

Public Document Pack

Date of meeting	Tuesday, 16th August, 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 - 8)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Land off Linley Road, Talke. Arnold Clark Motor Group. 16/00367/FUL** (Pages 9 - 18)
- 5 **Application for Major Development - Land to the rear of Former Randles Garage, Higherland, Newcastle. Decidebloom Ltd. 16/00405/REM** (Pages 19 - 26)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - LAND NE OF ECCLESHALL ROAD, SE OF PINWOOD ROAD AND NW OF LOWER ROAD, HOOK GATE. PETER JACKSON OF DCMS. 15/00448/OUT**
Report to follow.
- 7 **Application for Minor Development - Former Blue Bell Inn, New Road, Wrinchill. J Littleton & Co. 16/00518/FUL** (Pages 27 - 32)
- 8 **Application for Minor Development - Brook Farm, 4 Oakwood Lane, Acton. J Littleton & Co. 16/00485/FUL** (Pages 33 - 40)
- 9 **Application for Other Development - 2 The Brackens, Westbury Park. Mrs A Hodkinson. 16/00566/FUL** (Pages 41 - 46)
- 10 **The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document** (Pages 47 - 52)
- 11 **Appeal Decision - Land to the rear of The Steps, Ashley** (Pages 53 - 54)
- 12 **Appeal Decision - 108 Hougherwall Road, Audley** (Pages 55 - 56)

13 Quarterly report on those cases where enforcement action has been authorised. (Pages 57 - 62)

14 Quarterly report on extensions to time periods within which obligations under Section 106 can be entered into. (Pages 63 - 66)

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, S Hambleton, Heesom, Mancey, Northcott, Owen, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson, Sweeney, Turner, G Williams and J 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, 19th July, 2016

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, Heesom, Northcott, Panter, Pickup, Reddish, Sweeney, Turner, G Williams and J Williams

Apologies Apologies were received from Councillor(s) Mancey, Owen and Simpson

1. APOLOGIES

Apologies were received from Councillors S Hambleton, Mancey, Owen and Simpson.

2. DECLARATIONS OF INTEREST

Councillor Proctor declared an interest on the Alsagers Bank War Memorial and would vacate the Chair during its consideration.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 21 June, 2016 be agreed as a correct record subject to the recording of Councillor Sweeney as being in attendance.

4. APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST, APEDALE ROAD, CHESTERTON. THORP PRECAST LTD. 16/00300/FUL

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

- (i) Time limit
- (ii) Approved plans and details (including submitted details of external lighting)
- (iii) Provision of parking and turning areas prior to use
- (iv) Submission of details and provision of cycle parking prior to use
- (v) Tree protection throughout construction phase in accordance with information provided
- (vi) Contaminated land conditions
- (vii) 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
- (viii) Implementation of the recommendations of the submitted wildlife survey

5. APPLICATION FOR MAJOR DEVELOPMENT - FORMER WOODSHUTTS INN, LOWER ASH ROAD, KIDSGROVE. 16/00326/FUL

- Resolved:**
- (i) That the variation of condition 15 be permitted subject to the applicant entering into a S106 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 and subject to the imposition of all other conditions.
 - (ii) If the obligation is not secured by 12th August, the Head of Planning has delegated authority to refuse the application for the reason set out in the report, or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

6. **APPLICATION FOR MAJOR DEVELOPMENT - TAGDEDALE QUARRY, . ECCLESHALL ROAD, LOGGERHEADS. RENEW LAND DEVELOPMENTS LTD. 15/00015/OUT**

- Resolved:**
- (i) That officers 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;
 - (ii) That, in preparing the Council's Statement of Case officers, or the Council's agents, include reference to these above requirements;
 - (iii) 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
 - (iv) That, for the avoidance of any doubt, officers draft a Statement of Common Ground for approval by the Chair of the Planning Committee.

Committee confirmed the recommendations set out within the report with the amendment to recommendation (4) as follows:
That, for the avoidance of any doubt, your officers draft a Statement of Common Ground for approval by the Chair of Committee.

7. **APPLICATION FOR MAJOR DEVELOPMENT - MICE AND DICE LTD. POOL DAM, NEWCASTLE. MICE AND DICE LTD. 16/00338/CEO**

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

- (i) Time limit
- (ii) Approved plan/documents

8. **APPLICATION FOR MINOR DEVELOPMENT - LAND WEST OF RAVENS CLOSE, BIGNALL END. ASPIRE HOUSING. 16/00273/FUL**

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

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Prior approval of external facing materials;
- (iv) Prior approval landscaping scheme;
- (v) Access, parking, servicing and turning areas being provided prior to occupation;
- (vi) Additional 14 no. car parking bays being provided for existing residents before the existing parking area is removed;
- (vii) Prior approval of a Construction Management Plan
- (viii) Prior approval of a written scheme of archaeological investigation;
- (ix) Finished floor level shall be 150mm above ground level
- (x) Affordable housing provision.
- (xi) Full land contamination conditions;
- (xii) Submission and approval of noise assessment/mitigation measures;
- (xiii) Construction and demolition hours;
- (xiv) Foul and surface water drained on separate systems;
- (xv) Prior approval of drainage scheme
- (xvi) Archaeological watching brief

9. **APPLICATION FOR MINOR DEVELOPMENT - SMITHY COTTAGES, SMITHY CORNER, BARR HILL MADELEY. JPK DESIGN. 16/00226/FUL**

Proposed by Cllr J Williams and seconded by Cllr Panter.

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

- (i) Overdevelopment of the site that is harmful to the character and appearance of the Conservation Area and the setting of the adjoining listed building.
- (ii) The development, by virtue of its scale and sighting would result in the loss of privacy and will have an overbearing impact on the occupiers of the adjoining properties.

10. APPLICATION FOR MINOR DEVELOPMENT - LAND NORTH OF NANTWICH ROAD, AUDLEY. SEVERN TRENT WATER LTD. 16/00307/FUL

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

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

11. APPLICATION FOR MINOR DEVELOPMENT - BEECHVILLE, ALBANY ROAD, NEWCASTLE. MR T SPITKOWSKI. 16/00515/FUL

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

- (i) Time limit
- (ii) Approved plans
- (iii) Dwelling noise levels
- (iv) Hours of refurbishment
- (v) Approval and Implementation of a brick wall to the bin store of a height of around 1.75m
- (vi) Approval and implementation of a scheme for the management of the bin store including details of the waste and recycling receptacles to be utilised.

12. APPLICATION FOR OTHER DEVELOPMENT - 84 BAR HILL COTTAGE, BAR HILL, MADELEY. INSIGHT TOWN PLANNING LTD. 16/00510/AAD

Resolved: (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

13. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ALSAGERS BANK WAR MEMORIAL.

Councillor Pickup in the Chair

Consideration was given to a report requesting financial assistance to repair the First world War monument in Alsagers Bank.

Resolved: That a grant of £196 be approved, subject to the appropriate standard conditions.

14. APPEAL DECISION - MONKEY TREE COTTAGE, HEIGHLEY LANE, KNOWLE BANK, AUDLEY

Councillor Proctor in the Chair.

Members were advised that the Council's decision to refuse planning permission for the retention of replacement dog kennels had been allowed on appeal – subject to conditions.

Resolved: That the decision be noted.

15. URGENT BUSINESS

16. FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE. WESTLANDS ESTATES LTD. 15/00166/FUL

Consideration was given to a report advising Members that the applicant had requested that the existing agreement for payment of the Public Open Space Contribution be deferred prior to or on 30 September, 2016.

Resolved: That the applicant be advised that the Council would be prepared to vary the existing agreement so that the payment of public open space contribution is deferred prior to and no later than 30 September, 2016.

COUNCILLOR BERT PROCTOR
Chair

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**LAND OFF LINLEY ROAD, TALKE
ARNOLD CLARK MOTOR GROUP**

16/00367/FUL

The application is for full planning permission for the formation of a vehicle distribution and storage compound and the erection of a building to be used as storage and vehicle preparation, with offices and facilities. The site extends to some 3.6 hectares.

The application site lies within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

The site fronts onto Linley Road, the A5011,

The 13 week period for the determination of this application expired on the 28th July 2016, but the applicant has agreed to extend the statutory period to 19th August.

RECOMMENDATION

Permit subject to conditions regarding the following:

- **Time limit**
- **Approved plans**
- **Details of widening and improvements to existing site access on Linley Road**
- **Provision of internal access road, parking, servicing and turning areas**
- **Details of surfacing materials and delineation of parking bays, servicing and loading areas**
- **Details of weatherproof cycle parking**
- **Installation of security barrier**
- **Opening hours**
- **External lighting details**
- **Details of control of noise and spray from HGV wash**
- **Boundary treatments**
- **Materials**
- **Drainage conditions**
- **Implementation of security/crime prevention measures**
- **Tree protection**
- **Construction Method Statement**
- **Hard and soft landscaping**
- **Management and maintenance of existing and new woodland planting**
- **Position of utility apparatus**
- **Schedule of works to retained trees**
- **Any other conditions arising from the comments of the Local Lead Flood Authority**

Reason for Recommendation

The principle of the development is considered acceptable and subject to conditions it is not considered that there would be any significant adverse impact on residential amenity, trees or highway safety.

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

There have been extensive discussions with the agents and following the submission of informatinand revised plan this proposal is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

Key Issues

The application seeks planning permission for the formation of a vehicle distribution and storage compound and the erection of a building to be used as storage and vehicle preparation, with offices and facilities.

The site lies within the Kidsgrove Urban Area on the Local Development Framework Proposals Map.

The key issues for consideration in the determination of this application are:

- Is the principle of development acceptable?
- Would there be any adverse impact on residential amenity?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any significant adverse impact on the trees on the site or the adjacent land?
- Would the proposed development have any adverse impact upon highway safety?
- Other issues

Is the principle of development acceptable?

The site was previously in use as warehousing and offices. The buildings were demolished several years ago and the site has remained vacant. Planning permission has been granted for both a food store and commercial development (Refs. 10/00080/OUT & 14/00363/REM) and residential development for up to 139 dwellings (Ref. 13/00625/OUT). Neither consent has been taken up.

The site is located close to the A34 and the A500 with its links to the M6 motorway and it is considered to be in a sustainable location. Given the previous use of the site and subject to the detail of the scheme being acceptable, it is not considered that an objection could be sustained to the use proposed.

Would there be any adverse impact on residential amenity?

Planning permission has been granted for 171 dwellings on the land to the north and east of the application site (Refs. 12/00127/OUT & 14/00562/REM), that site is being developed (by Taylor Wimpey) and houses are to be sited immediately adjacent to the eastern boundary of the site. The Environmental Health Division initially had concerns regarding the potential noise impacts of the preparation bay, HGV and other vehicle movements within the site and the HGV wash. The HGV wash in particular would be sited adjacent to the eastern boundary of the site very close to the proposed dwellings.

