well maintained. However subtle small changes are likely to cause harm to this unique village and despite the above statement, no control through planning policies can stop the incremental minor changes to important features such as windows, doors, roofs, porches, chimneys and boundary walls. Solar panels and other forms of micro-generation do not require any prior approval. There are also agricultural permitted development rights which potentially apply at Church Farm on junction of the A53 with Bent Lane which if exercised might cause harm to the character and appearance of the Conservation Area

3.4 Officers consider that some control over these changes through an Article 4 Direction will help to preserve the special character of the village. Some properties on the estate within the Conservation Area now have upvc windows which does not reflect the traditional pattern of glazing bars and they have a shiny appearance and the glass a completely different reflective quality. A significant number of properties retain their original windows, doors and other features of interest, such as porches and decorative barge boards.

3.5 The Council needs to be aware of the benefits of keeping buildings in use and of landlord requirements to provide Energy Performance Certificates (EPC) given that the Energy Act introduced a legal minimum energy efficiency standard for homes rented from a landlord so the Council will need to work with the owner to help them improve their ratings but there are many ways to do this. Listed Buildings are exempt from the requirement to provide an EPC.

3.6 It should be noted that Listed Buildings already have protection from alterations which are considered to affect their special character and it is illegal to carry out such work

without the appropriate consent. It is not proposed to make an Article 4 Direction to any Listed Buildings in the Conservation Area.

4.0 **Proposed Whitmore Article 4 Direction**

4.1 Officers have considered carefully the buildings in Whitmore Conservation Area to determine which buildings are the most appropriate for an Article 4 Direction. The Schedule below sets out the specific forms of development rights that it is proposed should be removed in the Whitmore Conservation Area and the properties involved, , which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area. Given that some of the rights that are proposed to be removed in Whitmore Conservation Area can be removed with immediate effect and others cannot, it is proposed to elect to make a non-immediate Direction which could come into effect following the proposed consultation and after the required consideration of any representations received.

4.2 It is proposed to apply an Article 4 Direction to the locations set out below. The plan attached as Appendix 1 to this report indicates the properties involved.

1. The following properties to be considered for the removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes, alteration, erection or demolition of boundary treatments and installation of micro-generation equipment.

1-5 Maltkiln Cottages, Bent Lane

1-3 Bent Lane Cottages

Yew Tree, Bent Lane

Church Farmhouse, Bent Lane

Lilac Cottage, Whitmore Road

Church View, Whitmore Road

Ivy House, Whitmore Road

The Old Parsonage

2. The following property to be considered for the removal of Permitted Development rights including those for the removal of chimneys, any alteration to the roof on front roof slopes and alteration, erection or demolition of boundary treatments and installation of micro-generation equipment.

Box Cottage

3. The following property to consider for the removal of Permitted Development rights for the extension or alteration of a building on agricultural land comprised in an agricultural unit of 5 ha. or more in area, which are reasonably necessary for the purposes of agriculture within that unit

