

Public Document Pack

Date of meeting	Tuesday, 19th July, 2016
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Geoff Durham

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 - 4)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Thorp Precast, Apedale Road, Chesterton. Thorp Precast Ltd. 16/00300/FUL** (Pages 5 - 12)
- 5 **Application for Major Development - Former Woodshutts Inn, Lower Ash Road, Kidsgrove. 16/00326/FUL** (Pages 13 - 18)
- 6 **Application for Major Development - Tagdedale Quarry, . Eccleshall Road, Loggerheads. Renew Land Developments Ltd. 15/00015/OUT** (Pages 19 - 24)
- 7 **Application for Major Development - Mice and Dice Ltd. Pool Dam, Newcastle. Mice and Dice Ltd. 16/00338/CEO** (Pages 25 - 32)
- 8 **Application for Minor Development - Land West of Ravens Close, Bignall End. Aspire Housing. 16/00273/FUL** (Pages 33 - 42)
- 9 **Application for Minor Development - Smithy Cottages, Smithy Corner, Barr Hill Madeley. JPK Design. 16/00226/FUL** (Pages 43 - 52)
- 10 **Application for Minor Development - Land north of Nantwich Road, Audley. Severn Trent Water Ltd. 16/00307/FUL** (Pages 53 - 60)
- 11 **Application for Minor Development - Beechville, Albany Road, Newcastle. Mr T Spitkowski. 16/00515/FUL** (Pages 61 - 66)
- 12 **Application for Other Development - 84 Bar Hill Cottage, Bar Hill, Madeley. Insight Town Planning Ltd. 16/00510/AAD** (Pages 67 - 76)
- 13 **Application for Financial Assistance (Historic Buildings Grant) - Alsagers Bank War Memorial.** (Pages 77 - 78)

**14 Appeal Decision - Monkey Tree Cottage, Heighley Lane, (Pages 79 - 80)
Knowle Bank, Audley**

15 URGENT BUSINESS

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

Members: Councillors Burgess, Fear, Hambleton, Heesom, Mancey, Northcott, Owen, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson, Turner, Williams and Williams

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

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

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

FIELD_TITLE

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

PLANNING COMMITTEE

Tuesday, 21st June, 2016

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Heesom, Northcott, Owen, Panter, Pickup, Simpson, Turner, Williams and Williams

20. APOLOGIES

Apologies were received from Councillors Fear, Hambleton and Mancey

21. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

22. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 24 May, 2016 be agreed as a correct record subject to Councillor Owen being marked as in attendance and Councillor Heesom's apologies being recorded.

23. APPLICATION FOR MAJOR DEVELOPMENT - DAVID WEATHERALL BUILDING, KEELE UNIVERSITY, KEELE. KEELE UNIVERSITY. 16/00306/FUL

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

- (i) A condition varying condition 5 of planning permission 15/00583/FUL to be varied so that resurfacing of the car parking area can be postponed whilst works are carried out on the Barnes development.
- (ii) All other conditions associated with permission 15/00583/FUL continue to apply.

24. APPLICATION FOR MAJOR DEVELOPMENT - WHITE MOSS, BUTTERTON LANE, BARTHOMLEY, WEST OF ALSAGER. RENEW LAND DEVELOPMENTS LTD. 348/236

Resolved: That Cheshire East Council be advised that the Borough Council objects to the proposal on the grounds that a development of this scale in the locality would undermine the delivery of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

25. APPLICATION FOR MINOR DEVELOPMENT - SMITHY COTTAGES, SMITHY CORNER, BAR HILL, MADELEY. N LEESE. 16/00226/FUL

Proposed by Councillor Turner and Seconded by Councillor J Williams.

Resolved: That the application be deferred for a site visit.

26. APPLICATION FOR OTHER DEVELOPMENT - 4 HIGHWAY LANE, KEELE. COUNCILLOR W NAYLON. 16/00368/FUL

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

- (i) Time limit
- (ii) In accordance with the approved plans.
- (iii) Materials.

27. ANNUAL REPORT ON DEVELOPMENT MANAGEMENT PERFORMANCE 2015-16

Consideration was given to a report updating members on the end of year performance report for Development Control.

Concerns were raised regarding some targets not being achieved. Members were advised that a position for a planning officer's post would be advertised shortly. The Cahir stated that the issue of the shortfall should be remedied when the next report is issued.

- Resolved:**
- (i) That the report be received.
 - (ii) That the Head of Planning and Development, with the Development Management Team Manager, by continuing to implement the Development Management Performance Action Plan, seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2016/17 Planning and Development Service Plan.
 - (iii) That the 'Mid-Year Development Management Performance Report 2016/17' be submitted to the Committee around October, 2016 reporting on performance achieved for the first half of 2016/17 in relation to these targets, including the six indicators considered in the agenda report and others which are to be introduced for the first time in 2016/27.

28. PLANNING APPEAL PERFORMANCE REPORT 2015-2016

Consideration was given to a report updating Members on planning and related appeals received between 1 April, 2015 and 31 March, 2016.

Resolved: That the information be received.

29. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

THORP PRECAST LTD, APEDALE ROAD, CHESTERTON
MR H THORP

16/00300/FUL

The application seeks planning permission for two extensions to an existing building on the site of Thorp Precast Ltd, Apedale Road, Chesterton, totalling 2183 square metres of additional floorspace.

The application site lies within the urban area of Newcastle under Lyme, as defined by the Local Development Framework Proposals Map. The site is located on Rowhurst Industrial Estate.

The application is brought to committee as it is major development.

The statutory 8 week determination period for the application expires on 16th August 2016.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved plans and details (including submitted details of external lighting)**
- 3. Provision of parking and turning areas prior to use**
- 4. Submission of details and provision of cycle parking prior to use**
- 5. Tree protection throughout construction phase in accordance with information provided**
- 6. Contaminated land conditions**
- 7. No external noise generating plant or equipment, including mechanical ventilation or refrigeration/ air conditioning, refuse compacting/ baling plant shall be installed in any part of the development until full and precise details have been submitted and approved**
- 8. Implementation of the recommendations of the submitted wildlife survey**

Reason for recommendation

The development will bring about economic development and in principle of extending this industrial building for the purposes of increasing industrial floor space for the business is acceptable. The design is also considered to be acceptable in this location within an industrial estate. Overall, the development would comply with the provisions of the Development Plan and the provisions of the National Planning Policy Framework.

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

Full planning permission is sought for two extensions to an existing industrial building located within the urban area of Newcastle under Lyme as defined by the Local Development Framework Proposals Map. The site is located within the Rowhurst Industrial Estate. The building to be extended is visible from the highway, and is located to the north west of the existing pond.

The total floor space of the extensions would amount to 2165 square metres. The height of the extensions would exceed the height of the building to be extended. The height of the existing building is 10 metres, and the proposed extensions would measure 15.5 metres in height.

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

- The principle of the development

- The design of the proposal
- The impact of the proposed development on retained trees and wildlife
- Whether there would be sufficient car parking
- Whether there would be any adverse environmental effects (noise, external lighting, etc)

The principle of the development

The development provides additional floor space at Thorp Precast. Policy SP2 of the Core Spatial Strategy supports economic development, diversification and modernisation of businesses within the area. The National Planning Policy Framework supports economic growth in order to create jobs and prosperity, and states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

The indication in the submission is that 25 additional full time jobs would be created by the expansion, which is a clear benefit of the proposed development and one that is supported by the Local Planning Authority and the planning framework.

It is therefore considered that the extension of an existing building at Thorp Precast complies with the development plan and with the aims and objectives of the National Planning Policy Framework, subject to other detailed considerations below.

The design of the proposed extensions

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

Policy CSP1 of the Core Spatial Strategy states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke on Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The extensions would be higher than the building that is being extended. The existing building is 10 metres in height, and the proposed extensions would be approximately 5 metres taller. The reason for the proposed height of the extensions is to accommodate the cranes that Thorp Precast utilise in their industrial processes.

In terms of the external material finishes of the extensions, this would be 3 metre high brickwork panes in Ibstock Multi Red Smooth, with metal cladding for the remainder of the elevations, in Goosewing Grey, which is a fairly light colour which would be likely to be less intrusive than alternative colours, and would blend with the surroundings and colour of the sky fairly well. The roof would also be finished in Goosewing Grey.

The application site is within an industrial area with buildings of different sizes of a similar design to that proposed. The site is visible from Apedale Country Park, however it is considered that the proposed development would not be intrusive to wider views, given that the area is an established industrial estate.

Whilst the height of the extensions will not be subordinate to the existing building it is considered that, on balance overall the development is considered acceptable in light of the wider economic benefits of the development. As such the development would comply with Policy CSP1 of the Core Strategy and with the aims and objectives of the National Planning Policy Framework.

The impact of the proposed development on retained trees and wildlife

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The application is supported by a tree survey and arboricultural assessment. The Landscape Division has been consulted on this and has no objections, subject to the inclusion of a tree protection condition to ensure that trees are protected throughout the construction phase of the development, in accordance with the information provided.

The wildlife survey submitted in support of the application does not identify any adverse impact to wildlife or their habitats that would arise from the development, but it is considered that the recommendations of the wildlife survey should be followed, and a condition should be included on any approval to reflect this.

Whether there would be sufficient car parking

The proposal would increase the industrial internal floor space at the site by 2165 square metres. This increase in floor space will increase the level of car parking required at the site for employees. The submitted plans show that 28 additional car parking spaces are proposed adjacent to the existing car parking area within the site, which is considered an acceptable level of provision.

The Highway Authority has no objections to the proposed development, however requires that weatherproof cycle parking is provided at the site, to be secured by condition.

Overall, the proposed development would provide acceptable levels of additional car parking, and would have no adverse impacts to highway safety, therefore the development proposal would accord with the provisions of the development plan and the aims and objectives of the National Planning Policy Framework.

Whether there would be any adverse environmental effects (noise, external lighting, etc)

The proposal is for industrial development within an established industrial area. As such, there are no sensitive neighbouring land uses such as residential premises to take into account.

The development involves an external lighting scheme, and as such further details have been provided relating to this on which the Environmental Health Division (EHD) have commented is acceptable, therefore the requirement for this condition as recommended by Environmental Health is now not necessary.

The EHD recommend a condition relating to prior approval of any external noise generating plant or equipment, in order to mitigate and reduce adverse impacts on health and quality of life arising from noise from new development. They also recommend contaminated land conditions are included on any approval.

Overall, it is considered that the development would be acceptable in terms of its impact upon neighbouring amenity levels provided that the conditions as recommended by Environmental Health are included on any approval.

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 SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove urban Neighbourhoods area spatial policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16:	Development: General parking requirements
Policy N12:	Development and the protection of trees
Policy N13:	Felling and pruning of trees

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

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

Relevant Planning History

05/00999/FUL	Permitted	21.12.2005	Outside twin ground rail 12.5 ton gantry crane to move concrete products
07/00949/FUL	Permitted	3.12.2007	Proposed steel storage building
11/00372/FUL	Permitted	17.11.2011	Proposed office building
11/00561/FUL	Permitted	14.12.2011	Erection of palisade fence
12/00765/FUL	Permitted	24.1.2013	Proposed manufacturing building
13/00157/FUL	Permitted	2.10.2013	Proposed external storage area with mobile gantry Crane and new vehicular entrance
14/00140/FUL	Permitted	29.5.2014	Change of use of existing building, completion of cladding and extension to vehicular access

Views of Consultees

The **Environment Agency** has no objections

The County Council, as **Minerals Authority** have no comments

The **Environmental Health Division** recommends full contaminated land conditions are included on any approval. Also require conditions relating to external lighting and noise generating plant

The **Landscape Development Section** have no objections and suggest a planning condition requiring tree protection throughout the construction phase in accordance with the information provided.

The **Highway Authority** have no objections subject to conditions requiring the provision of the parking and turning areas prior to the use of the development, and notwithstanding the submitted plans, details of secure weatherproof cycle parking shall be submitted, and provided prior to the use of the development.

The **Coal Authority, Staffordshire Wildlife Trust, Waste Management Division, and Greater Chesterton Locality Area Partnership** were consulted but as they have not responded by due date it is assumed that they have no comments.