A Noise Impact Assessment has been submitted which states that the compound would be operational daily between 0700 and 2200 hours, 7 days a week. 20 to 25 transporter visits are anticipated each day which equates to 3 transporter movements per hour on average. The Report provides an assessment of noise relating to transporter loading and unloading activities and concludes that no adverse impact would arise from these activities during the proposed operating hours.

The Assessment does not consider the potential noise impacts from the preparation bays however the applicant has confirmed that the site will be for new cars only and therefore there will be no valeting or minor repairs carried out within the preparation bays, only inspection and checking of vehicles prior to dispatch. There is no assessment of the HGV wash, rather it is simply stated that given the small frequency and limited duration of the wash cycles, the potential noise impact should be considered negligible. Environmental Health states that while there is no assessment of the HGV wash, the applicant has confirmed that it will be a fixed jet wash, rather than a tracked roller and high pressure jet system and that it will be used only intermittently, for a short duration and between the hours of 0800 and 1700 hours. The Environmental Health Division has advised that given the proximity of the jet wash to the adjacent residential properties, it is loud enough to have an adverse impact upon those dwellings but they are satisfied that appropriate mitigation can be put in place to ensure that any impact would be reduced to an acceptable level. They raise no objections therefore

subject to the imposition of conditions including a requirement for the prior approval of measures to mitigate against noise and spray from the washing activity.

There are residential properties to the south of the site and one letter of objection has been received expressing concern amongst other things regarding the impact of disturbance from security lighting. The Environmental Health Division has recommended a condition requiring details of external lighting.

Subject to conditions therefore, it is not considered that an objection could be sustained on the grounds of impact on residential amenity.

Would the development be acceptable in terms of the impact on the form and character of the area?

The proposed development comprises a storage compound for 1106 vehicles with a building for vehicle preparation, offices and associated facilities. The building would be sited to the east of the site and would measure 33m x 20.5m in plan with a maximum height of 5.5m. The materials would comprise grey profiled cladding.

The building would be sited to the rear of an electricity sub-station and visibility from the highway which is at a higher level would be limited. Whilst a very significant number of vehicles would be stored on the site, the area comprises a mix of commercial and residential uses with industrial development to the west and a car sales business to the east. There are existing trees on the western, northern and north-eastern boundaries of the site which will be retained and additional landscaping is proposed within a landscape buffer around the perimeter of the site. Until recently there were trees and hedgerow on the southern boundary of the site but they have been recently cleared. There is a relatively wide area along the site frontage which provides an opportunity for substantial landscaping which would help to screen the development from the highway, if not from the elevated housing area off Coalpit Hill, Talke. In the context of the development in the surrounding area and subject to conditions requiring additional landscaping, it is considered that the development would be acceptable in terms of its impact on the form and character of the area.

Would the proposed development have any significant adverse impact on the trees on the site or the adjacent land?

To the east of the site there is an area of scrub vegetation and occasional trees and to the west there is a narrow band of mostly native trees alongside the boundary. To the north there is a larger woodland area of mainly native species which forms an attractive natural buffer. Trees just outside the western boundary of the site are affected by Tree Preservation Order T166 (2015). A Tree Survey has been submitted along with a revised plan indicating a landscape buffer zone to the perimeter of the site to strengthen the existing landscaping. The Landscape Development Section (LDS) is concerned that the additional space allowed for the retention and enhancement of the boundary trees is minimal but there is existing landscaping and it is considered that sufficient space will be available to provide some additional planting, albeit relatively limited.

Whilst the LDS considers that internal landscaping should be provided to break up the car parking, it is acknowledged that this is a commercial development site and it is considered that the additional landscaping on the boundaries would be sufficient to help to screen and soften the visual impact of the development.

The LDS has recommended a number of conditions in order to ensure that some of the detail that is currently lacking in the application is provided. Subject to those conditions, it is not considered that an objection could be sustained on the grounds of impact on landscaping.

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

The application is accompanied by a Transport Statement. The existing access on Linley Road would be widened and improved with large radius kerbs for car transporters (the existing access having virtually none). Within the site a large manoeuvring area for transporters and other large service vehicles is proposed to the north of the car storage area. A swept path analysis has confirmed that the proposed access can accommodate car transporters. The Statement concludes that the proposals are satisfactory in transportation terms.

A letter of objection has been received from a nearby resident expressing concern about traffic impact on the A50, and disturbance to neighbouring residents from extra traffic. The Transport Statement has demonstrated that the traffic generation during the peak hours would be less than that for the previous use of the site or for the permitted residential development and the Highway Authority has no objections subject to the imposition of conditions. On the basis of the above, it is not considered that an objection could be sustained on highway safety grounds.

Other Issues

Since the comments of the Crime Prevention Design Advisor were received the applicant's agent has advised that the site will be secured by a palisade fence and that there will be a comprehensive CCTV system installed. The site also has a gatehouse which will oversee all vehicles and personnel entering the site. In light of this information it is considered that the site will be suitably secured and appropriate crime prevention measures adopted. A condition could be imposed to ensure such measures are provided.

Staffordshire County Council as Lead Local Flood Authority (LLFA) has requested a drainage design to demonstrate that there is a sufficient safe means of disposing of surface water and that the flood risk to any third party is not increased as a result of the proposed development.

The applicant has submitted a Conceptual Drainage Layout which has been forwarded to the LLFA for their comments. Their further comments will be reported to Members once received.

APPENDIX

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

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Relevant Planning History

- 10/00080/OUT Outline planning permission for 14 units providing some 8728 square metres of units for commercial business use (Class B1, B2 & B8) and an A1 retail foodstore of some 1,356 square metres Approved (on appeal)
- 13/00625/OUT Outline planning permission for the erection of up to 139 dwellings and associated works Approved, but no subsequent application for approval of its reserved matters
- 14/00362/FUL Variation of conditions of planning permission 10/00080/OUT as follows:-
Condition 5 regarding revised right hand turning facility and access works; Condition 18 to allow gross retail floorspace up to 1,384 square metres; and Condition 20 to require that at least 80% of the net sales floorspace is devoted to the retailing of convenience goods. In addition the removal of condition 19 which prevents the retail floorspace from being operated by Tesco, Sainsbury's, Asda or Morrison's; and Condition 21 which requires that a minimum of 2,434 square metres of floorspace for business, industrial or storage be made available before the foodstore is available for letting or sale Approved
- 14/00363/REM Approval of access, appearance, landscaping, layout and scale details relating to 10/00080/OUT for commercial business uses (Class B1, B2 and B8) and small/medium sized A1 retail foodstore Approved, but not implemented
- 14/00432/FUL Construction of a petrol filling station to include installation of fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, pumps and other associated works Approved but not implemented

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding the widening and improvements to the existing site access, provision of the access road, parking, servicing and turning

areas, approval of details of surfacing materials and delineation of parking bays, servicing and loading areas, provision of cycle parking and the siting of the security barrier.

The **Coal Authority** states that the application does not fall within the defined Development High Risk Area.

United Utilities has no objections subject to conditions regarding foul water, surface water and management and maintenance of sustainable drainage systems.

The **Landscape Development Section** is disappointed that additional information has not been provided and that landscaping mitigation falls considerably short of that which was requested. Internal landscaping to break up the vast visual expanses of car parking has not been provided, and the additional space allowed for the retention enhancement of the remaining boundary trees is minimal. The lack of a plan to show the extent of the existing concrete pad makes the impact upon retained trees difficult to establish. Levels information has not been provided and it is likely that the 2m buffer adjacent to the eastern boundary is likely to be insufficient to allow retention of adjacent category C trees which do not belong to the developer. The position of the HGV wash will have an impact upon the canopies of Trees in Group 2, which will need to be pruned to allow vehicle access.

Should the application be approved then conditions are recommended requiring tree protection, retention of Category A and B trees and tree groups shown as retained, a Construction Method Statement, hard and soft landscaping proposals, boundary treatments, a management and maintenance plan for the long term retention and enhancement of existing and new woodland planting, details of the position of utility apparatus and a schedule of works to retained trees e.g. facilitation pruning works.

The **Environmental Health Division** has now no objections subject to conditions regarding opening hours, details of external lighting and control of noise and spray from the HGV wash.

The **Staffordshire County Council Flood Risk Team** states that the application needs to include a drainage design to demonstrate that there is a sufficient safe means of disposing of surface water. It should also demonstrate that the site is safe for the 1:100 year plus climate change storm event, and that the flood risk to any third party is not increased as a result of the proposed development.

Kidsgrove Town Council identified that any extra vehicles may cause access problems into Coppice Road.

A summary of the comments of the **Crime Prevention Design Advisor** are as follows:

- Concerned regarding the paucity of information accompanying the application, particularly the complete lack of comment regarding issues of security for a site that is likely to stock vehicles worth in excess of £1m
- There appears to be no fencing or gating to the front of the site and the robustness of the western boundary is unknown
- Would have expected the provision of monitored CCTV
- The administration and preparation building will be a further potential target for theft or damage
- It is recommended that the Committee satisfy itself that appropriate designing out crime/security measures will be in place to adequately protect the site at all times

Representations

One letter of objection has been received raising concerns regarding impact on the existing congestion on the adjacent highway, impact on neighbours due to disturbance from extra traffic and security lighting, and impact on trees.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Tree Survey Report
- Noise Assessment
- Transport Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00367/FUL>