Church Farm barn, A53/Bent Lane

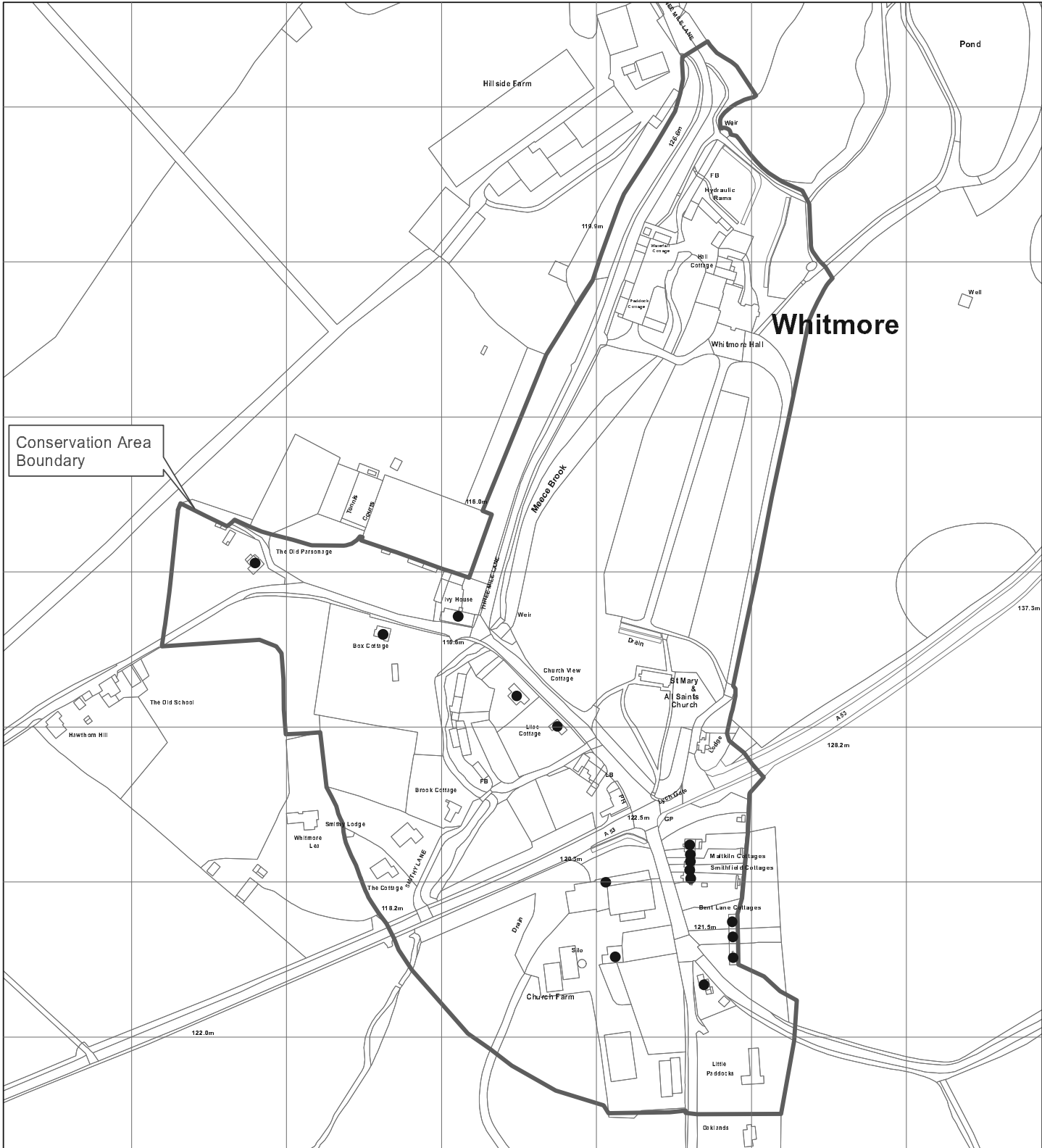
5.0 **Consultation**

5.1 Any representations received during the consultation must be taken into account by the local planning authority in deciding or not to proceed with the Direction. Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and the serving of the required notice on the owner/occupier of every house affected by the Direction
- Placing an advert in The Sentinel which will set out the properties and classes of development affected, explain the Direction's effects and specify a period of 21 days to make representations to the Local Planning Authority.
- By informing Whitmore Parish Council

6.0 **Compensation**

- 6.1 Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted. The grounds for compensation are limited to abortive expenditure (for example on the drawing up of plans) or other loss or damage directly relating to the withdrawal of permitted development rights. These rights for compensation are set out in sections 107 and 108 of the Town and Country Planning Act (as amended) and the Town and Country Planning (Compensation) (England) Regulations 2015 set out when time limits apply. Where notice of withdrawal of the above rights published not less than 12 months and no more than 2 years before the withdrawal took place, the issue of potential compensation does not arise at all.



Conservation Area Boundary

Whitmore

Whitmore Conservation Area Proposed Article 4 Direction 2016

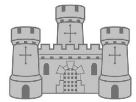
Key

- Conservation Area boundary
- Properties identified for inclusion in Article 4 Directive

0 30 60 90 120 Metres

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

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ARTICLE 4 DIRECTIONS FOR MADELEY AND AUDLEY CONSERVATION AREAS

Purpose of the report

This report proposes the making of Article 4 Directions in the Madeley and Audley Conservation Areas which will remove certain permitted development rights from certain properties and require planning approval for works which could have an adverse effect on the special character and appearance of these Conservation Areas.

Recommendation

To agree to the making of Article 4 Directions for the Madeley and Audley Conservation Areas on the terms set out in the report.

Reasons

The removal of permitted development rights through an Article 4 Direction would help protect features in the Conservation Areas which are key elements to their distinctive special character, and to give effect to the proposals within the agreed Conservation Area Appraisals and Management Plans for these Conservation Areas.

1.0 Background

- 1.1 The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAMPs) for the 20 Conservation Areas in the Borough. Conservation Area Appraisal and Management Plans have been adopted by the Council for Madeley and Audley Conservation Areas. One of the proposals set out in these Management Plans was that the Borough Council would consider the making of what was then termed an “Article 4 (2)” Direction for certain and relevant types of development. Since then there have been legislative changes.
- 1.2 This process has already been carried out in Butterton, Betley, and Basford following similar Appraisals, and relevant consultation, Article 4(2) Directions have been made and confirmed in all of these areas.
- 1.3 Extensive consultation was undertaken on the Management Plans for both Audley and Madeley, involving the seeking of the views of local stakeholders on the particular issues facing the Conservation Area. No comments were received on any of the proposals for either of the Conservation Areas.
- 1.4 The final version of the Appraisal and Management Plan for Madeley was approved by the Borough Council as a Supplementary Planning Document on 17 October 2012 and that for Audley on 18 September 2013.
- 1.5 Article 4 Directions are one of the tools available to local planning authorities to help to respond to the requirement in legislation to preserve and enhance their Conservation Areas. Such Directions are made under Article 4 of the General Permitted Development Order (the GPDO) and they can withdraw selected automatic planning permissions granted by the GPDO. The existence of an Article 4 Direction ensures that the

community, through its Local Planning Authority, has an opportunity to consider any proposed changes by requiring the submission of a planning application to obtain planning permission first for particular types of development. An Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. It does not mean that such development is not allowed.