Representations

None received

Applicant/agent's submission

The application is supported by a tree survey, tree protection plan, an ecological appraisal, Phase 2 Land Contamination Assessment, External Lighting Scheme information, Flood Risk Assessment, Waste Management Statement, Brick sample information, Environmental Policy Statement and a supporting statement, which can all be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00300/FUL>

Background Papers

Planning File
Development Plan

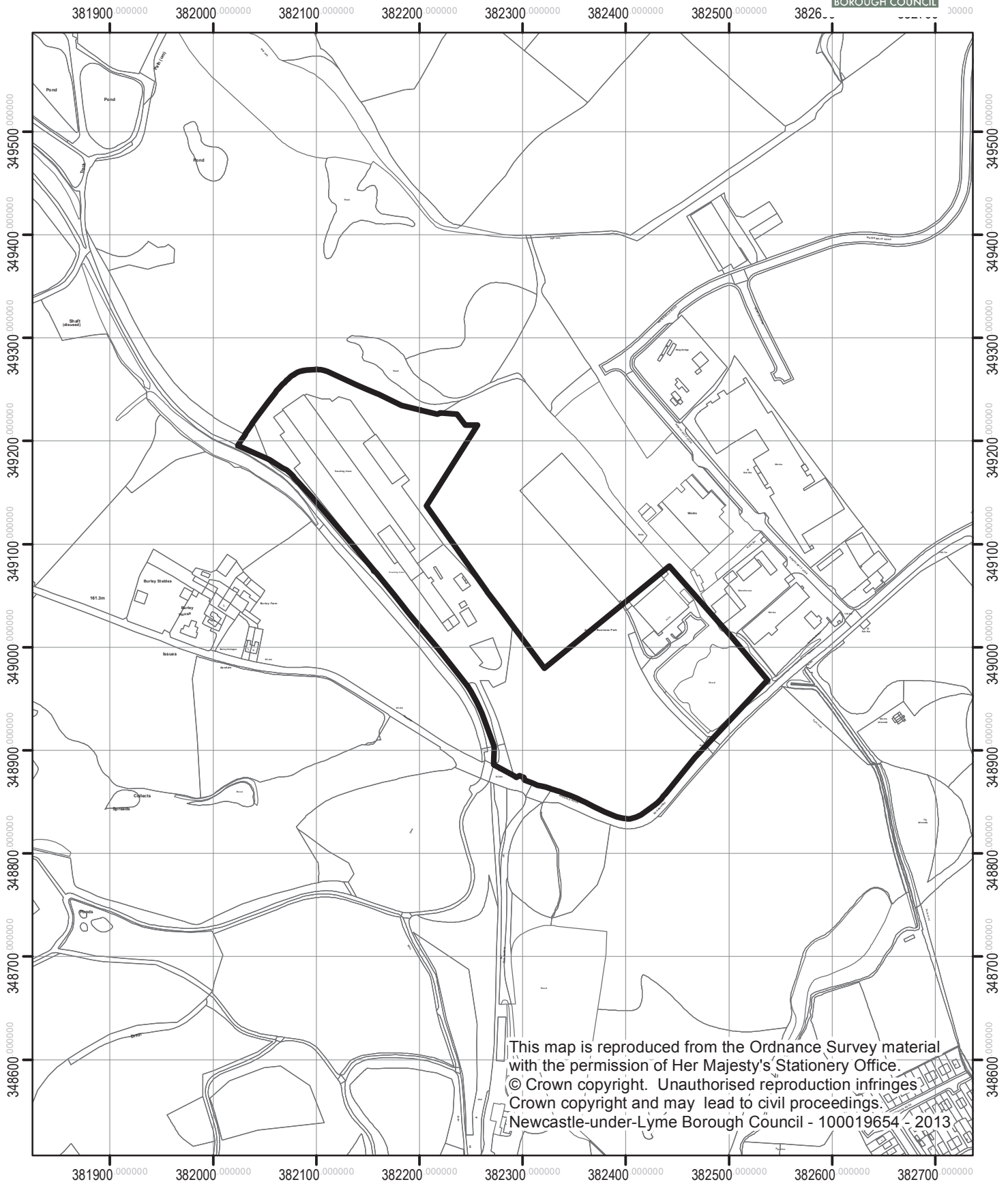
Date report prepared

5th July 2016

This page is intentionally left blank

Thorp Precast, Apedale Road Chesterton

16/00300/FUL



This page is intentionally left blank

FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE
NOVUS PROPERTY SOLUTIONS LTD (FOR ASPIRE HOUSING)

16/00326/FUL

The Application seeks to vary condition 15 of planning permission 14/00767/FUL for the construction of 22 affordable dwellings. Condition 15 as worded in the decision notice is as follows:

No development shall commence until an odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road has been installed in accordance with full and precise details that have been submitted to and approved in writing by the Local Planning Authority beforehand. The system shall be designed to operate in full accordance with the approved details before any of the dwellings hereby permitted are occupied and shall thereafter be maintained in accordance with the approved details. The kitchen ventilation system shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

The reason given for the condition within the decision notice was “*in the interest of residential amenity.*”

The varied wording of condition 15 as proposed in this submission is to require that the odour abatement system is installed prior to the occupation of the dwellings rather than prior to the commencement of development as currently specified.

The site, of approximately 0.5 hectares in extent, is within the Kidsgrove Neighbourhood and Urban Area on the Local Development Framework Proposals Map.

The 13 week period for this application expires on 24th August 2016.

RECOMMENDATION

- (a) Subject to the applicant entering into a S106 obligation by no later than 12th August 2016, that preserves the Council's position in respect of obligations secured prior to the grant of permission 14/00767/FUL, including a financial reassessment being required if substantial commencement of the development is not achieved by 24th March 2017, and if capable of being supported education and public open space contributions, PERMIT the variation of condition 15 so that it reads as follows:

Prior to the first occupation of the dwellings an odour abatement system to the kitchen ventilation system of the hot food takeaway adjoining the site on Lower Ash Road has been installed in accordance with full and precise details that have been submitted to and approved in writing by the Local Planning Authority beforehand. The system shall be designed to operate in full accordance with the approved details before any of the dwellings hereby permitted are occupied and shall thereafter be maintained in accordance with the approved details. The kitchen ventilation system shall be regularly maintained to ensure its continued operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning Authority.

and subject to the imposition of all other conditions attached to planning permission 14/00767/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 obligations referred to in (a) above not be secured by 12th August 2016 that the Head of Planning be given delegated authority to refuse the application on the grounds that without such obligations there would not be an appropriate mechanism to allow for improved financial circumstances to be taken into account (in the event of the development not promptly proceeding), and in such circumstances the potential provision of policy compliant contributions towards education and public open space ; or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

Reason for Recommendation

Whilst the variation of the condition as proposed will not secure the installation of the required odour abatement system as early as condition 15 currently requires it should still ensure that it is in place prior to occupation of the dwellings. As such the amenity concerns will be addressed before any resident is adversely affected.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a review of the financial viability of the scheme to provide policy compliant contributions to education and public open space (should the development not proceed within a certain time) and if then viable the payment of such contributions. That agreement however referred only to that earlier permission. Because a new permission would be granted the same approach is again required. Subject to this and the imposition of the same conditions as were imposed on 14/00767/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 earlier this year for the construction of 22 affordable dwellings. The application seeks to vary condition 15 of that permission.

In deciding the application the Authority must only consider the condition in question and cannot reconsider the application.

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.

There is an existing fish and chip shop directly adjoining the application site which currently does not have a suitable extraction system. As such at the time that the application for the proposed development on the site was determined, there were concerns that odours and noise from the existing ventilation system could adversely affect the living conditions of the residents of the proposed development. The condition sought to address this by requiring the installation of an odour extraction system at the premises prior to the commencement of development.

Conditions, according to national planning policy, should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.

Aspire Housing have planning permission to undertake alterations to the group of buildings where the fish and chip shop is located (16-26 Lower Ash Road) and wish to install the odour extraction system at the same time as such permitted alterations are to be carried out. The commencement of these alterations is not programmed to commence, however, until after the commencement of the planning permission for the 22 dwellings and as such the odour extraction system will not be installed prior to the commencement of the housing development as the condition currently requires.

The applicant/developer of the permitted affordable dwellings, Aspire Housing, own and control the building within which the fish and chip shop, run under the terms of a tenancy, is located and the applicant indicates that agreement on the installation of the odour extraction system between the landlord and tenant is expected soon. In such circumstances the risk of the odour extraction system not being installed before occupation of the residential development is limited and as such it is considered that the variation of the condition as applied for (installation prior to occupation) can be supported in this case.

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

None relevant

Newcastle-under-Lyme Local Plan (NLP) 2011

None relevant

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)
Planning Practice Guidance (PPG) (2014) including guidance on the use of conditions

Relevant Planning History

14/0767/FUL Permit – construction of 22 affordable dwellings on the site of the former Woodshutts Inn.

15/00582/FUL Permit – alterations to an existing building including re-roofing, new gable feature roofs, replacement windows and new access stair at 16-26 Lower Ash Road.

Views of Consultees

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

Representations

None received.

Applicant's/Agent's submission

The application form and location plan 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/16/00326/FUL>

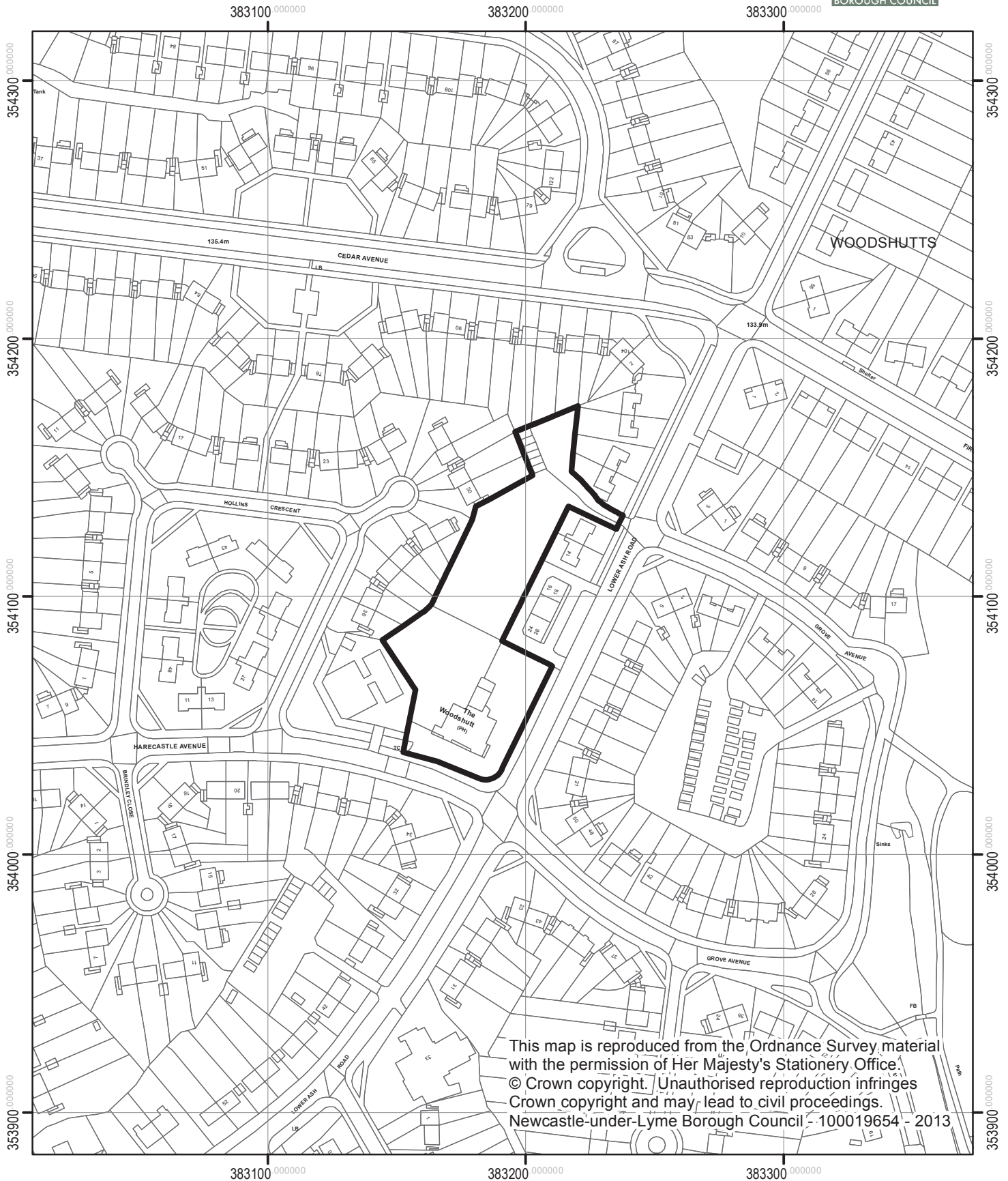
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2016

**Former Woodshutts Inn, Lower Ash Road
Kidsgrove
16/00326/FUL**



This page is intentionally left blank

TADGEDALE QUARRY, ECCLESHALL ROAD, LOGGERHEADS
RENEW LAND DEVELOPMENTS LTD

15/00015/OUT

The application was for outline planning permission for the erection of up to 128 dwellings at Tagedale Quarry, Loggerheads. The application was refused by the Planning Authority on the 12th January 2016 and that decision is now the subject of an appeal which will be determined following the holding of a Public Local Inquiry.

RECOMMENDATIONS

That the Committee confirms:

- 1) that it wishes officers to now write to the appellant to confirm that the obligations referred to in the recommendation that was provided to the Planning Committee on 5th January 2016 are required by the Local Planning Authority with an amendment to the education contribution referred to in point (ii) to be for both primary and secondary education places (the policy compliant requirement being for £530,545 in total rather than the original figure of £513,923); and that the Authority would wish to also see a financial contribution of £3,000 towards the preparation and monitoring of a Travel Plan for St Mary's CE Primary School, Mucklestone;
- 2) that in preparing the Council's Statement of Case officers, or the Council's agents, include reference to these above requirements;
- 3) that should the appellant seek before the appeal is determined to enter into a Section 106 agreement with the Council containing such obligations, officers have the appropriate authority to enter into such an agreement; and
- 4) that, for the avoidance of any doubt, your officers have authority to agree a Statement of Common Ground.

Reason for report

The application was refused planning permission on the 12th January 2016. An appeal has been lodged against the Council's decision and an Inquiry is scheduled for January 2017. This report is solely concerned with the issue of planning obligations and the completion of a Statement of Common Ground.

Background

The Planning Authority refused planning permission for this application on the 12th January 2016 for the following reason:

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).

The recommendation before the Planning Committee was that planning permission be granted subject to the applicant first entering into Section 106 obligations to secure the following:-

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

The decision notice of the Local Planning Authority, drawn up on the basis of the resolution of the Planning Committee of the 5th January, makes no express reference to these obligations, which at the time of the decision of the Committee were not "on the table".

An appeal has now been lodged against the Council's decision and a Public Inquiry is to take place in January 2017. It can be expected that the appellant will wish to prepare planning obligations for consideration by the Inspector.