Background papers

Planning files referred to
Planning Documents referred to

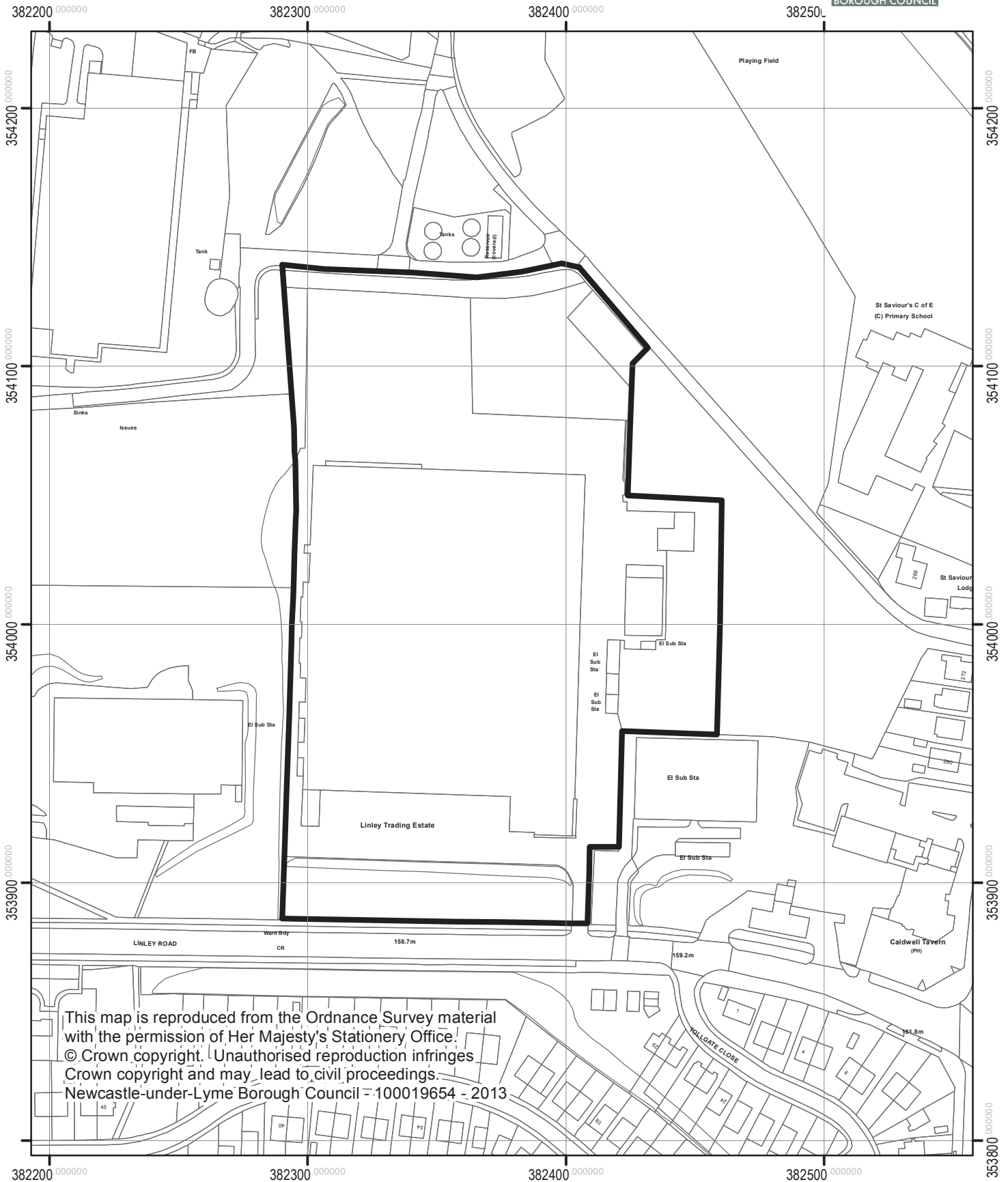
Date report prepared

3rd August 2016

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Land off Linley Road, Butt Lane

16/00367/FUL



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LAND TO THE REAR OF RANGLES GARAGE, HIGHERLAND
MR P.WADE (RANGLES (GARAGES) LTD)

16/00405/REM

The proposal is an application for the approval of the details of the appearance, the internal access arrangement, the layout and scale of the development granted outline planning permission 15/00077/OUT for the erection of up to 12 dwellings, and the landscaping of the site.

The scheme comprises of two, three storey blocks measuring 16 metres by 11 metres, and 16 metres by 13 metres in maximum width and length respectively.

The approved access to the development is off Seabridge Road already determined at outline.

The site measures 0.21 hectares in area and is located within the Urban Neighbourhood of Newcastle as defined by the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 15th August 2016. The applicant by written agreement has agreed to extend the statutory determination period to the 19th August 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. The development shall be carried out in accordance with the conditions in the outline planning permission.**
- 2. Plans**
- 3. Prior approval of all external facing materials**
- 4. Prior approval of additional soft and hard landscaping details including tree planting.**
- 5. Highway matters – internal access and vehicle parking provisions.**

Reason for Recommendation

The approval of outline application 15/00077/OUT already grants the principle of up to twelve units being erected on the site along with access off Seabridge Road. The design of the scheme submitted is not considered to be harmful to the appearance of the area subject to conditions in relation to landscaping and the external materials to be used. The impact on neighbouring living conditions, taking into account level information and also the removal of some balcony areas from the scheme, is considered acceptable. Tree impact issues have not been fully addressed and further Officer advice will be given with respect to those in order to inform the recommendation.

Key Issues

The proposal is an application for the approval of the details of appearance, the internal access arrangement, the layout and scale of the development and the landscaping of the site relating to the development of up to 12 dwellings with details of access of Seabridge Road that has outline planning permission (15/00077/OUT).

The scheme comprises of two, three storey blocks measuring 16 metres by 11 metres, and 16 metres by 13 metres in maximum width and length respectively. 3 two bedroom units and

3 one bedroom units are proposed in each of the blocks. The key issues to consider in the determination of the application are:

1. Is the impact of the development on the form and character of the area acceptable?
2. Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
3. Would the impact on trees be acceptable?
4. Is the internal road layout and car parking provision acceptable?

1. Is the design and appearance of the development acceptable?

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

Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

The form and character of the immediate area comprises semi-detached dwellings to the north on the opposite side of Higherland, terraced and semi-detached housing on Seabridge Road to the east, single storey backland development to the south, and the sheltered housing flats of Beaumaris Court to the west. The style and variety of housing in this location is broad but it is predominantly two storeys in height except for the backland development behind Seabridge Road. However the properties along Seabridge Road are tall Victorian dwellings. Beaumaris Court is a large residential building comprising of around 38 apartments. Its north, east and south elevations are two storeys although its western elevation is three storeys in height due to the sloping nature of the land which falls downwards toward the cul-de-sac known as Hillside off Higherland. The former Randles Garage building which is immediately to the north fronts onto Higherland and has been converted to a Tesco convenience store. The application site in relation to Higherland is significantly elevated, although it is set back by at least 30 metres from that road. It is from this public vantage point that the development would be the most prominent. There being quite extensive tree cover between Beaumaris Court and Higherland views approaching from the west are curtailed as a result.

The development applied for comprises two separate three storey buildings featuring a mono-pitched roof slope design. Whilst the style of architecture of the development is not similar in appearance to surrounding buildings, and the three storey building proposed is also in an elevated position relative to Higherland, it would not appear incongruous in the context of surrounding buildings and landscaping. Subject to additional information relating to the prior approval of materials to be used for the scheme and further upgraded landscaping details, both of which can be conditioned, the appearance of the development would be acceptable.

2. Is the impact on trees acceptable?

Saved Local Plan Policy N12 states that the Council will resist development that will 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 tree loss and the loss cannot be avoided by appropriate siting or design.

The impact on trees in the vicinity cannot be properly gauged without a tree survey and further level information. These have been requested from the applicant. An update will be given once that information is received and assessed.

3. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

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

The relationship of the development with existing residential properties along Seabridge Road is the critical consideration. Some of these properties have rear facing principal windows, as defined in the SPG, facing towards the development. The Beaumaris development on the opposite side of the site also includes a first floor window on its side gable which appears to be a principal window.

The development complies with the minimum separation distances advised in the SPG. Some balcony areas originally proposed on the building closest to Seabridge Road have been removed from the scheme to reduce overlooking concerns. Level information has also been provided by the applicant showing an acceptable relationship against these existing residential dwellings can be created.

Is the internal road layout and parking provision acceptable in highway safety terms?

A total of 20 off road car parking spaces are incorporated into the layout of the scheme. The Highway Authority has assessed the layout along with associated vehicle circulation areas and has no objections. Subject to the conditions recommended by the Highway Authority the impact to highway safety would be acceptable.

APPENDIX

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

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

Policy SP3: Spatial Principles of Movement and Access
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – General Considerations
Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements

Other Material Considerations

National Planning Policy

National Planning Policy Framework (March 2012) as amended
National Planning Practice Guidance (March 2014) as amended
Community Infrastructure Levy Regulations (2010) as amended

Supplementary Planning Guidance/Documents

Space around Dwellings SPG (July 2004)

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

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

Technical housing standards – nationally described space standard, March 2015

Planning History of this site

15/00077/OUT	Erection of up to 12 dwellings.	Permitted 2015.
14/00163/OUT	Outline application for the erection of 12 dwellings	Refused 2014.

Planning History of the other part of the former Randles site

12/00701/FUL Change of use of ground floor to A1 retail (convenience goods), installation of a replacement shopfront, associated external alterations and works including the recladding of the building and formation of a car park and amended site access – Permitted 2013.

13/00463/FUL Variation of condition 6 of planning permission 12/00701/FUL to allow the convenience goods store to open to members of the public between the hours of 07:00 and 23:00 on any day – Permitted 2013.

Views of Consultees

The **Highway Authority** have no objections to the proposal subject to conditions securing:

1. Prior approval of revised access details.
2. Car parking and turning areas have been provided in accordance with the approved plans.

3. Prior approval of surfacing materials, drainage for access road parking and turning areas along with delineation of parking bays and visitor spaces.
4. The vehicle access to the site shall remain ungated.
5. Approval and implementation of a Construction Method Statement.

Landscape Development Section require tree impact assessment information and landscaping proposals in order to comment.

Police Architectural Liaison Officer has no objections comments that the apartment blocks provide good natural surveillance over the parking provision and site entrance. Robust boundary treatments should be secured.

Education Authority comment that no financial contributions are required for one or two bedroom apartments.

Environment Agency has no objections.

Environmental Health Division have no objections, but they draw attention to certain conditions on the outline planning permission.

Severn Trent Water have not commented on the current proposal by the due date of 16th June but when consulted at outline stage had no objections to the proposal subject to the prior approval and implementation of drainage plans for the disposal of surface water and foul sewage.

Waste Management have not commented by the due date so it is assumed there are no objections.

The **Greater Town Centre Locality Action Partnership** have been consulted but no comments have been received by due date so it must be assumed that they have no observations.

Representations

6 letters of representation have been received including letters from the **Thistleberry Residents Association** objecting to the development on the following grounds:

- The development isn't in keeping with the character of the area and fails to improve its appearance.
- The landscaping details associated to the proposal are deficient.
- The proposed balconies on the development are intrusive to neighbouring privacy.
- Future occupants of the development have no gardens.
- The proximity of the development in relation to 19 and 22 Seabridge Road and other properties along the road is too close resulting in an overbearing impact. In addition the level difference also exacerbates this concern and also in relation to how excavation will be undertaken if permission is granted.
- The access and egress is dangerous and Seabridge Road will be used as a rat run by vehicles. It's questionable as to if emergency vehicles can access the site.
- The development will exacerbate on-street car parking problems in Seabridge Road which are already impacted upon by the Tesco Express in operation fronting Higherland.
- Work has already commenced on site via the erection of fencing and excavation.
- One bedroom studio apartments are not needed in the area.
- The internal space of the units considered appears inappropriate they are too small.
- The materials specified for the development which include a metal clad roof are not compatible with the character of the area and there is also concern about the level of design detail submitted within the planning application.
- There is a nearby stream which causes flooding locally and earthworks need to be carefully handled due to that.