1.6 The National Planning Policy Framework (NPPF) states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. Conservation Areas are designated because of their special character and appearance and their architectural and historic interest. The aim of such a designation is to try and preserve and enhance this special character and appearance.

1.7 The Conservation Advisory Working Party have been asked for their views on this proposal. Their view is that the vernacular character of our Conservation Areas can and is being eroded through minor alterations and permitted development and they support the making of Article 4 Directions as set out in this report in line with others that are in place within the Betley, Basford, and Butterton Conservation Areas.

1.8 **National Planning Practice Guidance**

1.9 The Town and Country Planning (General Permitted Development) Order 2015, as amended, makes various forms of development permitted development and thus grants automatic planning permission for them.

1.10 The 2014 *National Planning Practice Guidance* provides easy accessible and up to date information on all aspects of Planning including the making of an Article 4 Direction. The following link sets out the information needed to make such a direction and answers general questions on procedure and the implications of a Direction.

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

2.0 **Removal of Permitted Development Rights**

2.1 Local planning authorities can remove permitted development rights by either a condition on a planning permission or by an Article 4 Direction. The latter are made on a case by case basis and should be based on whether the exercise of permitted development rights, in the case of Conservation Areas, would harm the visual amenity of an area or damage the historic environment. The potential harm that the Direction is intended to address should always be clearly identified. An Article 4 Direction means that a particular development cannot be carried out under permitted development and therefore needs a planning application.

2.2 Not all areas have the same permitted development rights. There are a range of exclusions to what development is permitted in protected areas, which is known as Article 2(3) land. This covers Conservation Areas. Article 4 Directions are however a means to bring within the scope of planning control some of the incremental changes which can damage the important characteristics of a Conservation Area. The Guidance states that there should be a particularly strong justification for the withdrawal of permitted development rights relating to

- a wide area (such as the whole of a local authority area)

- agricultural and forestry development – such directions would need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development
- leisure plots and use
- the installation of microgeneration equipment.

2.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and immediate directions where permitted development rights are withdrawn straight away, but then must be confirmed following local consultation within 6 months.

2.4 Directions made with immediate effect can relate to development within the curtilage of dwelling houses, works to fences or walls, some changes of use, temporary buildings and demolition of walls and fences (as set out in Parts 1 to 4 and 31 of Schedule 2) of the General Permitted Development Order) but only where the local planning authority justifies that the development to which the Direction relates would pose an immediate threat to local amenity or would be prejudicial to the proper planning of an area. Immediate Directions can also be made in relation to certain more limited types of permitted development rights in Conservation Areas, such as certain alterations to dwellinghouses, if the Local Planning Authority consider this should be so. Article 4 Directions cannot be made for development which has already started or been carried out.

3.0 **Audley and Madeley Conservation Areas**

3.1 The proposal within each of the Management Plans was limited to a removal of certain 'domestic' permitted development rights. The Management Plans indicated that if such Directions were brought in planning permission might then be required for

- all extensions whatever the size, including porches, on the front of the building referred to
- changing roof materials and insertions of rooflights on front-facing roofslope
- replacing windows or doors on the front elevation
- painting a house, and the removal or partial demolition of a chimney
- the erection, alteration or removal of a wall, gate, or fence at the front of the house can also be controlled as well as demolition (front means a public highway or road)

3.2 Important features such as windows, doors, roofs, frontages, chimneys and boundary walls all play a part in defining the character of an area. This is especially relevant in Conservation Areas such as Audley and Madeley which have a high percentage of houses.

4.0 **Proposed Audley and Madeley Article 4 Directions**

4.1 Officers have considered carefully the buildings in both Conservation Areas including those identified as "positive buildings" within the relevant Conservation Area Appraisal and those identified as potential buildings in the Appraisal and Management Plan which might be added to the Council's Local Register of Buildings of Architectural or Historic Interest, to determine which buildings are the most appropriate for an Article 4 Direction. Schedules A and B below set out the specific buildings for which it is proposed to remove certain permitted development rights in Audley and Madeley respectively, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area.

4.2 A plan for each Conservation Area indicating the location of these properties will be displayed at the meeting. That for Madeley is attached as Appendix 1, whilst that for Audley is attached as Appendix 2. It should be noted that Listed Buildings already have protection from alterations which are considered to affect their special character.

4.3 It is proposed that the Council should proceed via the use of a non-immediate Direction which could come into effect following the proposed consultation and after the required consideration of any representations that may be received

5.0 **Consultation**

5.1 Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and the serving of the required notice on the owner/occupier of every house affected by the Direction
- Placing an advert in The Sentinel which will set out the properties and classes of development affected, explain the Direction's effects and specify a period of 21 days to make representations to the Local Planning Authority.
- By informing the Parish Councils involved

6.0 **Compensation**

6.1 Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted. The grounds for compensation are limited to abortive expenditure (for example on the drawing up of plans) or other loss or damage directly relating to the withdrawal of permitted development rights. These rights for compensation are set out in sections 107 and 108 of the Town and Country Planning Act (as amended) and the Town and Country Planning (Compensation) (England) Regulations 2015 set out when time limits apply. Where notice of withdrawal of the above rights published not less than 12 months and no more than 2 years before the withdrawal took place, the issue of potential compensation does not arise at all.