A very similar application for up to 128 dwellings on this site was subsequently refused on 26th May 2016 (Ref. 16/00202/OUT). That application was refused for the following reasons which included the lack of "on the table" obligations:

1. *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).*
2. *In the absence of a planning obligation securing appropriate arrangements for the long term maintenance and management of the public open space within the development which is an essential component of creating sustainable communities, as referred to in the Urban North Staffordshire Green Space Strategy (2007), the development is unacceptable. For this reason the proposal is contrary to Policies CSP1, CSP5 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy C4 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework (2012).*
3. *In the absence of a secured planning obligation and having regard to the likely additional pupils arising from a development of this scale and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards secondary and primary education places as referred to in the Staffordshire County Council Education Planning Obligations Policy (November 2003, as subsequently updated) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). For this reason the proposal would fail to provide a sustainable form of development and would be contrary to Policy CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, saved Policy IM1 of the Newcastle-under-Lyme*

Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).

4. *In the absence of a secured planning obligation the development fails to provide 25% of the total number of dwellings as affordable dwellings on site which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework (2012).*
5. *In the absence of a secured planning obligation the development fails to make an appropriate contribution towards the monitoring of a Travel Plan for the residential development and towards the preparation and monitoring of a Travel Plan for St. Mary's Mucklestone Church of England (Voluntary Aided) Primary School which seek to promote the most sustainable modes of travel as referred to in the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Developer Contributions (2007). For this reason the proposal would fail to provide a sustainable form of development and would be contrary to Policies SP3 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework (2012).*

Given that this more recent application was virtually identical to the appeal scheme, there is no reason to suggest that it would not any longer be appropriate to seek the obligations referred to in the original recommendation to the Committee, subject to the additional requirement for a contribution towards the preparation and monitoring of a Travel Plan for the School, and a slightly higher educational contribution (all as advised to the Committee at its meeting in May).

The decision of the Authority has been made with respect to 15/00015/OUT, the decision notice has been issued, and is now the subject of the appeal. There is no suggestion that the Council either can or should add to its grounds of refusal of the application. However, your officers would submit that it is appropriate and timely to make the Local Planning Authority's position with respect to planning obligations absolutely clear.

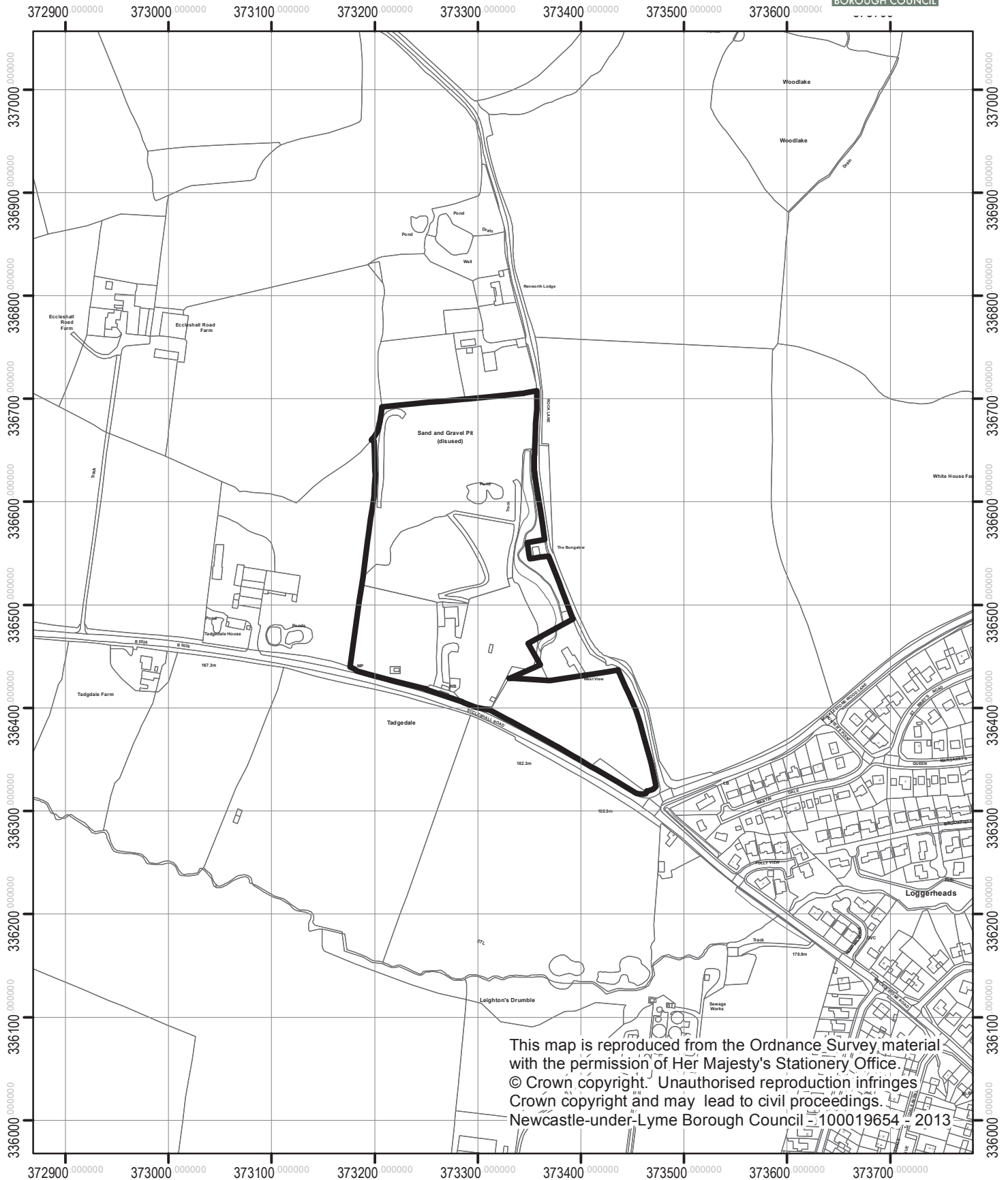
It is also anticipated that the appellant will wish to request the Borough Council, and other parties including the County Council, to enter into an agreement under Section 106 that would become operative should the appeal be allowed - there being limitations in the use of obligations by unilateral undertakings as it is arguable that they cannot impose requirements or obligations upon any person other than the signing party. The obligations that were sought in this case should be secured by agreement rather than by unilateral undertaking. Agreeing to enter into an Agreement will not undermine the Council's position with respect to the principle of the development- that it is unacceptable.

As part of the appeal process associated with a Public Inquiry the applicant will be required, by the Planning Inspectorate, to seek to agree with the Local Planning Authority, what is termed a Statement of Common Ground – in order to enable the Inspector to identify points of agreement and disagreement between the principal parties. This is standard practice and any failure to engage in this process could be seen as unreasonable behaviour.

This page is intentionally left blank

Tadgedale Quarry , Loggerheads

15/00015/OUT



This page is intentionally left blank

MICE AND DICE LTD POOL DAM NEWCASTLE UNDER LYME
MISS S KHERA (MICE AND DICE LTD)

16/00338/COU

The application seeks planning permission for the change of use of the lower ground floor of the premises from a garage/warehouse to offices.

The application involves 1288 m² of new office floor space.

The site is situated within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. In addition the site is within the Pool Dam Quarter as defined in the Councils Newcastle Town Centre Supplementary Document.

The 13 week period for the determination of this application expires on 22nd July 2016.

RECOMMENDATION

PERMIT subject to conditions relating to the following:-

- 1. Time limit**
- 2. Approved plan/documents.**

Reason for Recommendation

The proposed change of use of the building has to be considered in the context of policies which seek to enhance the vitality and viability of the town centre. The proposal entails a 'main town centre use' in an 'edge of town centre' location on the lower ground floor of a building which is already used for office purposes. There are also clear economic and operational benefits in allowing additional office space to support an existing commercial enterprise which is looking to expand on the same site. There are no highway safety objections to the proposal which enjoys ample surface car parking and is also well served by public transport, a cycle route and public car parks.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks planning permission for the change of use of the lower ground floor of the premises from a garage/warehouse to offices. The application involves 1288 m² of new office floor space. The business involved, an online gaming company, is looking to expand its existing office capacity. Planning permission has already been granted in 2013 for change of use of the ground floor of the building from a furniture showroom to offices. That application involved about 1100m² of new office space also including a very small mezzanine level.

An additional 40 full time and 20 part time employees are to be employed by the business in the office area proposed. No external changes are proposed to the building.

The site is situated within the Urban Area of Newcastle as specified on the Local Development Framework Proposals Map. In addition the site is within the Pool Dam Waterside Quarter as defined in the Councils Newcastle Town Centre Supplementary Document.

The key issues to consider are:-

1. Is the principle of office development in this location acceptable?
2. Is the impact to highway safety acceptable?

1. Is the principle of office development in this location acceptable?

The Local Plan, the Town Centre Supplementary Planning Document and National Planning Policy

Core Strategy Policy ASP4 (the Newcastle Town Centre Area Spatial Strategy) sets out a number of planning considerations which are designed to enhance the vitality and viability of the Town Centre. Amongst those considerations is the formulation of a spatial framework identifying distinct zones both within the primary shopping area and beyond, aimed at maintaining their distinctive characters and helping break through the perceived barrier of the ring road. It indicates that in the plan period proposals will provide for 60,000 m² of additional gross office floor space within, or on the edge of the town centre, to accommodate new employment of a type in keeping with the role of the Town Centre.

The Councils Supplementary Planning Document (SPD) is the framework for the Newcastle Town Centre referred to by Policy ASP4. The application site is within the Pooldam Waterside Quarter as defined in the SPD. The SPD does not form part of the Development Plan but is a material consideration.

Paragraph 23 of the National Planning Policy Framework (the Framework) sets a broad aim to ensure the vitality and viability of town centres. The aims include allocating appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available.

The Framework defines 'edge of centre sites' for office development to include locations outside of the town centre primary shopping area but within 500 metres of a public transport interchange. The application site falls within this category.

Paragraph 24 indicates that Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in 'edge of centre' locations and only if suitable sites are not available should 'out of centre' sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities are also required to demonstrate flexibility on issues such as format and scale.

When assessing applications for office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment but only if the proposal is over a proportionate, locally set floor space threshold (there is no threshold for the Borough) or the default threshold is 2,500m².

The proposal in addition to the existing office use already permitted does not exceed the 2,500m² threshold.

A sequential assessment has been prepared by the applicant in support of the proposal.

Sequential test

The applicant has submitted a sequential assessment. Guidance on how to adopt a sequential approach is set out in Planning Practice Guidance (PPG). It advises that the sequential test guides main town centre uses towards town centre locations first then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. It is for the applicant to demonstrate compliance with the test.

The following sites have been considered and discounted by the applicant:-

1. **Brunswick Court, 16 Brunswick Street, Newcastle under Lyme** – the applicant advises there is very limited car parking at the site and the building overall has been discounted for that reason.

2. **The Old Police Station, Water Street, Newcastle under Lyme** - the applicant advises that the building has been discounted because its internal layout does not meet the applicant's business layout needs.
3. **Unit 1 & 2, Lymedale Business Park, Brymbo Road, Newcastle under Lyme** - the applicant has been discounted due to diminished levels public transport and access compared to the Pool Dam site.

It is noted that the applicant has not identified any town centre sites as part of their sequential assessment and it is considered that there are vacant units within the town centre in addition to the partially cleared Ryecroft site that should have been assessed. Notwithstanding this it is considered that these town centre sites are either unsuitable (due to size) or unavailable at this time. The sites that have been identified by the applicant and sequentially assessed are either edge of, or out of, town centre sites and as such are not sequentially preferable to the application site.

Overall there are no other suitable buildings or sequentially preferable locations which have been identified. There are also clear practical operational advantages for the business enterprise to remain and expand onsite which need to be borne in mind. The fact that the proposal encourages economic development and is linked to job creation also carries significant weight. In light of such matters the proposal is considered to be acceptable in principle.

2. Is the impact to highway safety acceptable?

Saved 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. Appendix 3 sets out maximum parking standards for different uses. For B1 office uses, as is proposed, it specifies a maximum of 1 space per 30m² which would equate to a maximum requirement of around 43 parking spaces for the additional office space and a maximum of 80 parking spaces in total taking into account the existing office floor space on site.

The most up to date planning advice on highway safety matters is contained within the Framework. The Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the 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.

There is surface car parking availability on site for around 75 vehicles and existing facilities for cycle parking for 20 cycles. Given the position of the site on the edge of the town centre this is a highly sustainable location where there is a choice of modes of transport. Taking this into consideration in addition to the level of parking provided being very close to the maximum set out in policy, it could not be demonstrated that significantly less parking spaces than the maximum specified level are provided that would create or aggravate a local on-street parking or traffic problems in conflict with policy T16

The proposed development is acceptable in this regard.

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 SP3: Spatial principles of Movement and Access
Policy ASP4: Newcastle Town Centre Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development General Parking Requirements

Other Material Considerations include:

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

Supplementary Planning Documents

Newcastle under Lyme Town Centre SPD (adopted January 2009)
Developer Contributions SPD (September 2007)

Relevant Planning History

13/00581/COU	Change of use from furniture showroom (Class A1) to offices (Class B1) of existing ground floor accommodation and existing mezzanine area and erection of bollards	Permitted	2013
10/00473/COU	Retention of Change of use from car showroom to display and sale of furniture and furnishings.	Permitted	2010

Views of Consultees

The **Environmental Health Division** and the **Highway Authority** have no objections.