- Heavy load vehicles and construction vehicles will find it very difficult to enter the site which is likely to result in highway safety problems and disruption for residents.
- The development will result in parking problems for residents due to overspill from future occupants of the development.

Applicants/ Agents submission

The application documents are available at the Guildhall and on the Council's website via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00405/REM>

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

Removal of some balcony structures, additional level and tree impact assessment information has been sought from the applicant with the aim to address material planning concerns to the scheme.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

27th July 2016.

Land to rear of Former Randles Garage, Higherland,

16/00405/REM



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

16/00518/FUL

The application is to vary condition 2 of planning permission 15/00759/FUL for proposed 5 no. detached dwellings to allow the design of plot 1 of this 5 house development to be altered.

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

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

RECOMMENDATION

Permit with the following conditions;

1. Revised plans
2. All other conditions of the previous permission 15/00759/FUL

Reason for Recommendation

Planning permission has been granted for the development of five dwellings on the land following the entering into of an agreement requiring the payment of a commuted off-site affordable housing contribution of £45,000 upon commencement of the development, and, in the event of substantial commencement not being achieved within 12 months, a further financial appraisal being undertaken to establish whether any higher contribution towards off-site affordable housing provision should be paid. The £45,000 has been paid. The applicant seeks to vary condition 2 of the permission to change the appearance of the house on plot 1 by increasing its size. This change is considered to represent a minor alteration relative to that which has been approved and thus to be acceptable. The Council has received the above contribution towards off-site affordable housing provision, and it is not, as a result of government policy, in a position now to insist upon a review of this sum should the development not be substantially commenced within 12 months.

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

No amendments were considered necessary in this case.

KEY ISSUES

Full planning permission was granted in March for the construction of five dwellings on the former Blue Bell Public House (following the grant of a previous scheme for 5 dwellings and two apartments). This application now seeks to vary condition 2 which listed the approved plans - to change the appearance of the house on plot 1 by increasing its footprint and height. Plot 1 is the house on the northern (Betley direction) part of the site.

The increase in footprint and height involved is considered modest and in the context of the approved development does not raise any significant concerns in terms of its design, impact on the visual amenity of the area or impact on the openness of the Green Belt.

Information secured through conditions has subsequently been approved since the previous decision and the approved information should continue to apply.

Where an application under Section 73 such as this is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

Application 15/00759/FUL was approved following the entering into in March 2016 of a Section 106 agreement for the provision of an off-site affordable housing contribution of £45,000, together with a reappraisal mechanism in the event of the development not having been “substantially commenced” within 12 months. In the normal course of events there would be a need for a similar S106 agreement to be entered into to reflect any new permission granted if obtaining an affordable housing contribution was still policy compliant.

However, since the original permission there has been a change in circumstances whereby a decision by the Court of Appeal (dated 13 May 2016) gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which had previously been successfully challenged by Reading Borough Council and West Berkshire Council in July 2015. This challenge meant that this policy guidance no longer applied and the Borough Council continued to seek affordable housing as per the policy of the development plan – specifically policy CSP6 of the CSS which indicates that in the rural areas developments of 5 units or more should provide affordable housing (in the urban areas the equivalent figure is 15 units).

The Written Ministerial Statement of 28 November 2014 announced changes to national policy with regard to planning contributions. The Statement indicated, amongst other things, that contributions for affordable housing and tariff style planning obligations should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sq.m.

This development is both for less than 10 units and has a gross floorspace of less than 1000 sq.m.

The Court of Appeal judgement now gives legal effect to the policy guidance once again and this represents a material change since March.

At that time there was a fully justified policy requirement for off-site affordable housing and this met policy CSP6 of the CSS and Affordable Housing SPD and extant national guidance. The amount payable for the off-site affordable housing contribution was referred to the District Valuer who advised that a contribution of £45,000 should be sought, subject to a review mechanism for a financial re-appraisal if the development was not substantially commenced within 12 months of the permission.

The developer has paid the secured off-site affordable housing contribution and made a material commencement on site. Therefore the purpose of any new Section 106 agreement would only be to secure a review mechanism if a substantial commencement of the revised scheme is not made by the 21st March 2017.

Whilst the starting point for the determination of applications remains the development plan, in practice the policy guidance set out in the Ministerial Statement means that limited weight can be given to CSS Policy CSP6 (and the requirement to seek affordable housing in rural areas for developments of 5 or more unit) particularly as the CSS predates the NPPF and is not based upon an up to date evidence base.. Therefore it is the opinion of your officers that the Planning Authority should not now be seeking affordable housing from developments of 10-units or less, which have a maximum combined gross floorspace of less than than 1000sqm.

It follows that a review mechanism, if the development is not substantially commenced within 12 months, cannot now be justified and an amended S106 agreement is not now required prior to the granting of this application.

In summary the development, with the change in design to plot 1, continues to accord with policies of the development plan and the guidance and requirements of the NPPF.

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;
Policy CSP1: Design Quality
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy N17: Landscape character – general considerations
Policy N20: Area of Landscape Enhancement

Other material considerations include:

National Planning Policy Framework (March 2012) as amended
Planning Practice Guidance (March 2014) as amended, particularly post Court of Appeal decision
May 2016

Supplementary Planning Guidance/Documents

Affordable Housing SPD (2009)
Supplementary Planning Guidance: Space about Dwellings (July 2004)
Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

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

Relevant Planning History

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

13/00065/FUL Demolition of former public house. Erection of 5 No. Houses & 2 No. Apartments, vehicular access, associated garaging and landscaping Permitted following the completion of obligations by agreement, to provide on-site affordable housing in the event of that development proceeding

15/00759/FUL Proposed 5 No. detached dwellings Permitted March 2016 following the completion of obligations by agreement, to provide a sum for the provision of affordable housing off-site

Views of Consultees

Betley, Balterley and Wrinehill Parish Council have been consulted but no comments have been received from them by the due date of the 19.07.2016 and it is assumed that they have no objections to the application.

The **Landscape Development Section** raises no objections subject to conditions already attached previously.

The **Highway Authority** raises no objections.

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

Representations

None received.

Applicant/agent's submission

The requisite application forms and plans are available for inspection at the Guildhall and can be viewed on the website using the following link;

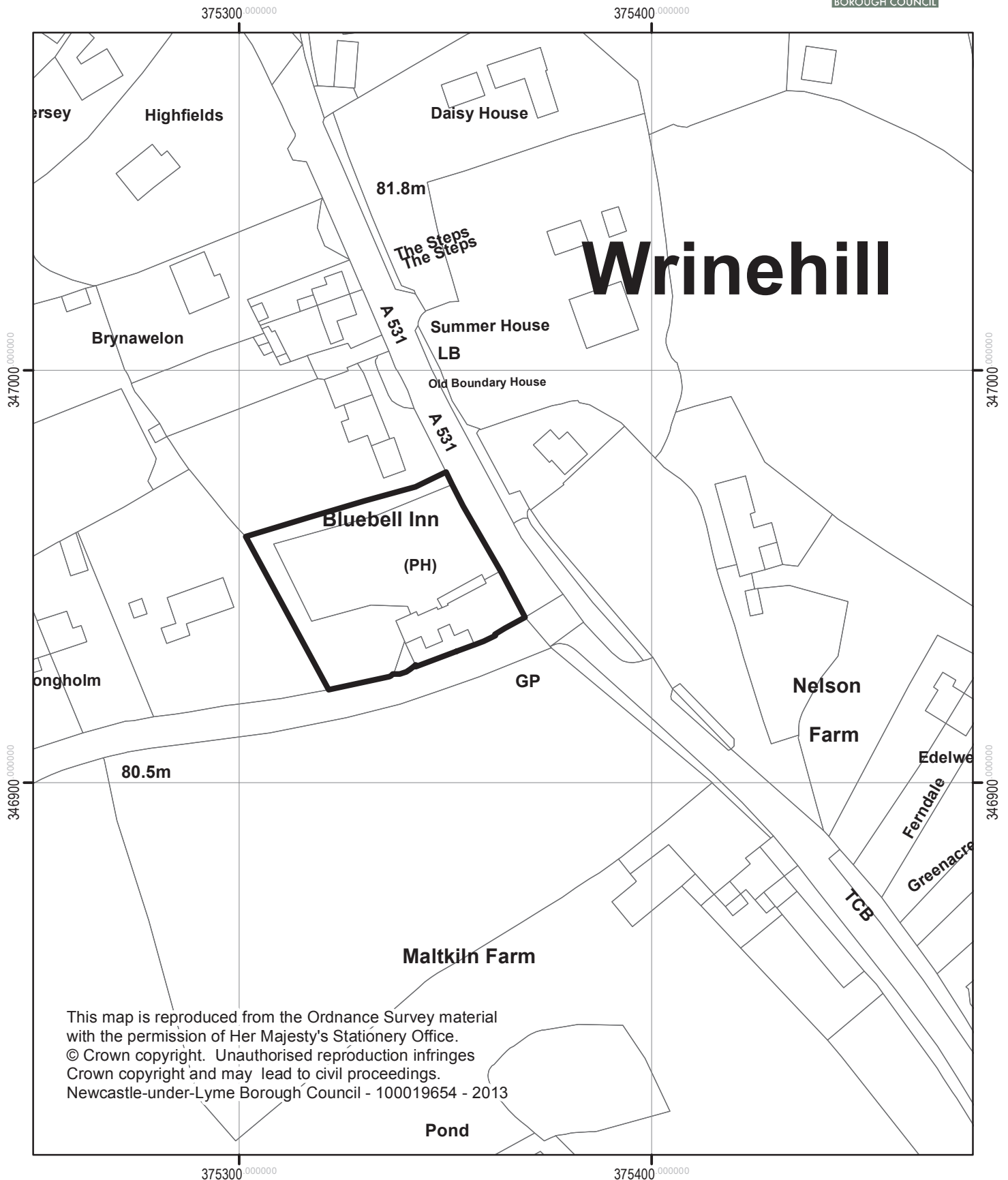
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00518/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

2nd August 2016



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BROOK FARM, 4 OAKWOOD LANE, ACTON

16/00485/FUL

MR AND MRS EMERY

The application seeks planning permission for the clearance of the existing dwelling and outbuildings on site, and the provision of a replacement dwelling and a detached garaging building for two cars.