7.0 **Conclusions**

7.1 The Conservation Area Management Plans for the Conservation Areas contain a number of recommendations which when successfully implemented will meet the Council's statutory duties and responsibilities under the planning and conservation legislation to preserve and enhance the special architectural or historic interest of this area.

Schedule A

Audley Conservation Area - Article 4 Direction Property Schedule

1. The following properties would be affected by removal of Permitted Development rights relating to the removal of chimneys; the provision of replacement windows and doors, porches; any alteration to the roof on front roof slopes; and boundary treatments

1-3 (odd) Church Bank
1-13(odd) Church Street
7 Nantwich Road
17 Nantwich Road
23-31 (Odd) Nantwich Road
8- 30 (even) Nantwich Road
2-16 (even) Wilbraham's Walk
32-44 (even) Wilbraham's Walk
The Old Rectory, Wilbraham's Walk
Bulls Head House, Nantwich Road
Bulls Head Cottage, Nantwich Road
6-16 (even) Dean Hollow
7-11 (odd) Dean Hollow
19-27(odd) Alsager Road

2. The following properties would be affected by removal of Permitted Development rights relating to the removal of chimneys; the provision of replacement windows and doors, porches; and any alteration to the roof on front roof slopes

26-32 (even) Church Street
4 Nantwich Road

3. The following properties would be affected by removal of Permitted Development rights for boundary treatments.

50 Wilbraham's Walk
2 Alsager Road
33 Nantwich Road

Schedule B

Madeley Article 4 Direction Property Schedule

1. *The following properties would be affected by removal of Permitted Development rights relating to the removal of chimneys, the provision of replacement windows and doors, porches, any alteration to the roof on front roof slopes and boundary treatments*

*1 & 2 Greyhound Cottages
Sycamore House, corner of Furnace Lane
1 & 2 Madeley Mill, Moss Lane
1,2,3 & 4 Post Office Square
Buff House, Bar Hill
Bridge House, Moss Lane
Rose Cottage, Moss Lane
Brush End, Moss Lane
Smithy Cottages, Bar Hill
Pool Villa, Poolside
Church House, Woore Road
Church Cottage, Woore Road
Broomcroft, Poolside
Pool Villa, Poolside
Poolside, Poolside
Cygnet Studio and Swan Cottage, Poolside
The Cottage, Poolside
Pool House, Poolside
Pool Farmhouse, Poolside
Yew Tree House, Poolside
Yew Tree Cottage, Poolside
Spring Cottage, Poolside
Hillview Cottage, Holborn Cottage, The Holborn
Mullberry Cottage and Berry Barn, The Holborn
Holborn House, The Holborn
Holly Cottage, The Holborn
Prospect House, The Holborn
Smithy Cottages, Bar Hill
Old Vicarage, Vicarage Lane
2-12 (even) Vicarage Lane
Birches Cottage, Castle Lane*

2. *The following properties would be affected by removal of Permitted Development rights relating to the removal of chimneys, the provision of replacement windows and doors, porches, and any alteration to the roof on front roof slopes*

*The Coach House, The Holborn
Pool View, Poolside*



3. The following properties would be affected by removal of Permitted Development rights for boundary treatments.

12 Station Road
Cherry Orchard, Poolside
Pineview, Poolside
Suo Marte, Poolside
Leeside, The Holborn
Trencrom, The Holborn
Orchard House, The Holborn
Turnpike, The Holborn
Church View, The Holborn
New Vicarage, Vicarage Lane
Inchequin, Vicarage Lane
Maydale, Castle Lane

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Madeley Conservation Area Proposed Article 4 Direction 2016