Newcastle South Locality Action Partnership and the **Waste Management Section** have been consulted. As no response has been received by the due date it is assumed that they have no comments.

Representations

None received by the due date.

Applicant's/Agent's submission

The application documents, which include a Sequential Assessment/ Design and Access Statement, are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00338/COU>

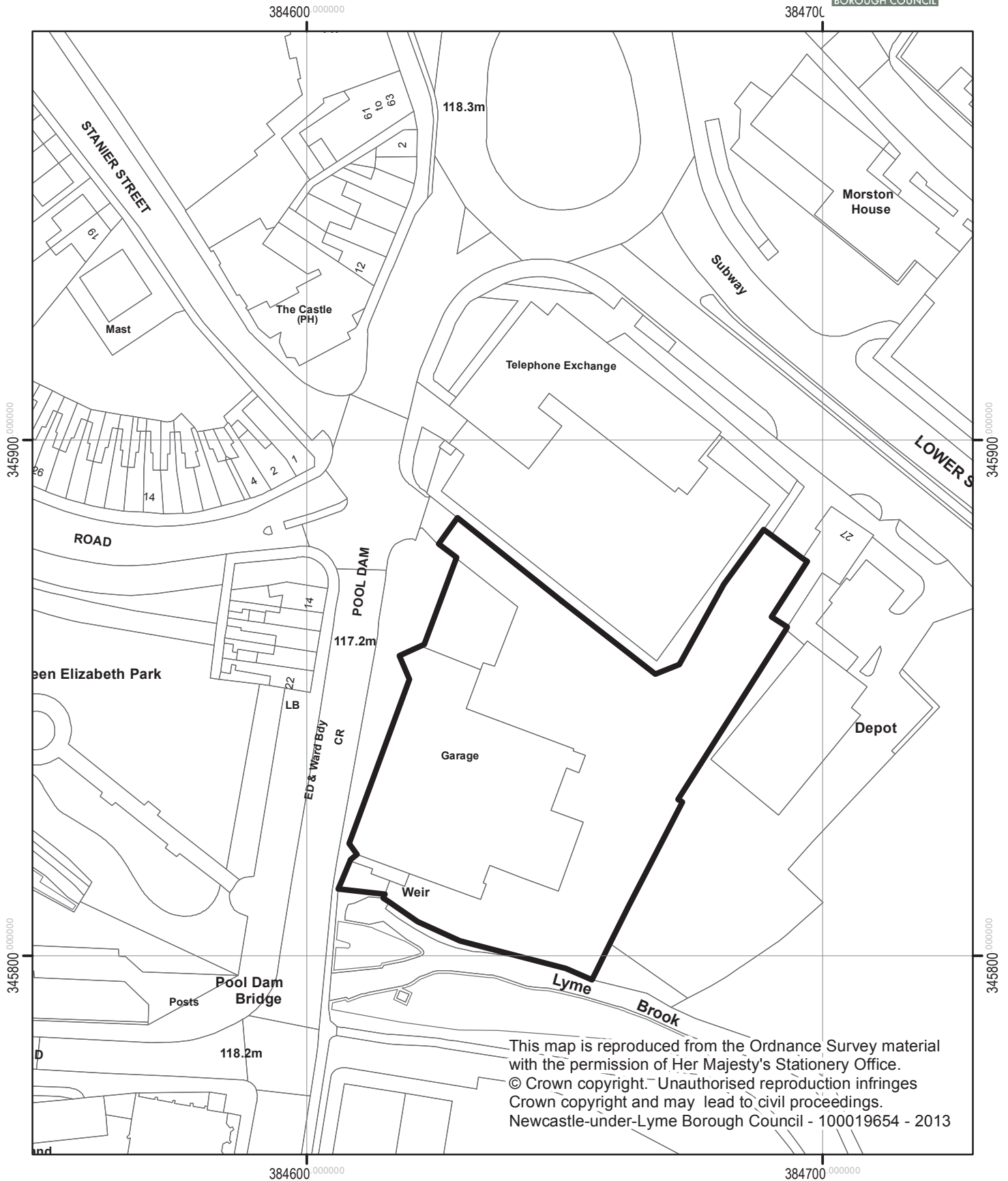
Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

4th July 2016

This page is intentionally left blank



This page is intentionally left blank

**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 item was deferred at the meeting held on the 24th May to enable the Committee to visit the site. This report has been revised principally to take into account new material received since the previous report was prepared.

The 8 week period for the determination of this application expired on the 30th May 2016 but an extension of time has been agreed with the applicant until the 22nd July 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 14 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**
- 16. Archaeological watching brief**

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. Supporting information has been submitted in a prompt manner during the planning application. This is now considered to be

a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

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.

Amended plans have been received since the committee meeting of the 24th May which extends the red edge application site to allow 6 additional parking spaces to be provided over and above what was included in the plans initially submitted. The revised scheme now proposes to replace the 26 existing car parking spaces with a total of 36 car parking spaces, including 12 dedicated spaces for the proposed dwellings and 24 spaces for existing residents.

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 Kidsgrove 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). 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 is at 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.

Parking facilities are proposed to the front of the proposed dwellings. These show an allocation of 2 car parking spaces per new dwelling with two additional 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.

A section plan has been submitted to show the works required for the additional car parking area. These works are considered minor and would not raise any significant concerns from a visual impact due to its location and the limited works. Planting could be proposed to minimise any visual impact.

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.

Objections have been expressed about the loss of amenity space. This space is under the applicants control and is not public amenity space. Only a proportion of amenity space would be lost to the development with a significant section of usable amenity space being maintained.

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 and the eight spaces retained.

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).

As discussed a revised car parking scheme has been proposed with a total of 36 car parking spaces now proposed. This is a further 6 spaces to address concerns of objections.

It is acknowledged that at certain times of the day on street car parking demand is high but it is considered that the proposed development would provide sufficient off street car parking for proposed and existing occupiers in this sustainable rural area. It is therefore 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 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
--------------	-------------------------	-----------

Views of Consultees

Audley Parish Council objected to the original scheme on the grounds of insufficient parking and the car parking survey is inaccurate. They also maintain their objection following the increase in parking provision provided on the submitted amended plans as they consider that there is still an overall net loss of 4 car parking spaces. The green space is also a valuable amenity for the residents of the flats (with no gardens) and their children and also the neighbouring area as it serves as an overlooked village green, with no other open space easily accessible for the children without having to cross a very busy road. There are no disabled bays for parking allocated, especially as the residents of the flats are elderly or infirm.

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. They raise no objections to the revised plans also.

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 were received for the original application 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.

A further 59 objections have been received raising concerns about the loss of car parking, highway danger implications, the height of retaining walls for the additional parking area, loss of valuable green space and the development causing an overbearing impact to the neighbouring flats. Supporting photographs have also been submitted.

Objections are also raised regarding insurance premiums being increased and anti-social behaviour.

An objection has also been received from **Paul Farrelly MP** raising concerns about the number of parking spaces proposed which he considers is insufficient and will encourage more traffic around the Close and the neighbouring school and increase highway safety. In addition the proposal will result in the loss of public amenity space which is well used and enjoyed by local residents..

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>

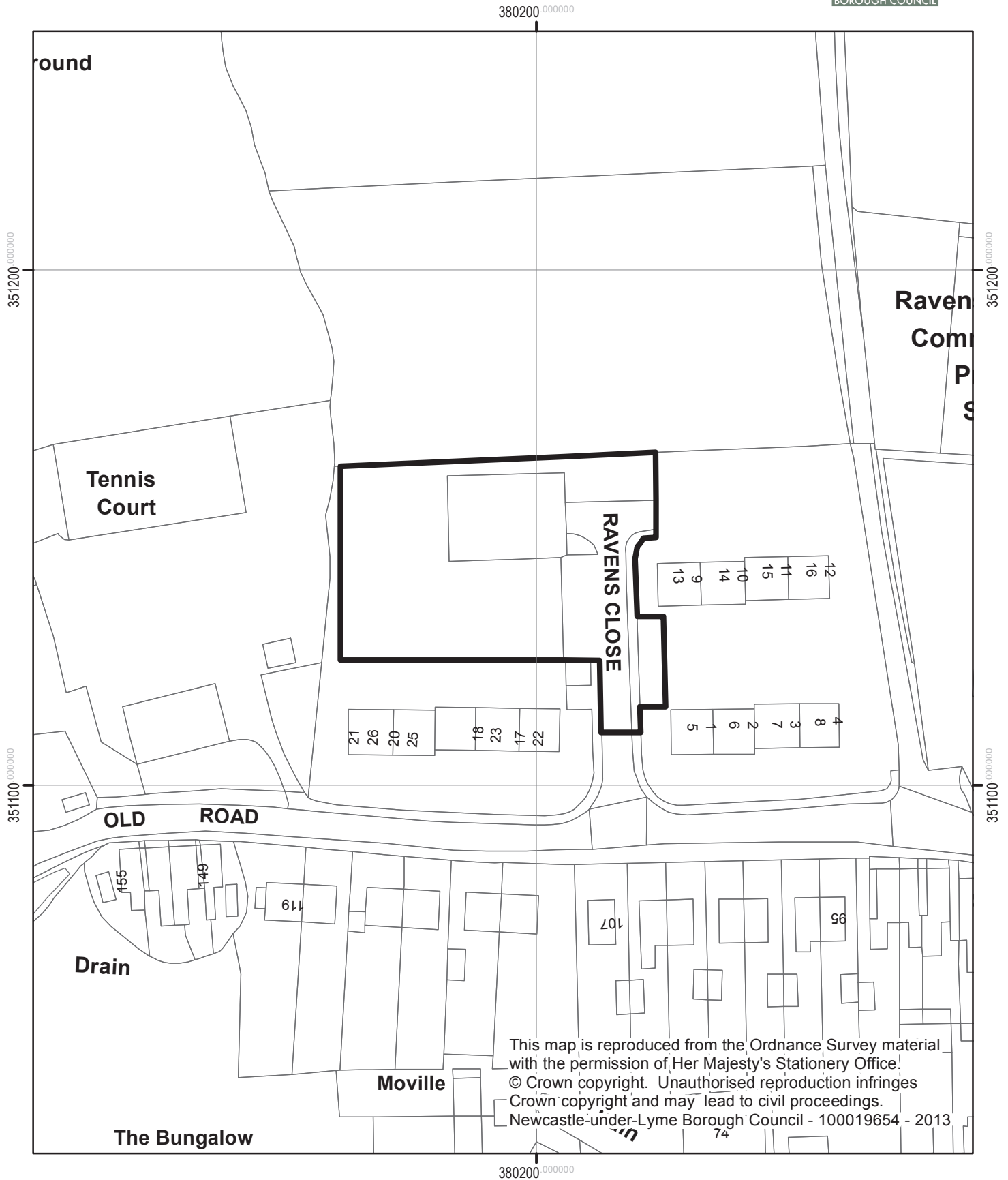
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

30 June 2016

This page is intentionally left blank



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2013

This page is intentionally left blank

SMITHY COTTAGES, SMITHY CORNER, BAR HILL, MADELEY
MR N LEESE

16/00226/FUL

The application seeks planning permission for the erection of two detached dwellings on land which currently forms part of the residential curtilage of Smithy Cottages. A detached double garage to serve the existing dwelling is also proposed.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map. The site adjoins Ye Olde House, a Grade II Listed Building.

The application has been called in to Committee by two Councillors on the grounds that the development is out of keeping with the old part of Madeley village, would result in road safety issues and is over development of the site. **The decision was deferred at the last planning committee to enable Members to visit the site.**

The statutory 8 week determination period for the application expired on 12th May 2016.

RECOMMENDATION

PERMIT subject to the following conditions;

1. Time limit
2. Approved plans
3. Provision of access, parking and turning prior to use of development
4. Provision of visibility splays in accordance with plans prior to use
5. Surfacing of access drive in bound and porous material for 5 metres back from public highway
6. Retention of garage for parking of vehicles and cycles
7. Gates to be located a minimum of 5 metres back from highway boundary
8. Protection of retained trees and hedgerows throughout all demolition, construction and earthworks (drainage)
9. Prior approval of Arboricultural Method Statement
10. Prior approval of landscaping proposals, to include proposals gapping up boundary hedgerows and replacement tree planting
11. Prior approval of facing and roofing materials, and hard surfacing materials
12. Prior approval of finished floor levels
13. Full suite of contaminated land conditions
14. Removal of Permitted Development Rights for porches and roof lights on the front elevation

Reason for recommendation

The principle of residential development of this site, within the village envelope of Madeley, is acceptable and in compliance with Policy ASP6 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework. The proposed development would not harm the character of the Conservation Area, and would not harm the setting of the adjacent Grade II Listed Building. The development would be acceptable in terms of access and highway safety, and would retain a good level of mature landscaping (trees and hedgerows) to retain the landscape character of the plot. The development would therefore comply with Policies N12, N13, B5, B9, B10, B13 and B15 of the Newcastle under Lyme Local Plan, Policies ASP6, CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and with the aims and objectives of the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document and the National Planning Policy Framework.

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

Amendments were requested and received during the course of the application relating to the height of the dwellings and land levels. 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 erection of two detached dwellings and a detached garage within the garden area of Smithy Cottages, Smithy Corner, Bar Hill, Madeley. The site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map.

The two dwellings are sited at the rear of the plot, and the proposed detached garage, which would serve Smithy Cottages, would sit approximately half way back from the front of the site, behind the garden to Smithy Cottages. The dwellings would both have four bedrooms and integral garages.

The site would utilise the existing access point off Bar Hill. There is a Grade II Listed Building – Ye Olde House –adjacent to the site to the west of the site.