The application site is located within the Green Belt and on land designated as an Area of Landscape Enhancement, all as indicated on the Local Development Framework Proposals Map

The statutory 8 week determination period for the application expires on 16 August, but the applicant has agreed to extend the period to the 18th August

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. In accordance with the amended plans**
- 3. Materials to be submitted**
- 4. Removal of Permitted Development Rights – Classes A, B, C, E & F**
- 5. Written Scheme of archaeological investigation**
- 6. Hard and soft landscaping scheme to include details of boundary treatments and definition of extent of residential curtilage**

Reason for recommendation

The proposed replacement dwelling would be materially larger than the building it replaces and therefore constitutes inappropriate development in the Green Belt. However, the size of the existing dwelling and outbuildings within the residential curtilage, plus the potential fall-back position of extending the existing dwelling weighs in favour of the development when impact upon the openness of the Green Belt is considered.

The proposed replacement dwelling also represents a high standard of design which takes advantage of the site characteristics. These are considered to amount to the very special circumstances required to justify the development despite its inappropriateness in Green Belt terms.

The impact on visual amenity, character and quality of the landscape, protected species and highways safety would also be limited and not adverse. Subject to the removal of permitted development rights and a number of other conditions the proposed development accords with policies N12, N17 & N19 of the Local Plan and policy CSP1 of the Core Spatial Strategy and the requirements of the NPPF.

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

Officers have had a number of discussions with the applicant's agent. Some limited amendments to the scheme have been submitted during the course of the application.

KEY ISSUES

The application is for full planning permission for a replacement dwelling involving the demolition of the existing dwelling and outbuildings and erection of a detached garaging building that could accommodate up to 2 cars.

The application site is located on the edge of the hamlet of Acton which has no defined development boundary and so is classed as open countryside, located within the North Staffordshire Green Belt and on land designated as an Area of Landscape Enhancement, all as indicated on the Local Development Framework Proposals Map.

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

- Whether the proposal constitutes appropriate or inappropriate development in the Green Belt
- The impact of the proposal upon the character of the area and on the Area of Landscape Enhancement
- Highway Safety and car parking
- Will the development have an unacceptable impact on protected species and heritage assets?
- If the development is considered to be inappropriate development, do the required very special circumstances exist?

Is the development appropriate or inappropriate development within the Green Belt?

Policy S3 of the Newcastle-under-Lyme Local Plan accepts replacement dwellings where they are not materially larger than the existing dwelling on site. It also indicates that applicants, for replacement dwelling proposals, must indicate that replacement rather than alteration is justified

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

The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. The NPPF does not require replacement proposals to be justified, and so that test (within the Local Plan) should not now be applied.

The proposal would replace a detached dwelling. There are also a number of outbuildings of varying size and appearance within the residential curtilage that would be demolished as well.

The proposed dwelling would be materially larger than the dwelling it is proposed to replace and it is therefore inappropriate development within the Green Belt and should not be approved except in very special circumstances.

Impact on the character and appearance of the area

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

The existing property occupies a spacious plot that whilst it is elevated above Oakwood Lane is within a valley to the south west of the hamlet of Acton. The existing dwelling has the scale and appearance of a modest two storey cottage with dormers, with a significant linear single storey element to one side. The outbuildings are a mix of older brick/block faced, and corrugated sheeted buildings, which are somewhat unattractive in appearance. Other than from the frontage of the site, the proposed building despite its height and mass would be relatively inconspicuous within the wider landscape because of the valley setting and nearby woods and trees.

The proposed full two storey replacement dwelling is contemporary, offering a building also of linear design that incorporates the features of a barn, with hipped end gables. The building would incorporate large expanses of glazing, with a glazed balcony to the south eastern elevation facing down the valley. The property has been designed to be in contrast to other properties in the locality and demonstrates innovation.

Whilst it is recognised that the design of the proposed dwelling is contemporary, this does not automatically mean that it is inappropriate. The Whitmore Village Design Statement itself states:

“Policy S15 will not stifle good modern design. To be in visual harmony with its environment the design of a development does not necessarily have to slavishly follow the architectural style and materials of its surrounding structures. Selective and careful use of modern materials, together with innovative design approaches to both landscape and building, can produce new developments that are in visual harmony with the character of an area”

Whilst it is acknowledged that the development does not reflect the traditional design of the existing property and others within the location it is considered that it achieves a high quality design that would meet the requirements and guidance of the Framework.

Concerns have been raised by Stafford Borough Council with regard to the visual impact of the dwelling; particularly when viewed from public footpath Swynnerton 18 and from Oakwood Lane. Whilst it is recognised that the front of the site is relatively open and the existing farmstead can be viewed clearly from Oakwood Lane at close quarter, your Officer has established that at least in summer months there would be very limited other views from the lane and the public right of way referred to and any views from the public right of way would be limited to the end gable of the proposed dwelling that would be predominantly glazed and lightweight.

Highway Safety and car parking

The proposal includes a detached garage building that would provide parking to the dwelling.

The Highways Authority has raised no objections subject to a condition preventing the conversion of the garage without the benefit of planning permission.

Sufficient uncovered parking would be able to be provided on site for a dwelling of this size anyway, so it is not considered that there is a highway safety reason for the condition as suggested by the Highway Authority. Further consideration is given to required conditions below.

Will the development have an unacceptable impact on protected species?

An extended Phase 1 Habitat Survey was submitted with the application. Two separate bat roosts are identified as being on site. Mitigation measures are proposed within the redevelopment of the site. The applicant will also be required to apply for a licence with Natural England for the proposed works. As this will be reviewed by Natural England it is considered that the proposal will have an acceptable impact upon protected species, ensuring that they are rehoused within the site.

Heritage assets

The application site is not statutory protected; however it is listed as being of historic interest within the Staffordshire Historic Environment Record (SHER). Historic mapping suggests that the farmstead existed in the mid-19th century, contributing to the wider historic character of the area. The views of CAWP as are those of the Council’s Conservation Officer are being obtained. Given that the buildings are not statutorily protected controls cannot be exercised over their demolition, other than over the means of that demolition. The buildings appear to have been significantly altered over the years. Due to the clearance of the site proposed it would be reasonable, were planning permission to be granted, to require by condition that a building recording survey be carried out prior to the commencement of development. The building recording would record evidence of phasing, the survival of historic fixtures and fittings and the use of space within the current structure. A record is considered to be acceptable in this instance.

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

The NPPF details that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The existing dwellinghouse has full permitted development rights and so roof alterations and detached outbuildings could possibly be constructed without planning permission, although the latter would have to be demonstrated to be for purposes ancillary to the enjoyment of the dwellinghouse which given the amount of existing outbuildings might be arguable. However the scope for any extensions via permitted development rights are considered to be very limited.

As to what extensions might be permitted anyway, the original dwelling on site was extended in 1983 by a single storey side extension. This extension was built in replacement of an existing attached outbuilding, and appears to have involved a small net increase in the volume of the dwelling – there are no elevations of what was removed. No other extensions have been constructed therefore the Council would find it difficult to resist, given national policy, the principle of further extensions to the dwelling amounting to an increase of around 48% or 300 cubic metres. This fall-back position could be exercised by the applicant and needs to be considered in the determination of this application.

In this instance the applicant has calculated that the existing dwelling has a volume of 624 cubic metres. They have also detailed that a number of outbuildings will be removed to accommodate the proposal. The outbuildings cannot be classed as part of the original dwelling; however they do impact upon the openness of the Green Belt and it's accepted the buildings are located within the domestic curtilage of the dwelling. The applicant details the volume of the existing outbuildings to equate to 1095 cubic metres.

The total volume of the replacement dwelling and its garage would be 1570 cubic metres (1340 cubic metres within the dwelling, and the garage 230 cubic metres), therefore less than the existing built form on-site, and also less than what could be expected to be approved in principle should the existing dwelling be extended. The latter as a potential fallback position is a material consideration. Whilst the dwelling would be materially larger than the existing dwelling on site, it is considered that given the removal of the existing outbuildings and given what could be approved as extensions, and the harm that could cause to the Green Belt being no less than that associated with the proposal, there are grounds for considering the required very special circumstances to exist

Given the nature of the very special circumstances advanced here it is necessary and appropriate to remove permitted development rights for further extensions and outbuildings should permission 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 2006 - 2026 (Adopted 2009) (CSS)

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3:	Development in the Green Belt
Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N17:	Landscape Character – General Consideration
Policy N20:	Areas of Landscape Restoration

Other material considerations include:

National Planning Policy Framework (March 2012) as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)

Whitmore Village Design Statement (September 2002)

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

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

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

Relevant Planning History

N12626 Extension to dwelling approved 1983

Views of Consultees

Whitmore Parish Council: Proposed dwelling is massive in height and volume compared to the existing development, but is far more concentrated in ground area covered. Question whether it can be called appropriate development. No objections are raised given the remoteness of the location. Request a condition is attached to ensure the original dwelling and outbuildings are all removed from the site and appropriate measures are taken with respect to the presence of protected species such as bats.

Highway Authority: No objections to the development subject to a condition being attached to the decision notice preventing the subsequent conversion of the garage building

SCC Archaeology: A review of the Staffordshire Historic Environment Record (SHER) has identified that the above application has the potential to impact upon historic and archaeological remains of potential significance. While no part of the Brook Farm complex is statutorily protected, it is recorded on the SHER as being of historic interest, the small historic farmstead being characteristic of

such complexes within northern Staffordshire and contributes to the wider historic landscape character. Due to the scale of the proposal and interest in the buildings it is considered that a building recording survey should be carried out to document any historical fixtures and fittings. This should be carried out by a suitably experienced historic environmental professional.

Staffordshire Borough Council: Object to the application as the development does not comply with policy 89 of the NPPF, as the dwelling would be materially larger. The height of the proposed dwelling would be greater than any of the existing buildings on site, and as such would adversely affect openness of the Green Belt. Its proportions would also appear excessive and incongruous particularly in relation to the more domestic design of the windows and their location on the building. The building would be viewed from public footpath Swynnerton 18 and from Oakwood Lane to the east, which lie within the Stafford Borough Council area.

Environmental Health: Were consulted however made no comments on the application by the due date. As such it is assumed that no objections are raised to the proposal.

Conservation Advisory Working Party (CAWP): Comments, if received, will be reported via a supplementary report.

Conservation & Urban Design Officer: Comments, if received, will be reported via a supplementary report.

Natural England: Have no comments to make with regard to the application.

Representations

None

Applicant/agent's submission

The application is supported by a Planning Application, Plans and Protected Species Survey.