Key

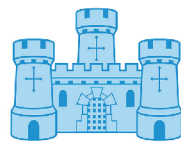
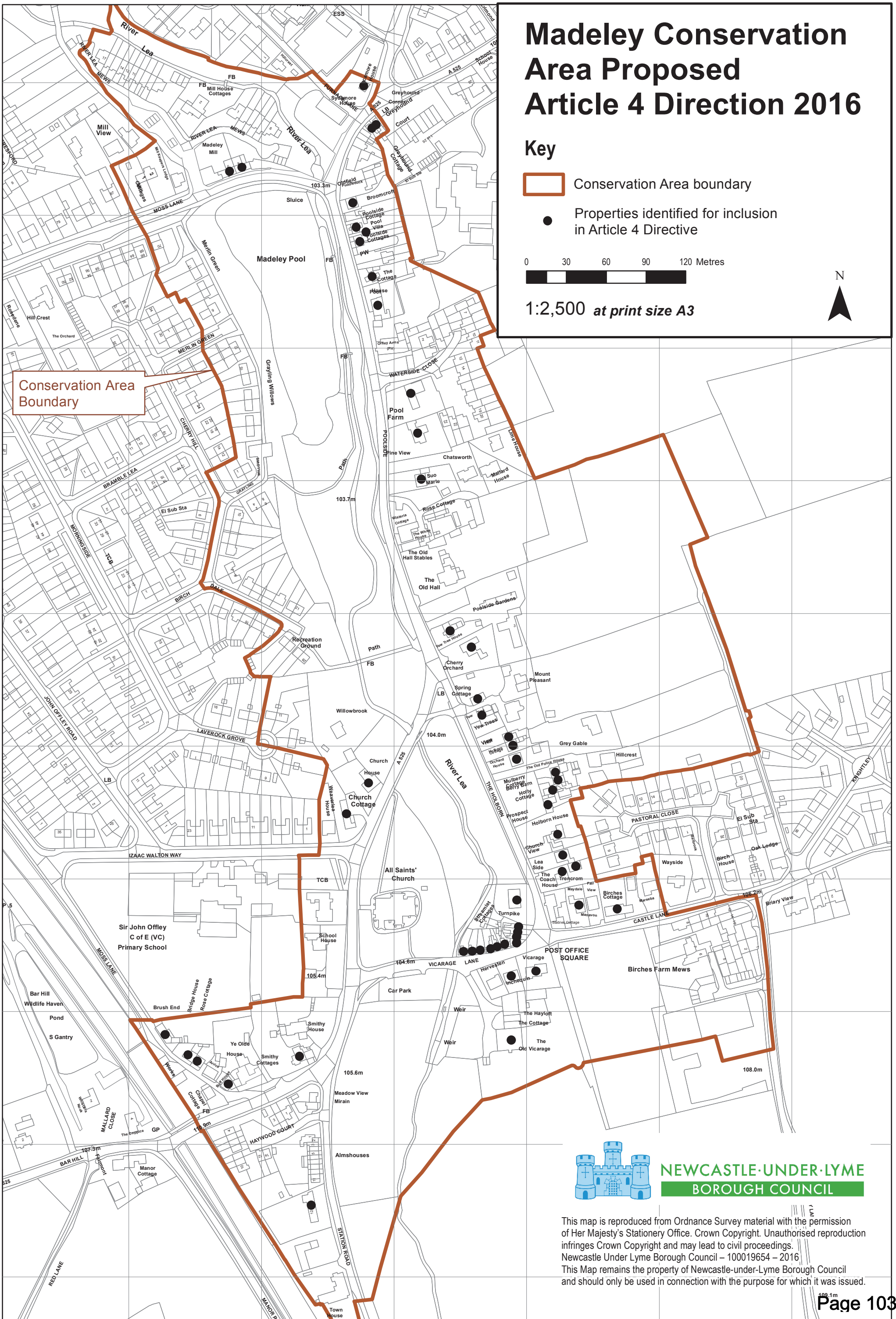
-  Conservation Area boundary
-  Properties identified for inclusion in Article 4 Directive

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Conservation Area Boundary



NEWCASTLE UNDER LYME
BOROUGH COUNCIL

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Conservation Area Boundary



Audley Conservation Area Proposed Article 4 Direction 2016

Key

-  Conservation Area boundary as designated 18th September 2013
-  Properties identified for inclusion in Article 4 Directive



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HALF YEARLY REPORT ON PLANNING OBLIGATIONS

Purpose of the Report

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

Recommendations

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

Introduction

The last half yearly report on planning obligations was provided to the Committee at its meeting in January 2016 and covered the period between April 2015 to September 2015. This report now covers the period between 1st October 2015 to 31st March 2016 and sets out planning obligations which have been secured over this 6 month period, obligations which have been amended either by application or by agreement, works that had been funded during that period in whole or in part by planning obligations, and compliance with their requirements.

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

As was reported in the last half yearly report enquiries from conveyancing solicitors seeking confirmation that planning obligations have been complied with are ever increasing and information held on the database is essential in dealing with these otherwise time consuming requests. .

Legislative changes that came in to effect in April 2015 mean that the Service needs to be immediately able to establish what planning obligations have been secured since 5 April 2010 with respect to individual projects and types of infrastructure and the database plays an important function in obtaining this information more readily.

As with previous half yearly reports the relevant Section 106 information is reported in Tables.

Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st October 2015 to 31st March 2016)

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

Application reference and date of agreement or undertaking	Location of development	Development	Purpose of the obligation(s) entered into by developers/owners	The level of contribution(s) payable when development trigger achieved
14/00477/FUL 23 rd October 2015	Newcastle Baptist Church, London Road, Newcastle	Demolition of former Newcastle Baptist Church and erection of residential apartment development containing 14 no. 2 bed units and 8 no. 1 bed units, formation of new access and associated car parking	Off site Affordable Housing contribution but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon appraisal up to broadly equivalent value of provision of 25% affordable housing
			Public Open Space Contribution (Stubbs Walk) but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon appraisal up to £60,684.00 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
13/00245/FUL 12 th October 2015	Old Springs Farm, Stoneyford, Market Drayton	Retention of an agricultural building for the chopping and storage of Miscanthus	A routing agreement for vehicles transporting miscanthus	Not Applicable
14/00370/FUL 5 th November 2015	Ultra Kennels, Unit 17, Loomer Road Industrial Estate, Loomer Road, Chesterton	Change of use of a B2 warehouse unit to a D2 leisure (crossFit Gym) unit	Offsite parking provision (24 spaces)	Not applicable
15/00166/FUL	Jubilee Baths, Nelson	Demolition of former	Travel Plan Monitoring	£2,200.00 (Index