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

- The principle of the development
- The impact of the development on the character and appearance of the area and Conservation Area
- The impact of the development on trees and hedgerows
- The impact of the development in highway safety terms
- The impact upon residential amenity

The principle of the development

Policy ASP 6 of the Core Spatial Strategy requires a maximum of 600 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key rural service centres of Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

The site is a garden, so is not considered to represent brownfield land development. However, the site is located within the rural service centre of Madeley, which offers shops, services, a primary and high school and good public transport links to nearby town centres. It is therefore a sustainable site for housing development.

The Council does not have a five year housing land supply at present, and the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable sites.

Overall, taking into account the sustainability of the site, and its location within the rural service centre of Madeley, the principle of residential development of this site is considered acceptable, and accords with the aims and objectives of the National Planning Policy Framework.

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

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

The National Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Permission should be refused where a development will lead to substantial harm or total loss of significance of a designated heritage asset.

Policy B5 of the Local Plan states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Ye Olde House is a Grade II Listed Building, and is located adjacent to the application site. The Listed Building is an extended dwelling and its curtilage is defined by a domestic garden/ plot which extends to the rear and to the properties along Moss Lane. The proposed houses are set back in the site than the existing garages on the site. The opinion of the Conservation Officer, that the introduction of the two dwellings on the land west of Smithy Cottages will not harm the setting of Ye Olde House which is within a compact area of the village, is accepted.

Policies B9, B10 and B13 of the Local Plan all concern the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character. Policy B15 relates to trees and landscape in Conservation Areas, and states that landscape features should be retained where these contribute to the character and appearance of the area. The policies of the Urban Design SPD reflect the aims of the Local Plan Policies, which are consistent with the aims of the National Planning Policy Framework.

The two dwellings are proposed to be located to the rear of the plot, and their design is traditional, with features found extensively in Madeley village incorporated into the design of the dwellings. The retention of vegetation (trees and hedgerows) on the site will provide screening of the two dwellings, and will help the development assimilate with the surrounding area. The design of the dwellings is appropriate and set well back from the road this will make them less visible in the street scene.

This part of the village is varied in density, with some properties located in close proximity to each other, and others more widely spaced within larger curtilages. The plot sizes of the proposed dwellings and that which remains for the existing are considered acceptable, and it is considered that the dwellings would not create a cramped appearance. The garage to the frontage of the dwellings would not detract from the character of the area.

Amendments were requested to seek to reduce the height of the dwelling on plot 2, to improve the relationship with the neighbouring dwelling. These amendments were received, lowering the height of the roof over the garage on Plot 2 by approximately one metre.

It is important that the access drive should not be over engineered in appearance, and the trees and landscaping protected to ensure the landscape appearance of the site is protected. Surfacing materials of the driveway can be conditioned to ensure its appearance is satisfactory in appearance and to avoid damage to trees and landscaping.

It is considered relevant to remove permitted development rights for alterations to the front elevation, including front porches and rooflights, which are covered by Classes C and D permitted development rights to ensure that such additions are carefully controlled in the interests of the appearance of the dwellings.

Overall, the proposed development is considered to achieve a good design and appearance in this part of the Madeley Conservation Area, and would comply with Policies B9, B10 and B13 of the Local Plan, Policies CSP1 and CSP2 of the Core Spatial Strategy, and with the aims and objectives of the National Planning Policy Framework.

The impact of the development on trees and hedgerows

There are several trees on and around the site, which contribute to the sites green character. Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The Landscape Division has no objections to the proposed development. They suggest that the boundary hedgerows are retained and protected throughout this development, and request planning conditions relating to tree and hedge protection to retained trees and hedgerows to BS5837:2012 throughout all demolition, construction and earthworks (drainage), prior approval of an Arboricultural

Method Statement, and prior approval of landscaping proposals to include gapping up boundary hedgerows and replacement tree planting.

Overall, the proposed development is considered to have an acceptable impact upon trees and hedgerows, provided conditions are included to ensure the retained trees and hedgerows are adequately protected during the construction phase.

The impact of the development in highway safety terms

The development would utilise the existing access from Bar Hill. The drive would be private, and would have a width of 4.5 metres at the entrance, narrowing down to 3 metres. A turning area would be provided to the frontage of plot 1. Plot 1 would have two car parking spaces (one within the garage and one on the driveway), and plot 2 would have three car parking spaces (one within the garage and two on the driveway). Whilst the existing access is sited close to the junction of Moss Lane and Bar Hill, the additional vehicular movements associated with the proposed two dwellings would not result in any highway safety concerns.

There would be two car parking spaces within the new detached garage for Smithy Cottages, plus space for an additional two cars to be parked to the frontage of the garage.

For a four bed dwelling, the maximum car parking standard is for 3 car parking spaces. Plot 2 will provide 3 spaces, however plot 2 will provide 2. Policy T16 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. In this case, one space less than the maximum standards is not considered a significant under provision. Furthermore, the turning area is large enough to accommodate a parked car and still allow space for turning.

The Highway Authority has no objections to the proposed development, subject to several conditions aimed at ensuring the visibility splays, turning and parking areas are all provided prior to the use of the development. The garages should also be retained for the parking of motor vehicles and cycles, as they go towards provision of adequate car parking for the development.

Overall, the development is considered to provide an acceptable level of car parking space, and would have an acceptable impact upon highway safety. The development proposal therefore complies with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

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 standard 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 two dwellings are proposed to be situated to the rear of the plot. The proposed garden sizes exceed the minimum required size of 65 square metres as set out in the Space Around Dwellings SPG.

In terms of distances between facing windows, the proposed dwellings would face towards the rear of both Ye Olde House and Smithy Cottages but would not directly overlook them. In such situations the guidance in the SPG indicates that a separation distance of 17 metres is appropriate. This distance is achieved in relation to both Ye Olde House and Smithy Cottages.

In terms of the impact of the development on Smithy House, which is the closest existing dwelling to the proposed dwellings, the development would not breach a 45° line measured from the principal windows on the rear of Smithy House, and would therefore not cause any material loss of light to

neighbouring principal windows. There will be no principal windows in the side elevations of the two dwellings that would overlook Smithy House.

The height of the garage roof on plot 2 has been lowered, which will improve the relationship with Smith House. No harm to amenity in terms of loss of light or privacy would be caused to the neighbouring dwelling to Plot 2.

Overall, the development would have an acceptable impact upon residential amenity, and would be in compliance with the Space Around Dwellings SPG and the aims of the National Planning Policy Framework.

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 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 B5: Control of development affecting the setting of listed buildings
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 B15: Trees and Landscape in Conservation Areas

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

None

Views of Consultees

Madeley Parish Council objects to the application. The proposed development is within the Conservation Area, the two detached dwellings are too close to Ye Olde House and Bridge Cottage, both Grade II Listed Buildings, and would represent overdevelopment in the Conservation Area. They are not convinced that the proposed trimming back of the hedge to improve visibility would be sufficient to ensure safe visibility for vehicles on the road.

The **Conservation Officer** advises that the application site is in the Madeley Conservation Area, and Smithy Cottages was identified within the Conservation Area Appraisal Document as a positive building, occupying a prominent position in the Conservation Area on the corner at the junction with Bar Hill and Station Road. The key issues are the impact of the development on the setting of Ye Olde House, a Grade II Listed Building, and the effect on the character and appearance of the Conservation Area and its setting.

The plot is generous and currently has 2 garages on the site and an informal gravel driveway leading to the garages. The plot frontage is bounded by a mixed hedge and vegetation lines the driveway. Trees screen much of the plot to the rear. These are shown to be retained and will also help any development to be accommodated into the environment.

The adjoining Listed Building, Ye Olde House is a former house with multi phases and extensions. Bridge Cottage (attached to Ye Olde House) fronting the road is a former rear 18th Century wing with the main brick house with 16th origins and timber framing set behind this in an L plan. The brick section is not particularly visible from the road and mature vegetation surrounds the plot. The curtilage of the Listed Building is defined by its domestic garden/plot which extends to the rear and to the properties along Moss Lane. Moss Lane properties are modest cottages and terraces (including a

converted Wesleyan Chapel) and closely compacted with a tighter grain. The wider setting of these Listed Buildings is this part of the village, rising up to the railway bridge at Bar Hill.

As with most villages, Madeley area has evolved incrementally over time (centuries) and has buildings ranging from 16th to the 20th century. Development is varied and the street layout and positioning of the existing buildings make for an interesting townscape.

The proposed houses are set back further into the site than existing garages on the site. The introduction of dwellings on the land west of Smithy Cottages will not harm the setting Ye Olde House and Bridge Cottage which is within a compact area of the village.

The two properties are designed in a relatively typical manner but are not offensive and the features which are found quite extensively in Madeley village will be glimpsed through the vegetation at the rear of this plot. They are proposing as one with painted brickwork, one unpainted and it will be necessary to get a good quality brick which relates well to the village. All materials are important and the roofs particularly will be visible, albeit glimpsed, and should be a clay tile of darkish hue. Windows should be timber casements and garage doors also painted timber.

It is the treatment of the driveway which could cause most harm to the character and appearance of the Conservation Area. This should remain ideally as it is currently and not be over engineered by requirements from Highways and trees protected during the process if you are minded to approve the application.

Recommend removal of PD rights for minor developments in line with the proposed Article 4 Direction to ensure that we have some control over domestic paraphernalia

The **Landscape Development Section** has no objections and suggests the boundary hedgerows are retained and protected throughout the development, and suggests conditions relating to tree and hedge protection, prior approval of Arboricultural Method Statement, and prior approval of landscaping proposals to include proposals gapping up boundary hedgerows and replacement tree planting.

The **Environmental Health Division** recommenced contaminated land conditions.

The **Highway Authority** have no objections subject to conditions relating to completion of the access, parking and turning areas prior to use of the development; provision of visibility splays prior to use; surfacing of the driveway in a bound material for 5 metres back from the highway edge prior to use; and retention of the garage for the parking of motor vehicles and cycles.

The **Conservation Advisory Working Party** considers the development can be accommodated without overwhelming any of the surrounding buildings on the adjacent plot. The proposal will preserve the character of the Conservation Area, as the development is set well back into the plot behind mature vegetation. Important that the quality of details are maintained, for example clay tiles should be used. Timber side opening doors should be conditioned for the garage.

United Utilities have no objections to the proposal and request no conditions on any approval.

Representations

Five objections have been received, one of which is from Madeley Conservation Group. The representations are summarised below:

- Conservation Area protects the unique and distinctive features of the site
- The development would not conserve, enhance or develop the area and will reduce the amenity of the properties that surround the site
- The development is too large and obtrusive and will be detrimental to the area
- The gardens are too small
- Design and layout are inappropriate
- Siting of the double garage will be detrimental to the Smithy Cottages and Smithy House
- The dwellings will dominate the area

- The dwellings will tower over neighbouring properties and cause overlooking and loss of privacy
- Concerns with regards to traffic and visibility for cars entering and exiting the site
- The development could create an instability of the land with movement/ slipping
- Design of the dwellings is not in keeping with the character of the area
- The development sits behind the building line of the existing houses
- Unacceptable standard of design for new buildings in a historic part of the village which should recognise and honour the styles, colours and textures of existing old properties without being exact copies
- A proposal to fell some trees has been made
- Invitation for the planning committee site visit onto the site of The Old House, to enable councillors to view the site containing the Grade II Listed Building
- It is noted that the trees on the site would screen the proposed houses from the road and The Old House, however these trees were previously regularly trimmed to half their current height and girth, and therefore it should be noted that the trees have not been trimmed in the last two years
- The entrance to the proposed site has again been allowed to become overgrown. Widening the current 3 metre access to 4.5 metres will remove screening which is contrary to the Conservation Officer's recommendations.
- The plans show the driveway would be tarmac, whereas the Conservation Officer recommends the driveway to remain in its current style

Applicant/agent's submission

The application is supported by a tree survey, tree protection plan, Design and Access Statement, Heritage Statement, Phase 1 Contaminated Land Desk Study, an Arboricultural Impact Assessment and a traffic speed survey. These can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00226/OUT>