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/16/00485/FUL>

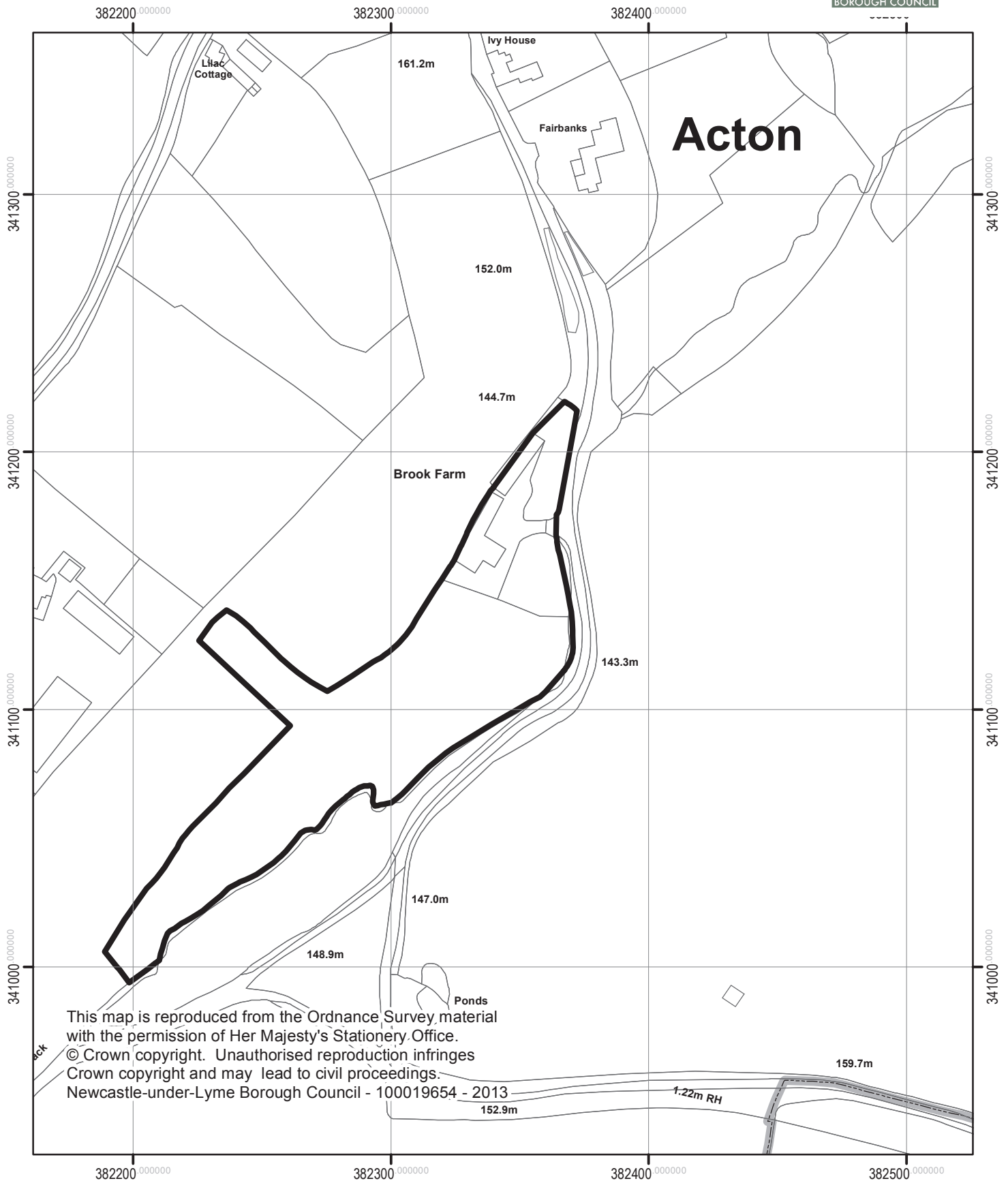
Background Papers

Planning File

Development Plan

Date report prepared

3rd August 2016



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2 THE BRACKENS WESTBURY PARK, NEWCASTLE
MRS HODKINSON

16/00566/FUL

The application is for the relocation of a garden wall facing onto Westbury Road. .

The application site lies within the urban neighbourhood of Newcastle as defined by the Local Development Framework Proposals Map.

The statutory 8 week determination period for the application expires on 24th August 2016.

RECOMMENDATION

REFUSAL on the grounds that the erection of the wall would be materially detrimental to the appearance and character of the area

Reason for recommendation

Although the wall would not be harmful to highway safety it is considered harmful to the visual appearance of the area.

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

No alterations have been sought to the design because the back of footway location of the wall is the feature that makes it unacceptable and the applicant wishes it to fulfil security and privacy functions so it would have to be of the height proposed..

KEY ISSUES

Full planning permission is sought for the relocation of a garden wall to this property at the corner of Westbury Road and The Brackens. The applicant maintains a strip of landscaping adjacent to the highway facing onto Westbury Road where the new wall is to be erected. The soft landscaping concerned extends to the front side garden of the property. The new wall proposed, which would be stepped, measures between 1.8 metres and 2.2 metres in height relative to the level of the pavement and spans approximately 22 metres. In that the Highway Authority have no objections and must therefore be presumed to be satisfied that the wall would not impinge upon the visibility splay at this junction the key issue for the Local Planning Authority is-

Would the impact of the development on the character and appearance of the area be acceptable?

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.

As indicated Number 2 The Brackens is situated on a corner plot at the junction of The Brackens and Westbury Road. The dwelling occupies a lower level than the pavement on the south side of Westbury Road on the outside of a long continuous bend. The notable characteristic of the plot is the soft landscaping around its periphery. Landscaped boundaries are a key feature of this part of the Westbury Road estate.

The relocation of the wall would mean that an area of existing soft landscaping would be lost. Westbury Road is lined at this point with hedgerow plantings and grassed verges either side which was a component of the original housing estate road layout design. The relocation of the section of garden wall involved is at odds with that design principle. The design of the replacement wall here

proposed features decorative brickwork embedded pillars and matches the existing garden wall in appearance. The wall is also stepped to follow the downward slope of Westbury Road – making the structure somewhat less imposing but it is still tall, some 22 metres in length, and in complete contrast with other boundary treatments along this particular section of Westbury Road. It is considered that because of this it would cause sufficient harm to justify refusal.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character

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

N13576	Residential development	Permitted	1984
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Views of Consultees

Highway Authority no objections

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/16/00566/FUL>

Background Papers

Planning File

Development Plan

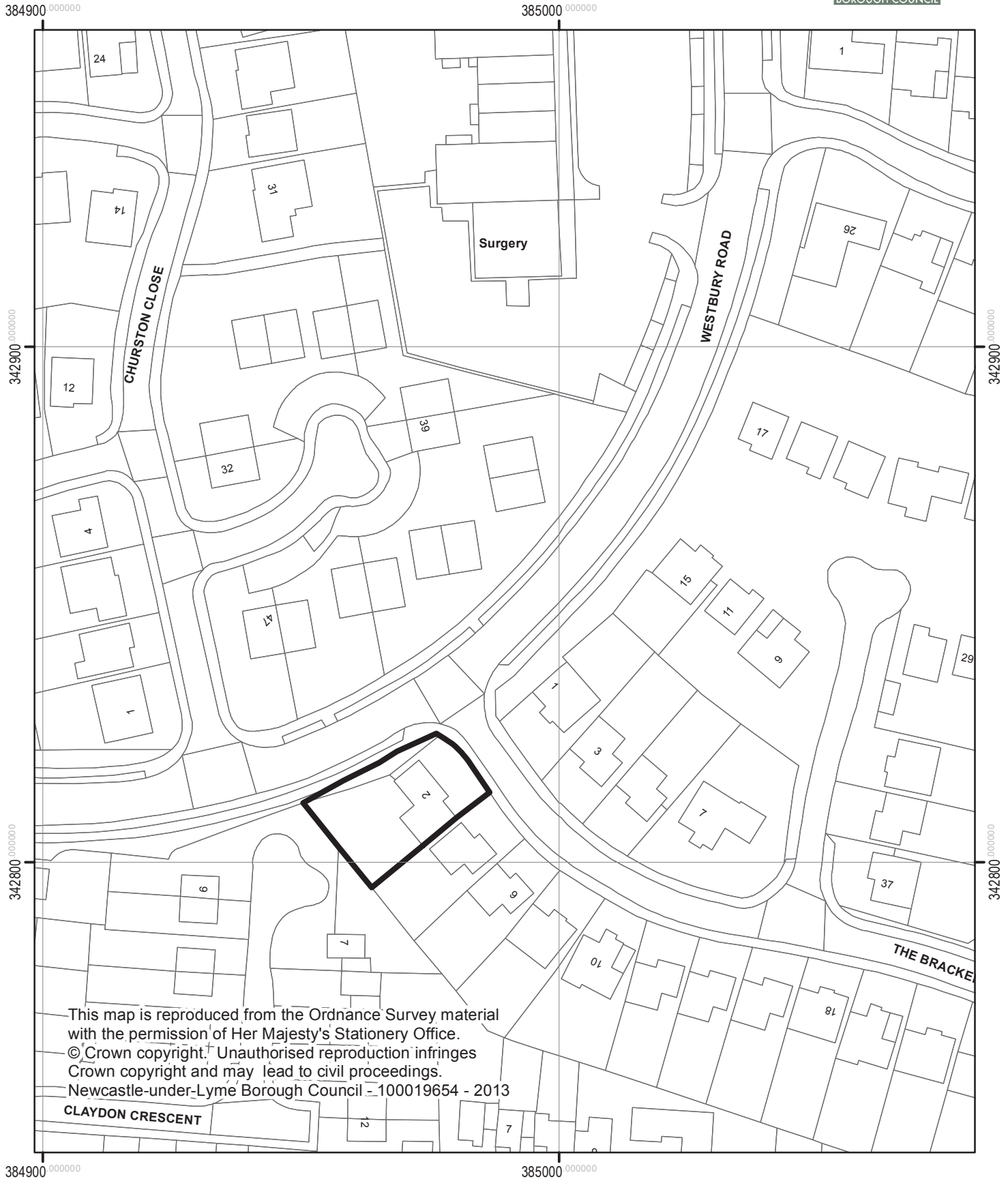
Date report prepared

3rd August 2016.

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2 The Brackens, Westbury Park

16/00566/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2013

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The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document

Report to Planning Committee 16th August 2016

Purpose of the Report

To inform the Planning Committee of the results of the consultation process on the draft Stubbs Walk Conservation Area and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption by Cabinet.