24 th November 2015	Place, Newcastle	swimming baths and construction of 244 room student development with associated communal area and car parking (Sky Building)		Linked)
			Public Open space enhancement and maintenance (Queens Gardens)	£198,716 (index linked)
			A financial contribution to fund Resident Parking Zones if established to be required	£50,000.00 (Index Linked)
14/00027/FUL 10 th March 2016	Land Adjacent 31, Banbury Street, Talke	Erection of 13 new dwellings with associated access road, parking and landscaping	Education Contribution (St Saviours) but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon appraisal up to £33,093.00 (Index Linked)
			Public Open Space contribution (Clough Hall Park) but only should a reappraisal be required and demonstrate one can be provided	Nil but upon appraisal up to £38259.00 (Index Linked)
			The Newcastle-under-Lyme (Urban Transport and Development Strategy (NTADS) contribution , but only should a reappraisal be required and demonstrate one can be provided	Nil but upon appraisal up to £8,000.00 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
16/00008/FUL 11 th March 2016	Former St Giles And St Georges Primary School Barracks Road Newcastle	Redevelopment of site to provide new Public Services Hub Building and associated works	A financial contribution to fund Resident Parking Zones, if established to be required.	£50,000.00 (Index Linked)
15/00699/FUL 15 th March 2016	Land At Ashfields New Road, Newcastle	Construction of 10 houses and 32 flats	Public Open Space contribution (the Greenway) but only should a reappraisal be required and demonstrate one can be provided	Nil but upon appraisal up to £106,358.00 (index linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
15/00759/FUL 21 st March 2016	Former Blue Bell Inn, New Road, Wrinehill	Proposed 5 No. detached dwellings	A commuted off-site affordable housing contribution	At least £45,000.00 (Index Linked)

			Financial Viability Re-appraisal mechanism	with provision for additional sum should reappraisal be required and demonstrate that more is appropriate
15/01116/FUL 23 rd March 2016	Former Squires Copper, Mount Road, Kidsgrove	Erection of two detached residential properties	Public Open Space contribution towards access improvements to the Bellway Homes playground number 2 near Silvermine Close.	£5886 (Index Linked)
14/00767/FUL 23 rd March 2016	Former Woodshutts Inn, Lower Ash Road, Kidsgrove	The construction of 22 affordable dwellings	Education Contribution (St Saviours) but only should a reappraisal be required and demonstrate one can be provided)	Nil but upon reappraisal up to £22,062 (Index Linked)
			Public Open Space (Clough Hall Park) contribution but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon reappraisal up to £64,746 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
15/01004/FUL 30 th March 2016	The Hawthorns, Keele Village And Barnes, Keele Campus, Keele	Proposed student accommodation with carparking (Barnes, Keele Campus) and proposed residential development of 83 dwellings with school drop off point, shop and areas of greenspace (The Hawthorns, Keele Village).	Education Contribution (Madeley High School)	£132,976 (Index Linked)
			On site open space maintenance	Not Applicable
			Primary School Contribution (St Johns) but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon reappraisal up to £193,118 (index linked)
			Off site Affordable housing contribution, but only should a reappraisal be required and demonstrate one can be provided	Calculation formula in Agreement
			Financial Viability Re-Appraisal Mechanism	Not Applicable

15/00821/OUT 1 st March 2016	Rowney Farm, Market Drayton Road, Loggerheads	Residential development up to 9 dwellings	Public Open Space contribution towards the improvement and development of the Burntwood and Tagedale Brook areas of public open space, upon granting of consent and commencement of development (appeal subsequently dismissed)	£2,942 (index linked) per dwelling
			25% Affordable housing on site upon granting of consent and commencement of development (appeal subsequently dismissed)	Not applicable

Table 2 - Developments where planning obligations by developers/owners of land have been agreed to be modified or discharged by application or by agreement (1st October 2015 to 31st March 2016)

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

Application Number (if applicable) & Reference Number of original related permission and date of modified /discharged agreement	Location of Development	Application	Decision
15/01010/DOB & 98/00729/COU 23 rd March 2016	Stone Quarry Farm, High Street, Alsagers Bank	Application to discharge a planning obligation which prevented the building being used for purposes other than as short stay tourist / holiday accommodation and the separate disposal of land	Obligaton discharged
12/00127/COU & 15/00441/DOAHR 22 nd March 2016	Land south of West Avenue, west of Church Street and Congleton Road, and north of Linley Road, Butt Lane, Kidsgrove	Application under Section 106BA of the TCP for the affordable housing requirement within the planning obligation entered into on 20 th December 2013, in association with planning permission 12/00127/OUT for residential development, to be modified	Modifications agreed to allow for affordable rented units rather than social rented units to b provided and total number of affordable units within the scheme reduced from 43 units to 30

Table 3 - Development where financial contributions have been made (1st October 2015 to 31st March 2016)