Background Papers

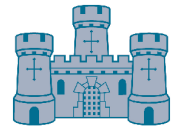
Planning File
Development Plan

Date report prepared

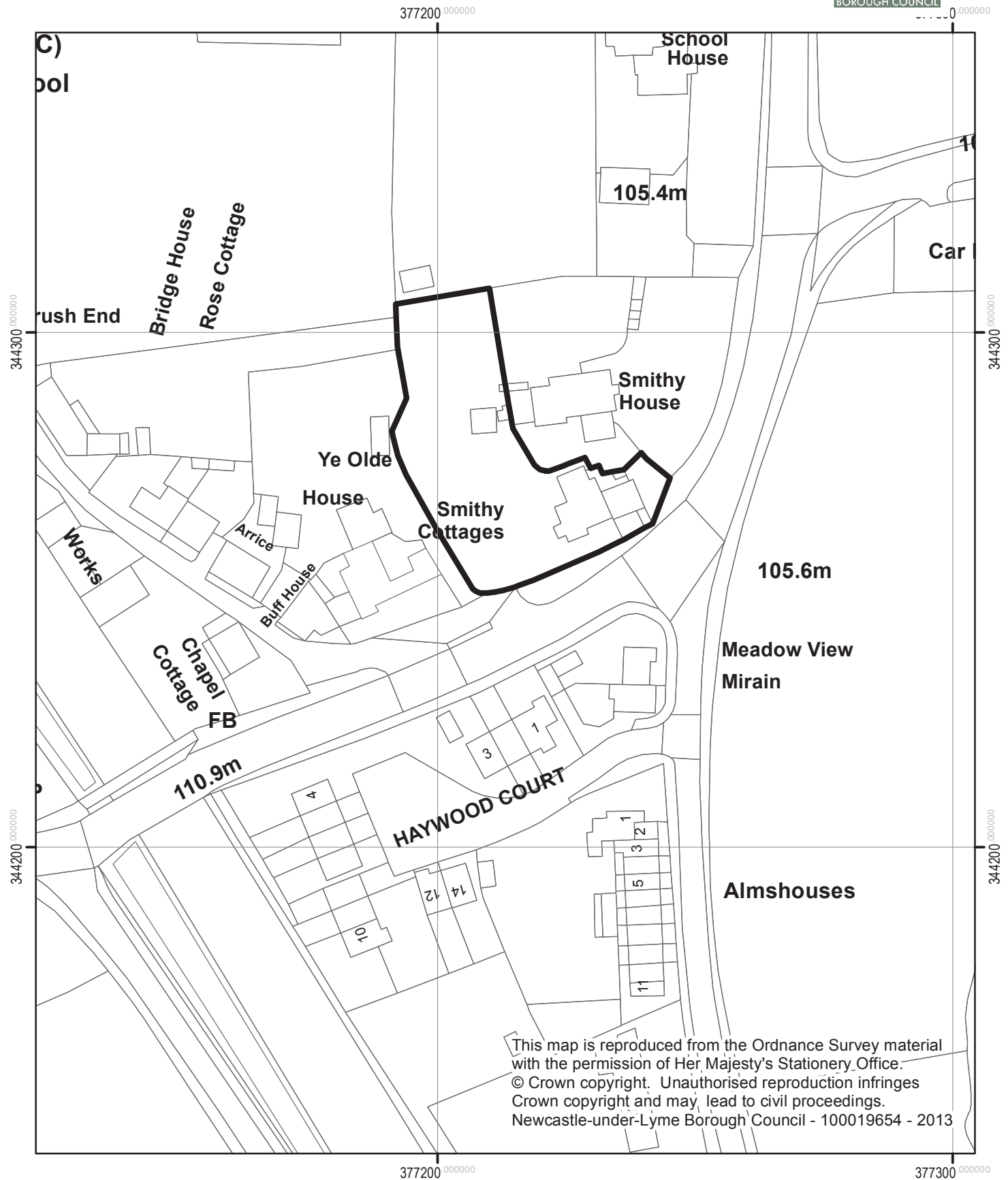
Updated 5th July 2016

**Smithy Cottages (Lease)
Smithy Corner Bar Hill Madeley**

16/00226/FUL



**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**



This page is intentionally left blank

LAND NORTH OF NANTWICH ROAD AUDLEY
SEVERN TRENT WATER LTD

16/00307/FUL

The application is for a new borehole site, access and the provision of two new water treatment kiosks.

The dimensions of the kiosks are 3.9m by 8.8m in footprint by 3.2m in maximum height and 7.3m by 15.8m in footprint by 4.1m in maximum height. Both kiosks are to be coloured holly green.

The applicant also proposes a new stone internal access road with hammer-head turning area.

Two smaller kiosk measuring 3.8m by 2.6m in footprint by 2.8m in height with a borehole and construction area for the drilling rig equipment are also proposed as is an ancillary 1-2 metre high security fence around the road and kiosk, borehole point and internal access road. Those particular elements of the scheme are considered to be permitted development.

The application site lies within the Green Belt and an Area of Landscape Enhancement as defined by the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expired on 10th June 2016.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit.**
- 2. In accordance with the approved plans.**

Reason for recommendation

The proposal is considered to be inappropriate development within the Green Belt. However there are very special circumstances in that the proposal is required to ensure adequate drinking water provision is maintained within the Borough and such matters outweigh the limited harm that arises from the development by virtue of its impact on the openness of the Green Belt.

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

The application is for a new borehole site, access and the provision of an ultra violet (UV) kiosk and treatment kiosk. The dimensions of the UV kiosk are 3.9m by 8.8m in footprint by 3.2m in maximum height. The treatment kiosk measures 7.3m by 15.8m in footprint by 4.1m in maximum height. Both kiosks are to be coloured holly green. The applicant has submitted that the kiosks are required to reduce the potential for contamination of the aquifer and address increasing sediment in the water to ensure water is safe to drink.

The applicant also proposes a new stone internal access road with hammer-head turning area. Given the site lies within the Green Belt and the key issues in the determination of the development to consider are:

1. Is the development appropriate development in the Green Belt?
2. Is the visual appearance of the proposed development having regard to the landscape acceptable?

3. If the development amounts to inappropriate development in the Green Belt, do very special circumstances exist to justify approving the proposal?

Is the development appropriate development in the Green Belt?

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF advises that a Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. There are several exceptions listed. Paragraph 90, states that engineering operations are not inappropriate provided the openness of the Green Belt is preserved and do not conflict with the purposes of including land in it.

The term engineering operations covers any construction activity which is not a building. Certainly the borehole and access provision fall under the umbrella of engineering works and as such constitute appropriate development. The two kiosks requiring planning consent are, however, buildings and given that they do not fall within any of the exceptions identified at paragraph 89 of the NPPF and as such is defined as inappropriate development in the Green Belt.

Therefore as the proposal is considered to represent inappropriate development and should not be approved except in very special circumstances (para 87 of the NPPF).

2. Is the visual appearance of the proposed development having regard to the landscape acceptable?

Paragraph 56 of the NPPF puts great emphasis on design and details that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Policy CSP1 of the Core Spatial Strategy sets out how the design of development is assessed which includes the need for development to respect the character of the area. Saved Local Plan Policy N19 sets out the criteria for development in Landscape Maintenance Areas which includes the need for the character of the Landscape not to be harmed or eroded.

The site cannot be viewed from the Nantwich Road directly opposite the existing main entrance as there are a number of tall mature trees along the highway verge. The size of the kiosks involved and access provision are based solely on operational requirements. The development is situated as close to the existing water treatment infrastructure as possible to minimise its visual impact. The kiosks are to be finished in a recessive green colour which will integrate well with surrounding plants and trees.

Taking into account existing surroundings the proposed development would not appear out of place and would be respectful to the setting of the area. There is no significant visual harm arising from the proposal to the general quality and appearance of the wider landscape.

3. Do very special circumstances exist to justify approving the proposal?

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

The NPPF further details in paragraph 88 that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

In order to weigh in the balance the harm and other material considerations or benefits, it is necessary to first identify what harm arises from the proposal, other than that which inappropriate development

causes by definition. The kiosks requiring consent are also to be erected on the existing operational part of the site. There is an existing structure/building on the site which is also to be demolished reducing the overall impact on openness. The impact to openness has been minimised as far as practicable.

The applicant has submitted a clear justification as to why the proposal is required which is to ensure the quality of local water supply is maintained.

Weighing these matters in the balance it is considered that the benefits do outweigh the harm identified and accordingly that it would be appropriate to grant planning permission.

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP5: Open Space/Sport/Recreation

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N12: Development and the protection of trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement

Other Material Considerations

Relevant National Policy Guidance:

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

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

Relevant Planning History

None relevant.

Views of Consultees

Audley Parish Council have no objections.

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

The **Highway Authority** have no objections subject to the development not being brought into use until the access track, parking and turning areas have been provided in accordance with the approved plans and retained for the life of the development.

Representations

None received.

Applicant/agent's submission

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/16/00307/FUL>

Background Papers

Planning File
Development Plan

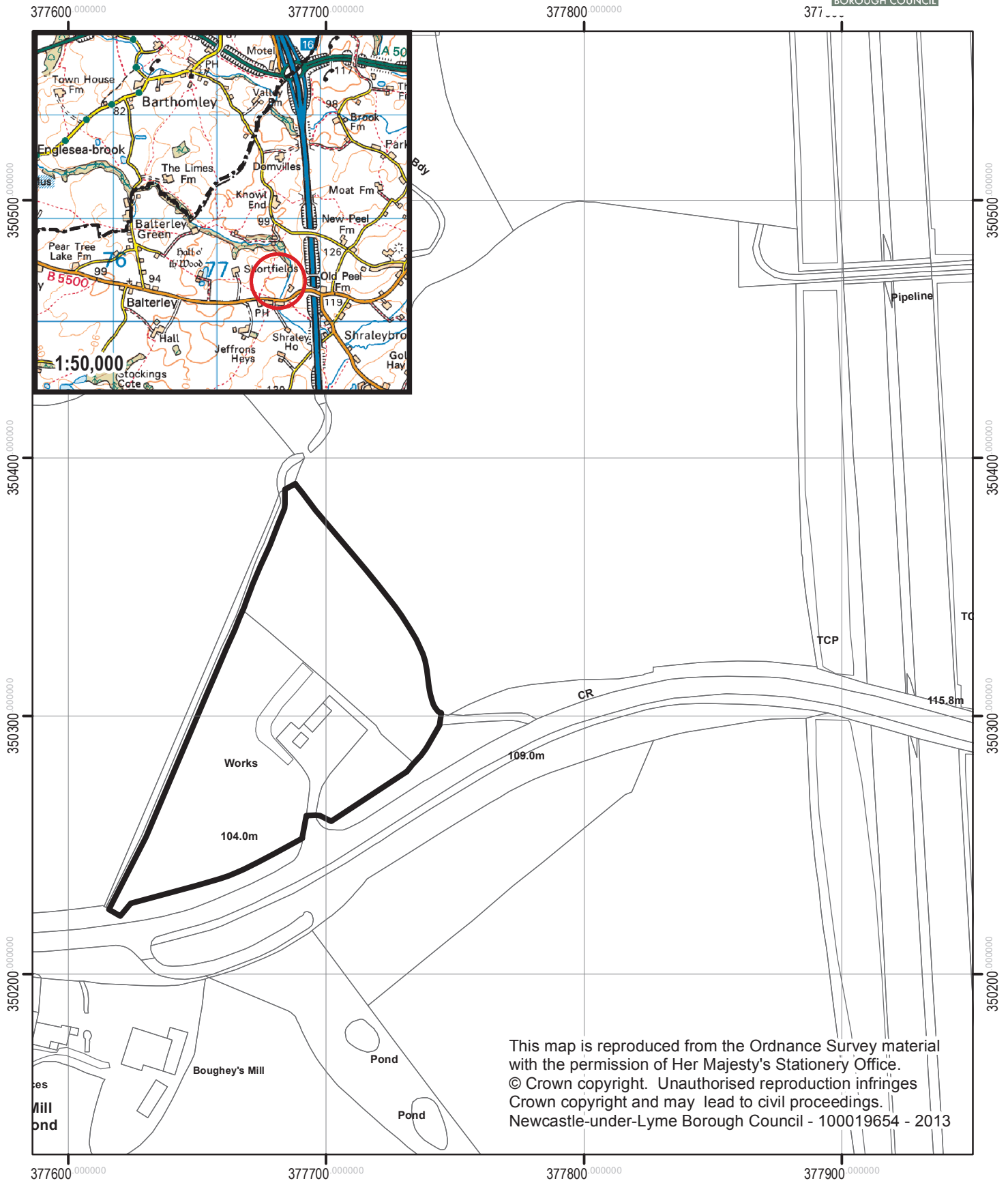
Date report prepared

27th June 2016.

This page is intentionally left blank

Land north of Nantwich Road, Audley

16/00307/FUL



This page is intentionally left blank

BEECHVILLE, ALBANY ROAD, NEWCASTLE-UNDER-LYME
MR T SPITKOWISKI

16/00515/FUL

The application is for full planning permission for the change of use from office accommodation to form 5 bedsits and a self-contained 2-bedroom apartment.

External alterations are limited to the installation of a new window in the rear elevation.

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

The application has been called in to Committee by two Councillors due to concerns that the siting of the bin store will cause a detrimental effect on the area for residents and those passing by on the A34.

The 8 week period for the determination of this application expires on 12th August 2016.

RECOMMENDATION

Permit subject to the following conditions:

- **Time limit**
- **Approved plans**
- **Dwelling noise levels**
- **Hours of refurbishment**
- **Details of the fence**

Reason for Recommendation

The site is in a highly sustainable location and the proposal would contribute to the supply of housing. Appropriate waste and recycling storage has been provided and there would be no significant adverse impact on residential amenity, highway safety or visual amenity.

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

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

Key Issues

The application is for full planning permission to change the use of the property from office accommodation to form 5 bedsits and a self-contained 2-bedroom apartment on the second floor. There is a hair salon on part of the ground floor which will be retained.

Planning permission was refused earlier this year for a similar proposal (Ref. 16/00314/FUL). The reason for refusal was as follows:

The lack of any provision for waste and recycling storage within the site would therefore result in the likelihood of on street storage which would have an adverse impact on the visual appearance of the area and would also have the potential to cause an obstruction to pedestrians creating a highway safety issue. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, these adverse impacts would significantly and demonstrably outweigh the benefits of the scheme and for these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012).

Given that the principle of the proposed use, parking provision and impact on the amenity of the occupiers of the neighbouring properties, were considered acceptable in relation to the previous scheme, it is not necessary to revisit those matters now in the absence of any material change in planning circumstances. The sole issue for consideration therefore is whether the revised submission includes sufficient and appropriate provision for waste and recycling storage to ensure that there would be no adverse impact on the visual appearance of the area or on highway safety.

In the previous scheme there was no provision for the storage of waste and recycling. In this current proposal a bin store has been formed on an existing area of hardstanding to the side of the building facing onto Albany Road. The area measures 4m x 3.4m and would be screened by a 1.2m high fence with an access gate.