Recommendations

1) That the Planning Committee agree the draft Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document and to the publication of the attached Consultation Statement and the SPD for the required final period of representations; and

2) That, subject to no representations being now received seeking changes to the Appraisal and Management Plan SPD, the Planning Committee commend the SPD to Cabinet for adoption

Reason

The consultation period is now over, the responses have been analysed and a period within which further representations can be made is required before the document can be adopted.

1.0 Introduction

1.1 The Planning Committee, on 26th April, approved the draft Brampton Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of the results of the consultation on the draft SPD, and to enable the Planning Committee to consider the final draft SPD before being considered for adoption by the Cabinet.

2.0 Background

2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. The SPD redefines the special interest of The Brampton Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions including extending the Conservation Area.

3.0 Consultation process and results

- 3.1 The consultation on the draft SPD took place over a six week period from 23rd May to 4th July 2016. The documents were on the Council's website and made available in the Civic Offices. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation
- 3.2 The steps taken included:-
- A news release was sent and published by the Sentinel.
 - An exhibition and consultation event attended by 3 council officers was held in the Civic Offices, on 7th June 2016 for 2 hours in the evening. Posters about this event were in the locality and around Brampton Park. The event was also well publicised locally, especially amongst Sidmouth, Granville Avenue and Gower Street Residents Association (RAGGS). 12 people attended the event.
 - A consultation response sheet was provided to encourage representations to be made.
- 3.3 In total, there have been 6 written responses submitted on the draft documents. A Consultation Statement has been prepared with individual comments and the response, including any recommended changes. A copy of this Statement is appended to this report as Appendix A. Any representations have been retained on file and can be viewed on request.
- 3.4 Residents who attended the consultation event and responded to the consultation were principally from Sidmouth Avenue and Gower Street. The representations support the amendment to the Conservation Area boundary and the making of an Article 4 Direction to restrict permitted development rights for houses within the Area as a way of helping to protect the area's special character.
- 3.5 The Conservation Advisory Working Party proposed no amendments or raised any issues with the document at consultation stage and at its meeting on 26th July resolved to commend to the Planning Committee, The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document with no further changes.

4.0 Next Steps

- 4.1 Under the Local Planning Regulations, before the SPD can be adopted the Council has to make available both the SPD and the Consultation Statement and allow a further limited period, of not less than 4 weeks, for representations to be made. Only in the event of any further representations being raised will the matter be brought back to the Planning Committee for reconsideration. Otherwise the next stage will be the consideration by Cabinet of the SPD's adoption.
- 4.2 Once adopted, the SPD together with an adoption statement will be posted on the Council's Planning Policy website page and will be made available at a charge in hard copy if requested. Details of the adoption will be sent to all those who participated in the consultation process and provided their contact details.

- 4.2 If accepted the boundary will be formally amended and the relevant notifications done in the local newspaper and the London Gazette. The Article 4 Direction will be progressed as set out in the Management Proposals.

5.0 Background Papers

Consultation Draft SPD

Copies of representations made on the draft SPD

The SPD Consultation Statement

Date report prepared 1st August 2016

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Appendix A

Consultation Statement

The Brampton Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

Background

The SPD redefines the special interest of The Brampton Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

Once adopted, the SPD will supplement the objectives and policies contained in the Joint Core Spatial Strategy.

1. Introduction

- 1.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 states that before a Local Planning Authority adopt a Supplementary Planning Document (SPD) they must prepare a statement setting out: the names of any persons the authority consulted in connection with the preparation of the SPD (these are filed within the Planning Service); a summary of the main issues raised in these consultations and how these have been addressed in the SPD. In addition before the SPD can be adopted the Statement has to be made available, with the Supplementary Planning Document, together with details of the date by which representations on it must be made and the address to which they must be sent.
- 1.2 This Consultation Statement explains the consultation process followed for the SPD, and aims to demonstrate that the Council undertook sufficient public consultations, using its best endeavours to consult and involve the community in the most effective way possible.

2. The Consultation Process

- 2.1 Information regarding the consultation on the SPD was sent to Historic England, the County Council, Newcastle-under-Lyme Civic Society, the Residents at Gower, Granville and Sidmouth Association, local businesses including Knights and Aspire, the Borough Museum, the Council's Conservation Advisory Working Party and local ward members
- 2.2 A six week consultation programme was carried out on the Supplementary Planning Document from 23rd May to 4th July 2016. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation

The consultation involved:

- The draft SPD and supporting documents was made available to download from the Council's website both during and after the consultation period.
- A consultation event held at in the Civic Offices, on 7th June. Posters about this event were sent to groups and put up around the Conservation Area in public areas.
- News release was published by the Sentinel.
- Inspection copies of the SPD made available in the council offices.
- A consultation response sheet was provided to encourage representations to be made

Appendix A

2.3 Following the consultation process and the production of this summary statement, representations can be made to the Council for consideration before final approval by the Council and adoption of the documents.

3.0 Summary of the main issues raised and how these have been addressed

3.1 The draft SPD has generally been well received.

3.2 There have been 6 formal representations made. Attendance at the consultation event principally involved residents from Sidmouth Avenue coming to view and discuss the proposals. This is probably due to the involvement of the Residents Association in the process and their supportive and active promotion of it. There much was informal discussion surrounding the area, its special character and the wish for it to be retained and maintained.

3.3 Section 4 sets out in summary the main issues raised by the comments. No amendments are proposed to the documents.

4.0 Consultation Schedule - Comments Received, Council's Response and Actions

Rep ID	Name	Summary of main issue raised	Response	Changes proposed to draft SPD
1	Resident, Gower Street	Agree with proposed extension of the area. Some of business premises have been detrimental to character of area with number of parked cars. Supports the Article 4 Direction (A4D).	Noted.	None
2	Resident, Gower Street	Agree with proposed extension. Thinks that some planning decisions do not respect Conservation Area. Supports the A4D.	Note	None
3	Resident, Sidmouth Avenue	Agrees with extension. Conservation Area been harmed by planning decisions to increase development. Wants stronger enforcement action in future. Supports A4D.	Noted	None
4	Resident, Sidmouth Avenue	Agrees with the extension. Enforcement action needs to be strong to retain the character of the area. Supports the A4D.		None None
5	Resident, Sidmouth Avenue	Agrees with the extension and that it is collective effort to help to maintain the character of the area. Supports the A4D.	Noted and agree	None.
6	Resident, Florence Street	Agrees with extension. Thinks there has been a lack of enforcement action by the Conservation Officer. Supports the A4D.	Noted.	None

APPEAL BY MS JENNIFER WHITTAKER AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DWELLING HOUSE ON LAND TO THE REAR OF THE STEPS, DOCTOR'S BANK, ASHLEY, NEWCASTLE UNDER LYME

<u>Application Number</u>	15/00540/OUT
<u>LPA's Decision</u>	Refused
<u>Appeal Decision</u>	Allowed with conditions
<u>Date of Appeal Decision</u>	9th June 2016

In allowing the appeal, the Inspector found the main issue to be whether the proposal would result in a sustainable pattern of development having regard to the location of the site and the accessibility of services and facilities. He made the following observations:-

- The starting point in the consideration of any planning proposal is the development plan and whether policies are still current depends not on their age but rather the extent to which they are consistent with those in the NPPF.
- LP Policy H1 is a long standing policy headed "*Residential development: sustainable location and protection of the countryside*". Sub paragraph ii) is permissive of residential development where the site is in one of the village envelopes as defined on the Proposals Map. The appeal site is within the envelope boundary of Ashley.
- There are no other qualifying criteria in sub paragraph ii) which infers that development within the policy would tick some aspect of the sustainability box. It does not therefore only concern Housing Land Supply. It should be assessed against the NPPF policies, for example the promotion of development in locations where travel can be minimised or sustainable transport modes maximised, and promotion of sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities. Policy H1 is broadly consistent with these aims and is still therefore relevant to consider.
- The appeal site is under-used and overgrown garden land belonging to The Steps within the envelope boundary of Ashley village. The gap created by the proposed plot presents an opportunity for infill that would make a positive and efficient use of the land. There is nothing in Policy H1 that would prevent infill or rounding off in the village. The proposed plot is wide and deep enough to accommodate a dwelling with external space similar in character to its neighbours, which would include the residual garden area of The Steps. The new dwelling could be sited so as not to be significantly constrained by trees on the site.
- Ashley village has few facilities. However there is a restaurant, public house, two churches and also a doctor's surgery which has limited opening hours. The appeal site is about 1¾ to 2 miles from services and facilities at Loggerheads, a Key Rural Service Centre. Within the Service Centre can be found a primary school and shops, and further on, a post office, and pharmacy. A village hall is about a mile away from the appeal site. Church Road is on a bus route between Hanley, Newcastle and Market Drayton where there are leisure and culture facilities. Buses run there every hour during the day from a stop about 200m away.
- School buses are potentially available for primary and secondary school children and a pick-up point is close to the appeal site. Cycling to Loggerheads to avoid the busy A53 would be an alternative, using several local roads. However these are narrow lanes typically with no lighting or footways. This would make it unrealistic to walk, and most likely to cycle, for daily necessities. The lack of regular bus services outside core day times and at weekends would likely mean that a private car would be used to access many essential services and facilities. That is not however to deny the opportunity that exists to use public transport for some work or leisure related journeys which would be of a fairly short distance, to larger settlements. Therefore the environmental harm in this respect is moderate.
- Sustainable transport aims need to be considered alongside the Framework's support for sustaining the rural economy. The Framework recognises that housing can

support local services and, where there are groups of smaller settlements development in one village may support services in a village nearby. Modest additional custom could arise for facilities in the village and at Loggerheads. A single dwelling would also make a small but positive contribution to the Housing Land Supply and provide a limited amount of construction work. There is no reason why a well-designed dwelling would not meet the sustainability and climate change requirements as well as enhancing the immediate environment on this underused land.

- When these economic, social and environmental dimensions of sustainability are considered in the round, and allowing for the moderately negative impact of the likely use of the private motor car, the proposal would still represent sustainable development. Under the Framework, Paragraph 14, a presumption arises in favour of granting planning permission for sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. There is no convincing national or local policy reason, or other adverse effect to be of such weight as to refuse the proposal.
- The Inspector took into account the previous appeal decision (dismissed) for the same proposal but thought such a decision was no longer comparable to current policy circumstances since revocation of the Regional Spatial Strategy.
- Moreover the Inspector did not find any harm to neighbouring living conditions or highway safety stemming from the development.

Recommendation

That the decision be noted.