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

Permission reference	Location of development	Development	Purpose of the obligation(s) subject of contributions received	Contribution made and to whom
12/00127/OUT	Land South of West Avenue, West of Church Street and Congleton Road, and North of Linley Road Butt Lane	Residential development of 172 dwellings, area of community woodland, public open space and formation of new accesses	Newcastle (urban) Transport and Development Strategy (NTADS), Travel Plan Monitoring and Public Right of Way improvement.	£191,725 SCC
15/01116/FUL	Former Squires Copper, Mount Road, Kildgrove	Erection of two detached residential properties	Public Open Space contribution towards access improvements to the Bellway Homes playground number 2 near Silvermine Close.	£5886 NBC
14/00968/FUL	Former T G Holdcroft, Knutton Road, Wolstanton, Newcastle	Erection of 31 retirement dwellings, communal facilities, car parking and provision of landscaping areas	Public Open Space contribution towards the improvement of the bowling green at Wolstanton Park	£26,335 (Index Linked) NBC
11/00611/FUL	(Marks and Spencer) Wolstanton Retail Park, Newcastle	Demolition of existing retail warehouse units, distribution unit and redundant methane pumping station. Construction of new retail store with ancillary refreshment facilities, new and altered car parking, servicing and sewerage facilities	Business Improvement Contribution	£10,696.84 NBC

Table 4 - Development where financial contribution have been spent. (1st October 2015 to 31st March 2016)

This Table identifies those developments where the spending authority have advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table primarily refers to expenditure by the Education Authority and by the Borough Council. The Table only refers to the spending of financial contributions, it does not refer to the affordable housing that has been provided as a consequence of planning obligations.

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
12/00036/FUL	Land At Charter Road Newcastle	Construction of 117 new build dwellings	Education Contribution £78,219.11 to be used on the provision of education facilities within the vicinity of the development.	A three classroom expansion at Hempstalls to increase the school to a 2 FE primary for the 2016/17 Academic year.
12/00512/FUL	Thistleberry House Residential Home Keele Road Newcastle	Demolition of existing Thistleberry House building, erection of 37 dwellings and creation of new access off Keele Road	Public Open Space contribution of £109,034.58	£994 towards administrative charges (staff wages etc)
09/00600/OUT	Site Adjacent To Former GEC Factory Lower Milehouse Lane Newcastle	Erection of 130 dwellings with associated parking	Public Open Space contribution of £382,590	£9,675 for retentions and administrative charges (staff wages etc)

Table 5 to Half yearly report on Planning Obligations - Developments where apparent breaches of planning obligation has been identified

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

Permission reference	Location of development	Development	Purpose of the obligation and description of the apparent breach	Action taken and to be taken to resolve the apparent breach.
10/00480/FUL	Former Corona Works, Sandford Street Chesterton	Residential Development	Public Open Space contribution totalling £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment passed but no payment received to date	<p>This case has appeared in this Table of the half year report on a number of times previously due to the POS contribution having not been paid despite the trigger being achieved.</p> <p>The Planning Committee at its meeting on 16th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party, despite several approaches by the Council's solicitors.</p> <p>The scheme currently has 4 dwellings completed with 3 plots due to be completed.</p> <p>Discussions have been</p>

				ongoing between planning officers and the developer about the financial viability of the scheme. These discussions have not been concluded and the developer has been given further time to explore the matter before deciding how to proceed with the development that is likely to stall once the 3 plots have been completed.
99/00918/FUL	Land off Grange Lane Wolstanton Newcastle	Residential development	New link road and residential development	<p>The plans for the Wulfstan Grange housing development and secured S106 obligation included the provision by the developer of a toddlers play area at the "bottom of Minton Street" (within the development site).</p> <p>The housing development has been built out without the toddlers play area being provided which is a breach of the S106 obligation. .</p> <p>Discussions between the developer and the Officers of the Landscape Development Section have been ongoing and an agreement has been reached and work to implement the necessary works are due to start on the</p>

				16 th May 2016. A further update will be provided as to the expected completion date when this is available.
12/00127/OUT	Land South of West Avenue, West of Church Street and Congleton Road, and North of Linley Road Butt Lane	Residential development of 172 dwellings, area of community woodland, public open space and formation of new accesses	Newcastle (urban) Transport and Development Strategy (NTADS), Travel Plan Monitoring and Public Right of Way improvement totalling £191,725 – Non-payment of the contribution and the trigger point has been reached (upon commencement of development).	<p>The development commenced in June 2015 (at least fourteen of the units have now been completed). The contributions should have been paid to the County Council prior to the commencement of development but they were not.</p> <p>Communication with the developer led to them indicating that the contributions would be paid on the 4th January 2016.</p> <p>The full figure of £192,075 (includes index linking) has now been paid to the County Council (11th January 2016) and there is no longer a breach of the S106 agreement. The case is considered closed</p>
15/00166/FUL	Site of former Jubilee Baths site, Brunswick Street / Nelson Place.	Demolition of former swimming baths and construction of 244 room student development with	Public Open Space contribution for the improvement of Queens Gardens totalling £122,000 was due on 31 st March 2016 but the payment has not	Solicitors for the developer have contacted the Council and have indicated that they will be formally requesting

		associated communal area and car parking (Sky Building)	been received to date	the Council to amend the Obligations to allow for a deferment of payment. This request will be subject to a separate report to the Committee in due course.
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Planning Committee 24th May 2016