The Council's Waste Management Section has advised on the number and size of the bins that would be required for the proposed development and your Officer is satisfied that sufficient space would be available within the bin store indicated. The bins would be screened by a 1.2m high fence and therefore, although the bins would be sited adjacent to the highway, they would not be visible in the streetscene.

In conclusion, it is considered that the reason for refusal of the previous scheme has been overcome and that there would be no adverse impact on either visual appearance or highway safety.

APPENDIX

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

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

Policy SP1: Spatial principles of Targeted Regeneration
Policy SP3: Spatial principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: sustainable location and protection of the countryside
Policy T16: Development – General parking requirements

Other Material Considerations

National Planning Policy Framework (March 2012)

Planning Practice Guidance (March 2014)

Supplementary Planning Documents/Guidance

Space Around Dwellings SPG (SAD) (July 2004)
Newcastle Town Centre SPD (2009)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

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

Relevant Planning History

16/00314/FUL	Change of use of offices to 5 bedroom HMO and a self-contained 2 bedroom apartment	Refused
10/00582/FUL	3 front dormer windows	Approved

Views of Consultees

The **Highway Authority** has no objections indicating that the parking requirements for the proposal are less than that for the former offices and therefore no additional parking is required. It is also noted that the property is close to local amenities and the local transport network.

The **Waste Management Section** states that an 1100 litre refuse bin would be required for the 5 bedsits and the flat along with space for 4 x 240 litre bins for recycling. The commercial unit will need to have totally separate refuse collection facilities and it is likely that 240 litre refuse bins would be appropriate.

The **Environmental Health Division** responded to the previous application (16/00314/FUL) indicating that there were no objections to the proposal subject to conditions regarding hours of refurbishment and dwelling noise levels.

Representations

None received

Applicant/agent's submission

Application forms and plans have been submitted and are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/16/00515/FUL>

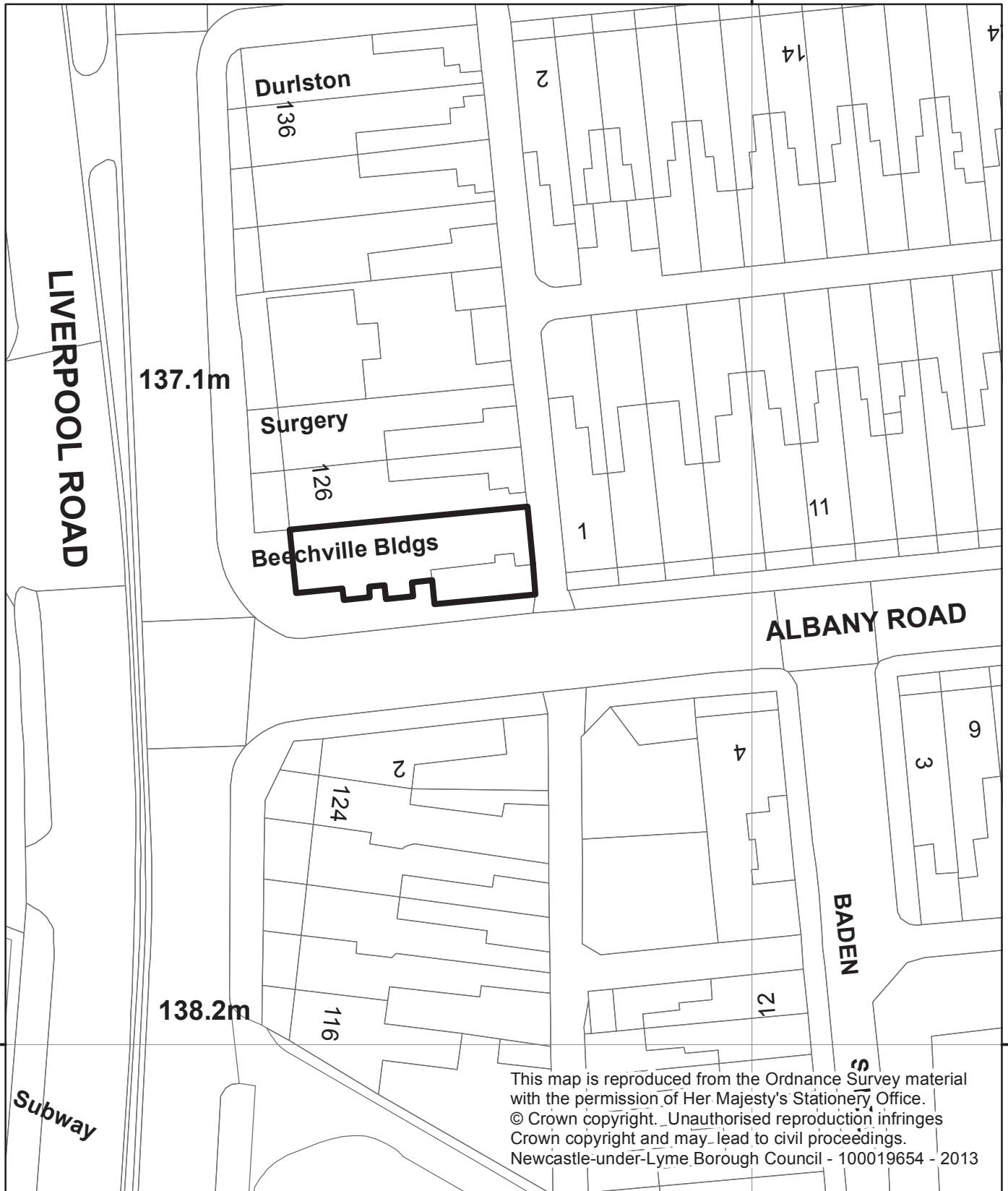
Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

7th July 2016

384700 000000



384700 000000

This page is intentionally left blank

84 BAR HILL COTTAGE, BAR HILL, MADELEY
INSIGHT TOWN PLANNING LTD

16/00510/AAD

The Application is for a Certificate of Appropriate Alternative Development, under Section 17 of Part III of the Land Compensation Act 1961, as amended by the Localism Act, at 84 Bar Hill Cottage, Bar Hill, Madeley. The application has been submitted following the Department of Transport's acceptance of a Blight Notice and thus to compulsorily purchase the property and land to develop it as part of the High Speed Two Infrastructure project (HS2). The applicant has suggested that the erection of a dwelling is an appropriate alternative to the use of the site for purposes associated with HS2.

The site is within the open countryside outside of any defined village envelope and within an area of Landscape Enhancement (policy N20) all as defined on the Local Development Framework Proposals Map.

The two month statutory determination period expires on 15th August 2016.

RECOMMENDATION

(A) That a positive Certificate be issued indicating that it is the opinion of the Local Planning Authority that planning permission would have been granted for the following development, in addition to the development for which the land is to be acquired, if it were not proposed to be acquired by the Authority possessing compulsory purchase powers;

- (i) Construction of a single dwelling, up to two storey in height, with a footprint as indicated on the submitted plan**
- (ii) Construction of a building for use falling within Class C4 (small houses in multiple occupation)**
- (iii) Construction of a building for uses falling within Class B1 (b) and (c) (research and development and light industry)**

(B) That planning permission would have been granted for the above development, at the relevant date or if permission granted after the relevant date, subject to the conditions relating to the following which may have an impact on the value of the land:

- 1. Widening of the access and provision of vehicle visibility splays.**
- 2. Provision of suitable noise attenuation measures and restriction on hours of use for any Class B1 use of the site.**

And such certificate shall include a statement of the Council's reasons for the above opinion, which shall be based upon the content of this report, and that your officers should have delegated authority to ensure that the Certificate to be provided meets the statutory requirements

Reason for Recommendation

A single dwelling, a small house in multiple occupation, and low key rural employment uses falling within Class B1 (b) and (c) all would be considered as appropriate alternative development of the site. The site could be accessed safely; without unacceptable visual impact and ensuring appropriate living conditions for existing and future residents.

KEY ISSUES

The application is for a Certificate of Appropriate Alternative Development, under Part III of the Land Compensation Act 1961, on land at 84 Bar Hill Cottage, Bar Hill, Madeley. In circumstances where

land and property is to be compulsorily purchased, the certificate procedure provides a mechanism for indicating the descriptions of development (if any) for which planning permission can be assumed i.e. those which an owner might reasonably have expected to sell his land in the open market if it had not been publicly acquired. The right to apply for a certificate arises at the date when the interest in land is proposed to be acquired by the acquiring authority. The acquiring authority in this case is HS2 and it is to be acquired for purposes associated with the HS2 project. The 'relevant date' in this case was 22nd December 2015.

The application is not a planning application. The permissions or use indicated in a certificate of appropriate alternative development can briefly be described as those with which an owner might reasonably have expected to sell his land in the open market if it had not been publicly acquired.

The LPA should come to a view, based on its assessment of the information contained within the application and of the policy context applicable at the relevant date, the character of the site and its surroundings, as to whether such a development suggested in the application or any other development would have been acceptable to the Authority (even if not specified in the application). If it is giving a positive certificate (one that indicates that planning permission would have been granted for one or more classes of development in respect of the application site, in addition to the development for which the land is being acquired), the LPA must give a general indication of the conditions and obligations to which planning permission would have been subject. As this process forms part of a valuation process the general indication of conditions and obligations should focus on those matters which affect the value of the land. Conditions relating to detailed matters such as approval of external materials would not normally need to be indicated, unless such detailed matters do affect the value of the land.

In this case there has been no change in policy since the relevant date (22nd December 2015) and as such the current Development Plan is applicable to the assessment of the suggested appropriate alternative development and all the development that is appropriate alternative development as required by the legislation.

The main issues to consider are as follows:

- Is the construction of a single dwelling, and/or any other development acceptable in principle on this site in consideration of the policy context?
- Would development of the site be acceptable in consideration of the site and its surroundings?

Is the construction of a single dwelling, and/or any other development acceptable in principle on this site in consideration the policy context?

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.

The site as garden would be defined as garden land and, as indicated above, it is not within a village envelope and nor would the proposed dwelling serve an identified local need as defined in the CSS. The policies referred to above therefore don't offer support for the principle of residential development on the site.

The Local Planning Authority (the LPA), by reason of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%.

The Local Planning Authority is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites as required by paragraph 47 of the Planning Policy Framework (NPPF), because, as indicated in the report to the Planning Committee on the 13th January 2016, the supply of housing land across the full housing market area has not been established and considering the lower and upper ends of the range of projected household needs in the Borough alone as set out in the Joint Strategic Housing Market Assessment, and accepting a requirement to provide a 20% buffer on the basis that there has 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.

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). As the Borough does not have a 5 year supply of housing land, by operation of paragraph 49, paragraph 14 of the NPPF applies.

Paragraph 14 indicates that at the heart of the Framework is a presumption in favour of sustainable development and that this means, for decision-taking, 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 as a whole; or
- specific policies in the Framework indicate development should be restricted.

Looking at the second limb, examples are given of 'specific policies' in the footnote to paragraph 14 such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation nor is it contrary to any other restrictive policies set out in the NPPF. As such the second limb does not apply in this case. The 'weighted' balancing exercise set out in the first limb therefore applies in this case.

The site is approximately 600m from the nearest Key Rural Service Centre of Madeley - being at a distance of 600 metres to the village envelope boundary and approximately 1.5km from the centre of Madeley (containing the shops, secondary school and the Madeley Centre) which could be safely reached on foot on pavements for the entire route and are within the 2Km threshold that is sometimes referred to as the preferred maximum walking distance for commuters and the users of education facilities. Within the village there are some facilities such as the Sir John.Offley Primary School and All Saints Primary School considerably closer than 1.5km from the site. The occupiers of the new development would, therefore, have reasonable choice of modes of transport and it is likely that they would support the services and facilities that are available in the village. The development is therefore acceptable in respect of its location. In addition, no adverse impact has been identified, as explained below, that would significantly and demonstrably outweigh the benefits of this proposal which are the modest contribution to the supply of housing that is made and the economic benefits associated with the construction and occupation of a dwelling.

Other development

Given that the site is not within an existing centre on the edge of a centre and policies of the Development Plan do not support 'main town centre' uses in such a location it is considered that the use of the site for any of the uses falling within Class A, Class B1a (offices), Class C1 (hotels) and

Class D2 (assembly and leisure) are not appropriate on this site. Whilst not strictly 'main town centre uses' it is not considered that Class D1 (non-residential institutions) would be appropriate alternative uses by virtue of the size of the site and the site's location outside of an existing centre.

Taking into account the size of the site and the proximity of other dwellings uses falling within Class B2 (general industrial) and Class B8 (storage and distribution) would not be appropriate for this site. The restricted size of the site makes it unsuitable for uses falling within Class C2 (residential institutions) and Class C2A (secure residential institutions).

Policy ASP6 and the NPPF supports rural enterprise in the open countryside in locations where local workforce is available. Given the relatively close proximity of the site to Madeley it is considered that uses falling within Class B1(b) (research and development) and B1(c) (light industrial) would be appropriate and supported by policy as it could be of a small scale. Uses falling into class B1 are uses that can be carried out in any residential area without detriment to the amenity of that area and as such the proximity of the existing residential properties adjoining the site would not prevent permission being granted.

The only other use that is considered would be an appropriate alternative use is a use falling within Class C4 (small houses in multiple occupation) given the similarity of such a use to Class C3 (residential).

Is the development of the site acceptable in consideration of the site and its surroundings?

There are a number of factors that need to be addressed in this regard.

Impact on the character and appearance of the site and its surroundings

The site falls within an Area of landscape enhancement and as such saved policy N20 of the Local Plan applies. The policy indicates that proposals that will enhance the character and quality of the landscape will be supported and that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The site forms part of a large garden area of 84 Bar Hill Cottage. There is a mature hedgerow along the site frontage, a number of mature trees around the periphery and fruit trees within the site. Whilst a number of fruit trees would be lost and some hedgerow removed to enable the widening of the access, a building and its access could be constructed without loss of any significant landscape feature and without any adverse impact on the character and quality of the landscape.