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

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

Two new cases have been added since the previous report and one removed, provided to the Planning Committee at its meeting on the 1st March 2016, giving a total of 7 cases where enforcement action has been authorised. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24th April 2015. The SN took effect on 30th April 2015. The EN took effect on 27th May.</p> <p>The Council is not aware that there has been a breach of the SN. It is aware, however, that the portacabin and commercial trailer/cabin remains on site beyond the one month time period set out in the EN.</p> <p>Since the previous report the breach of the EN has been taken to Court for prosecution and a significant fine has been imposed. The owner was given, by officers, a further 4 weeks to remedy the breach. That period has lapsed and the breach remains unremedied which has been drawn to the attention of Legal Services who are to prepare papers to take the matter back to Court.</p> <p>The used tyres that were imported and deposited on the site are being utilised in the construction of a fodder beat store and TB testing facility. Consideration is being given to whether expert advice is required to establish whether this is permitted development.</p>	<p>Pursue further prosecution of the breach of the Enforcement Notice.</p> <p>Determine whether the partially constructed fodder beat store and TB testing facility requires planning permission and if it does whether it is expedient to take enforcement action.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An EN was served which takes effect on 28th February 2016 unless an appeal is lodged.</p> <p>The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>An appeal has been lodged against the enforcement notice on three grounds; that the use of the land for residential purposes does not constitute a breach of planning control; that at the date at which the notice was issued no enforcement action could be taken; and the period for compliance as specified in the notice falls short of what should reasonably be allowed.</p> <p>The appeal is proceeding by way of Inquiry. The Council must provide its statement of case by 30th May 2016 and then provide comment, if there are any, on the appellant's statement of case by 20th June 2016. The Council must provide its proof of evidence no later than 4 weeks before the inquiry. A date has not been set for the Inquiry as yet.</p>	Submit a Statement of Case by 30 th May and comply with the Planning Inspectorate's timetable.
14/00048/207C2	<p>Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley</p> <p>Unauthorised subdivision into two dwellings</p>	13.7.15	<p>A retrospective planning application was received for the subdivision of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings and the subsequent appeal has now been dismissed.</p> <p>An EN was served requiring that Dairy House is reinstated to its previous condition prior to the subdivision within six months of the notice taking effect.</p> <p>The EN took effect on 21st December 2015 as an appeal was not lodged.</p>	Establish whether the Notice has been complied with at the end of the six month period (21 st June 2016)

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Planning Committee at its meeting on 5th January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. Legal Services have, very recently, been instructed to take the appropriate enforcement action.</p>	Issue an Enforcement Notice.
1 5/00094/207C3	<p>70A Chatterley Drive, Kidsgrove</p> <p>Unauthorised boundary fence</p>	30.10.15	<p>A retrospective planning application (15/00803/FUL) was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment which is harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16th March 2016 which took effect on 15th April. The notice requires the removal of the fence or its reduction in height to no more than 1m by 15th June 2016</p>	No target for this quarter.
14/00173/207C2	<p>Monkey Tree Cottage, Heighley Lane, Knowle Bank</p> <p>Unauthorised change of use of land from to land used in association with a dog kennel business and ancillary operation development including the regrading of agricultural land to facilitate the construction of a new building to house kennels, office and kitchen.</p>	23.2.16	<p>A retrospective planning application (15/00803/FUL) was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment which is harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16th March 2016 which took effect on 15th April. The notice requires the removal of a partially constructed building within two months; and removal retaining wall, reinstatement/regrading of land; and putting up an boundary treatment to separate the residential curtilage from the adjoining land within six months.</p> <p>An appeal has been lodged on the ground that insufficient time has been given to comply with the Enforcement Notice. Instructions have been sent to amend and re-serve the Enforcement Notice with a longer period for compliance.</p>	Reissue an Enforcement Notice with a longer compliance period.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
07/00064/207	18 Market Street, Kidsgrove Non-compliance with conditions of planning permission 06/00551/COU for change of use to restaurant	21.3.16	Legal Services have instructed to take enforcement action against the non-compliance with conditions of the planning permission for the use of the building as a restaurant following protracted discussions with property owner. The conditions require the provision of an appropriate ventilation system to deal with odours, and the provision of a grease trap to the drainage system.	Issue an Enforcement Notice.

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Report on Open Enforcement Cases

Purpose of the Report

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

Recommendations

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

Background

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

In the last quarter a further 68 new cases have been reported, lower than the previous quarter (78). The current number of open cases is 255 (2 more than at the end of the last quarter). The number of open cases this quarter has therefore increased slightly.

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

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (3 as at 3rd May 2016).

Conclusions

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

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

Current Outstanding Enforcement Cases

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

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2016	90	40	1	29	10	-	-	-	-
2015	238	48	1	31	14	2	-	-	-
2014	212	49	-	38	11	-	-	-	-
2013	219	31	5	21	5	-	-	-	-
2012	229	26	8	11	7	-	-	-	-
2011	204	11	2	7	2	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	10	-	6	1	1	-	1	1

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

Open Cases **255**
(inc Backlog)

Previous Quarter 253

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

Date report prepared

3rd May 2016