The siting of any building constructed would be broadly in line with the buildings surrounding it and if suitably designed would be in keeping with its setting.

The acceptability of the development in respect of amenity.

A building could be constructed on the site that would not result in any material loss of amenity or result in an overbearing impact on the adjoining residential property whilst also ensuring that the occupiers of the building, if in residential use, would have acceptable living conditions.

As indicated above, Class B1 uses are, by definition, uses which can take place in a residential area without adverse impact on residential amenity. Subject to careful control over any the design of the building, to ensure appropriate noise mitigation, and hours of operation it is considered that low key employment development could take place without adverse impact on residential amenity.

The acceptability of the development in highway safety terms.

The Highway Authority has objected due to a lack of details of the proposed vehicle visibility splays at the access and in the absence of a speed survey to determine the required visibility splays.

Discussions have taken place with the Highway Authority who have indicated that given that visibility is good in both directions at the access and in recognition of the observed speeds of vehicles along the road, appropriate visibility splays could be achieved on land within the applicant's ownership and

control. Given that this is not an application for planning permission the applicant is not required to provide such information and in the circumstances it would be inappropriate to require the information required or to issue a negative certificate on the basis that development would not be appropriate due to highway safety issues.

If the development on the site is for employment purposes it will be necessary to ensure that suitable parking and turning facilities are provided. The site is physically capable of accommodating a parking area and turning facility without the loss of trees. It would not be appropriate for large vehicles to access the site but that could be controlled by the use of a condition and as such does not provide justification for ruling out low key employment uses as appropriate alternative development.

Summary

Development of the site as a single dwelling falling within Class C3, as a small house in multiple occupation falling within Class C4 and uses falling within Class B1 (other than offices) would be acceptable in consideration of the site and its surroundings.

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 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 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)

DCLG's Guidance on Compulsory Purchase Process and the Crichel Down Rules for the Disposal of Surplus Land Acquired by, or Under the Threat of, Compulsion (2015)

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

Relevant Planning History

None relevant

Views of Consultees

Madeley Parish Council noted the application.

The **Highway Authority** object on the basis that there are no details of the proposed vehicle visibility splays.

The **County Planning Authority** have very recently been consulted as required, but although there is a good chance that they will make their comments before the Committee meeting, their comments may not be available until afterwards in which case officers would have to ask the Committee to defer any decision until the next meeting.

Representations

A representation has been received on behalf of HS2 Ltd advising in the event the local authority is minded to grant the application they reserve the right to appeal and request that an informative is placed on the certificate.

Applicant/agent's submission

The applicant has submitted a supporting statement which can be viewed on the Councils website at <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00510/AAD>

Background Papers

Planning Policy documents referred to

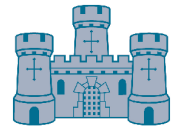
Date report prepared

5th July 2016

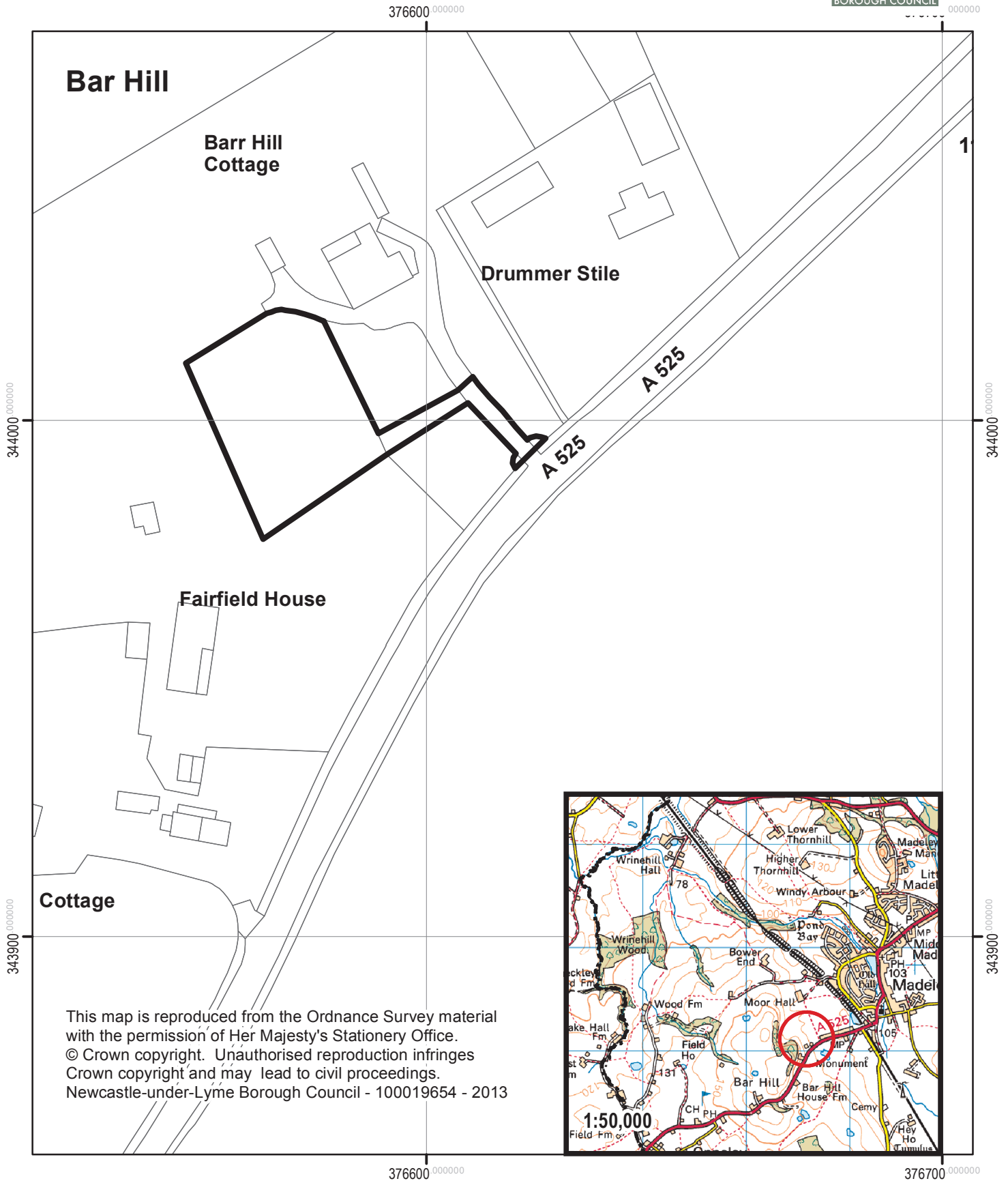
This page is intentionally left blank

**84 Bar Hill Cottage Bar Hill
Madeley**

16/00510/AAD



**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings. Newcastle-under-Lyme Borough Council - 100019654 - 2013

This page is intentionally left blank

Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund

Alsagers Bank War Memorial (Ref: 16/17001/HBG)

RECOMMENDATION:

That the following grant is approved:-

- 1. £196 for the repair of the War Memorial, Alsagers Bank, subject to the appropriate standard conditions**

Purpose of report

To enable members to consider this application for financial assistance.

This project is to repair and repoint the First World War sandstone monument. The monument requires repair of the concrete base to the two rear corners and defective mortar needs raking out and replacing. Two competitive quotations have been received by Audley Parish Council who have taken on this task.

The total cost of the work is estimated at £3,914 including VAT. As the monument is neither a Listed Building, nor within a Conservation Area, nor on the Register of Locally Important Buildings and Structures, it is only eligible, under the terms of the Grant scheme, for 5% towards the cost of the repairs as a non-designated heritage asset. The Parish Council has been successful in receiving an offer of a grant from the War Memorials Trust of 75% towards the cost of this work before VAT. Members will be aware that there is currently a particular national focus on the restoration of First World War Memorials in view of the centenary of the war and the project is considered to be worthy of support, notwithstanding that this is a 'non-designated' heritage asset.

The Conservation Advisory Working Party has considered this request and recommends to the Planning Committee that this grant is approved but is concerned about possible further movement (of the structure) and wants to ensure that the proposed grant work is not abortive if the movement is ongoing and further stabilisation is required. It recommends that the Conservation Officer liaises with the applicant and contractor to ensure that this is explored during the process.

Financial Implications

There is sufficient funding to meet this grant application with £34,000 in the Fund allowing for commitments.

This page is intentionally left blank

APPEAL BY MR BRAYFORD AGAINST THE BOROUGH COUNCIL'S DECISION TO REFUSE PLANNING PERMISSION FOR THE RETENTION OF REPLACEMENT DOG BOARDING KENNELS AT MONKEY TREE COTTAGE, HEIGHLEY LANE, KNOWLE BANK

Application Number 14/00842/FUL

LPA's Decision **Refuse as the development was considered to represent inappropriate development within the Green Belt, with no very special circumstances considered to exist that would outweigh the harm caused.**

Appeal Decision **Allowed subject to conditions**

Date of Appeal Decision **22nd June 2016**

In allowing the appeal, the key issues were as follows:

- The main issues in relation to this appeal were considered by the Inspector to be whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan and national planning policies; the effect of the proposal on the openness of the Green Belt; the effect on the character and appearance of the area; and if the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.
- The site lies within the Green Belt, an Area of Landscape Enhancement and within the open countryside.
- The proposal would replace existing kennels inside the garden area of the cottage with a new kennels building on adjacent agricultural land including the regrading of land levels and formation of access. The appeal site slopes up to the north-west (rear boundary) of the site and woodland lies to the south.
- Planning permission for boarding kennels and associated operational development would necessarily include a change of use of the land which change would not, in or of itself amount to inappropriate development.
- It is clear that the proposal of a 68% increase in size over the existing building, results in a "materially larger" building.
- The Inspector concluded that the development represents inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and under Paragraph 87 of the Framework, should not be approved except in very special circumstances. Substantial weight should be given to such harm.
- The purposes of Green Belt policy include safeguarding the countryside from encroachment. Clearly some encroachment into the countryside would take place and this would impact on the related Green Belt purpose, although the replacement kennels would be sited immediately adjacent to the existing boundary. A suitably worded condition could ensure removal of the existing kennels which would have a compensating effect.
- In terms of impact on visual amenity the proposed building would be set into the hillside to the rear and would be screened by woodland to the south. In overall terms the resulting increase in footprint, massing and increased separation distance from the main dwelling would have a limited adverse impact on the openness and purposes of including land in the Green Belt.
- Re-grading and engineering work has created level ground on which the building would sit lower than the agricultural land to the north-west. A 3m high retaining wall surrounds the building, reducing to about 1m towards the front, but is largely screened by the surrounding land levels.
- The resulting building and hardstanding would have a low profile in views from the opposite side to the woodland area while views from the rear would be precluded by the steep bank. A large holly bush and several other trees form a visual barrier between the proposed kennels and the boundary of the garden area. Whilst therefore

noting the area of landscape enhancement in which the appeal site is situated, the written evidence and observations on site did not persuade the Inspector that there would be any material erosion of character or quality of the landscape. The proposal would thus comply with LP Policies N17 and N20. The location and design of the new access and driveway would have some visual impact; however there would be no materially adverse effects in terms of any essential change in the character of the existing use of the site.

- The submitted drawings propose glass and brickwork to the front elevation. It would have plain concrete panel walls and a roof with green steel profile sheeting. The design differs from the simple, timber constructed existing kennels, however it owes something to an agricultural type of building and, subject to details of the finishes being provided by condition, it would not detract from the character or appearance of the cottage or wider area.
- The Inspector noted that the existing individual kennel compartments were cramped. They are timber built and the Council views the renewal of a licence as unlikely, referring to the inappropriate construction, limited space for the dogs including outdoor space and the use of the cottage to prepare meals and wash food vessels and bedding. The Inspector agreed with the appellant's view that if the enterprise were to continue successfully an increase in size of the building would be justified.
- To replace the existing building on its own footprint would clearly result in a hiatus in the business; however this is not a compelling reason on its own to allow a permanent structure in the Green Belt for what would in effect be short term expediency, even allowing for difficulties that would arise in keeping the business going. Nevertheless the existing kennels are in close proximity to the main dwelling and there would be benefits in a "cordon sanitaire" between the new kennels and the dwelling on the site. This would reduce the adverse effects on residential living conditions caused by disturbed dogs when visitors arrive, and reduce risks to health posed by the current arrangements.
- Although it has not been established whether the new kennels would meet licensing standards, and compliance with other regulatory regimes is not necessarily a planning issue, the evidence strongly suggests a commitment to provide a building that is fit for purpose. If this were not possible there is a risk that the community would lose an established rural business that has operated on the site for several years. The Core Spatial Strategy Policy ASP6 emphasises a positive approach towards rural enterprise, which is reflected in the Framework's support, in Section 3, for economic growth in rural areas.
- The harm is accorded substantial weight. However the harm to openness is slight and the proposal would not materially affect the character or appearance of the area. In this respect there would be overall compliance with the relevant development plan policies referred to by the Council. The other matters advanced by the appellant in favour of the development carry weight, in particular the clear need to provide an up to date building that is potentially capable of meeting the exacting standards of present day licensing conditions. The support in national as well as local plan policies for rural enterprises also carries significant weight. These matters amount to the very special circumstances required to outweigh the harm identified when assessed against specific Green Belt policies in the Framework.

Recommendation

That the decision be noted.