APPEAL BY MR REEVES AGAINST THE DECISION OF NEWCASTLE UNDER LYME BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A PROPOSED DETACHED DWELLING AT 108 HOUGHER WALL ROAD, AUDLEY

Application Number **16/00170/FUL**

LPA's Decision **Refused**

Appeal Decision **Dismissed**

Date of Appeal Decision **27th July 2016**

In dismissing the appeal, the Inspector made the following comments:

- The appeal site is within the Green Belt so the main issues are whether the proposal represents inappropriate development in the Green Belt, and if the proposal does represent inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify it.
- The framework establishes new buildings within the Green Belt as inappropriate unless they fall within certain exceptions including limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- The appeal property is the side garden of a dwelling containing a detached garage. There are fields behind and to one side of the site, dwellings to the other side and dwellings and commercial premises opposite. As the site is adjoined by fields to one side, the development would not represent infill. However, the replacement of the garage with a dwelling constitutes the partial redevelopment of an existing previously developed site.
- That said, the proposed house would be substantially larger than the garage, being taller, wider, deeper and about double its footprint. Therefore, due to the substantial increase in the amount of built development that would arise, the dwelling would have a greater impact on the openness of the Green Belt than the existing development. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt. Paragraph 88 of the Framework says that substantial weight should be given to any harm to the Green Belt.
- Policy S3 of the Newcastle-under-Lyme Local Plan 2011, adopted 2003, prohibits dwellings in the Green Belt unless they fall within certain criteria, none of which apply to the appeal proposal. Therefore, the development would be contrary to this policy.
- Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. This is set out at paragraph 14 of the Framework and indicates that where relevant housing supply 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 Framework as a whole.
- The Council cannot demonstrate a 5 year supply of land for housing. Therefore, local policies in respect of housing can be considered out of date. This can include Policy S3 which seeks to restrict new dwellings in the Green Belt. However, this policy cannot be given the full weight of the development plan, this does not mean that it is irrelevant or should be disregarded. Fundamentally, the protection of the Green Belt is consistent with the Framework.
- The appellant proposes to upgrade the garden boundary with a native hedge mix that would extend to the field boundary. Defective trees would also be replaced with semi mature native species. This would improve the existing boundary around the site.
- There would be a small short term economic benefit to the proposal in terms of the construction of the dwelling. There would also be a further contribution from a new household to existing local businesses, although the contribution would be limited. There would be some social benefit in terms of adding in a small way to the provision of housing. The site is in a sustainable location near to shops and services.

- The proposal would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
- Some weight is given to the economic benefits that the proposal would bring and to the social benefit of the addition to the housing supply in a sustainable location. An improved hedgerow would be a very small benefit to which a limited amount of weight was given in favour of the proposal. Taken together, these factors may be judged to weigh modestly in favour of the scheme.
- In conclusion, all these other considerations do not clearly outweigh the totality of substantial harm that arises as a result of the development's inappropriateness and its impact upon the openness of the Green Belt. The very special circumstances necessary to justify the proposal do not therefore exist, and the appeal is dismissed.

Recommendation

That the decision be noted.

Planning Committee 16th August 2016

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

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

Since the last report to the Planning Committee at its meeting on the 24th May 2016 no new cases have been added to this list and one case has been able to be closed since the previous report. Some 7 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24th April 2015. The SN took effect on 30th April 2015. The EN took effect on 27th May 2015.</p> <p>The Council is not aware that there has been a breach of the SN. It is aware, however, that the portacabin and commercial trailer/cabin remains on site beyond the one month time period set out in the EN.</p> <p>In the last quarterly report it was indicated that a breach of the EN had been taken to Court for prosecution and a significant fine had been imposed. The owner had then been given, by officers, a further 4 weeks to remedy the breach. That period lapsed with the breach remaining. In the last Quarter proceedings have commenced for a second prosecution as the portacabin has not been removed from the land, as required by the terms of the Enforcement Notice.</p> <p>The used tyres that were imported and deposited on the site are being utilised in the construction of a fodder beat store and TB testing facility. Your officers have concluded that expert advice is required on the key questions of whether such a structure is reasonably necessary for the purposes of agriculture within the unit and whether it is designed for the purposes of agriculture – in order to determine whether this is permitted development.</p>	<p>First hearing of second prosecution expected to be on 14th September</p> <p>Determine, on the basis of expert advice, whether the partially constructed fodder beat store and TB testing facility requires planning permission and if it does whether it is expedient to take enforcement action.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An Enforcement Notice has been served which would have taken effect on 28th February 2016 had an appeal not been lodged.</p> <p>The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>The appeal against the notice is on three grounds; that the use of the land for residential purposes does not constitute a breach of planning control; that at the date at which the notice was issued no enforcement action could be taken; and the period for compliance as specified in the notice falls short of what should reasonably be allowed. No appeal that planning permission should be granted has been made</p> <p>The appeal is proceeding by way of an Inquiry. The Council has now submitted its case and its comments upon the appellant's grounds of appeal. The Inquiry is due to be held on 14th February 2017. In the meantime the Notice does not come into effect</p>	No action required over next quarter.
14/00048/207C2	<p>Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley</p> <p>Unauthorised subdivision into two dwellings</p>	13.7.15	<p>A retrospective planning application was received for the sub-division of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings and the subsequent appeal has now been dismissed.</p> <p>An EN was served requiring that Dairy House is reinstated to its previous condition prior to the subdivision, within six months of the notice taking effect.</p> <p>The EN took effect on 21st December 2015 as an appeal was not lodged.- the six month period finishing on the 21st June. Arrangements are being made with the owners for a visit to this tenanted property</p>	Establish, if it has already been, whether the Notice has been complied with, and either close the case or take further action as appropriate.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Planning Committee at its meeting on 5th January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. Notice subsequently served and in the absence of any appeal has come into force on the 13th July 2016. Compliance due by 13th January 2017</p>	<p>No target for this quarter, as the Notice does not require the steps to be taken within the next quarter.</p>
15/00094/207C3	<p>70A Chatterley Drive, Kidsgrove</p> <p>Unauthorised boundary fence</p>	30.10.15	<p>A retrospective planning application (15/00803/FUL) for a fence was refused under delegated powers due to concerns that its height and location would introduce an incongruous boundary treatment harmful to the street scene.</p> <p>An Enforcement Notice was served dated 16th March 2016 which took effect on 15th April 2016. The notice required the removal of the fence or its reduction in height to no more than 1m by 15th June 2016. Site inspection has confirmed that the fence has been reduced in height for a section of its length, and that it now conforms to the requirements of the Notice</p>	<p>Case now closed</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00173/207C2	<p>Monkey Tree Cottage, Heighley Lane, Knowle Bank</p> <p>Unauthorised change of use of land from to land used in association with a dog kennel business and ancillary operation development including the regrading of agricultural land to facilitate the construction of a new building to house kennels, office and kitchen.</p>	23.2.16	<p>A retrospective planning application (14/00842/FUL) was refused in July 2015 under delegated powers on the grounds that the new building was materially larger than that which it replaced and was inappropriate development in Green Belt terms, as was the change of use of land, there were not the required very special circumstances to justify approval and the development had eroded the character and quality of the landscape .</p> <p>An Enforcement Notice was served dated 16th March 2016 The notice required the removal of a partially constructed building within two months; and removal of a retaining wall, reinstatement/regrading of land; and putting up a boundary treatment to separate the residential curtilage from the adjoining land within six months.</p> <p>An appeal was lodged both against the decision on the planning application and against the Enforcement Notice (preventing the Notice from coming into force). The appeal against the Enforcement Notice was made on the ground that insufficient time had been given to comply with the steps set out in the Enforcement Notice. The Authority confirmed on 16th May that it was willing to extend the period for compliance.</p> <p>The parallel planning appeal was allowed on the 22nd June, and in the circumstances the decision was then made to withdraw the Enforcement Notice, the appellant informed and his attention drawn to the conditions subject to which the planning appeal had been allowed</p>	Ensure compliance with conditions subject to which the appeal has been allowed
07/00064/207	<p>18 Market Street, Kidsgrove</p> <p>Non-compliance with conditions of planning permission 06/00551/COU for change of use to restaurant</p>	21.3.16	<p>Legal Services have been instructed to take enforcement action against the non-compliance with conditions of the planning permission for the use of the building as a restaurant following protracted and eventually unfruitful discussions with the property owner and his contractor. The conditions require the provision of an appropriate ventilation system to deal with odours, and the provision of a grease trap to the drainage system. Service of the Notice is expected very soon.</p>	<p>Establish whether the Notice has come into effect or not, and if it has monitor for compliance within the periods of time referred to in the Notice</p>

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

Purpose of the Report

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

Recommendations

a) That the report be noted

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

Introduction

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

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

This report covers the 3 month period between 26th April 2016 (when the Committee last received a similar report) and the date of the preparation of this report (26th July 2016).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent extensions, and extensions have been agreed with respect to some 2 applications.

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

Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an

extended period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

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

Details of the applications involved are provided below:-

(1) 15/00368/OUT Land at West Avenue, Kidsgrove

This application, for outline planning permission for the erection of up to 44 dwellings, came before the Planning Committee on 21st July 2015 (at around week 9). The resolution of the Planning Committee included a time limit for the securing, by the 15th August 2015, of planning obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities. A further period of time for the completion of the legal agreement, up to the 12th November 2015 and then another to the 3rd December was then agreed. That date passed without completion. A further extension to the 19th February 2016 was reported to the February Committee along with a further extension to the 13th May which was reported to the April Committee. These dates passed without completion of the agreement.

The agreement in engrossed form has been in circulation for a number of months and during this time the developers have re-mortgaged the site which has resulted in delays and whilst the new lender is prepared to enter into the agreement, they have sought amendments to a couple of clauses and these requests have had to be considered. The Council's solicitors have advised that the agreement ought to be able to be completed by the 12th August, and in the circumstances your Officer has agreed to a further extension to reflect this.

At the time of writing some 64 weeks has passed since the original receipt of the application.

(2) 15/00692/FUL Audley Working Mens Club, New Road, Bignall End

This application for full planning permission for the erection of 12 dwellings came before the Planning Committee on 29th March 2016 (at around week 27). The delay during the application concerned the question of whether the development could support policy compliant contributions towards public open space and education facilities and the issue of who should fund the cost of the District Valuer in conducting a viability appraisal. That was eventually resolved. The resolution of the 29th March Planning Committee included a time limit for the securing, by the 10th May 2016, of a review mechanism (of financial contributions) if the development is not substantially commenced within 12 months from the date of the decision. A further period of time for the completion of the legal agreement was required due to delays by all parties and this was given - to the 26th May. The agreement was completed on the 27th May and the planning permissions issued on the same day.

The decision was issued in this case some 35 weeks after receipt of the application. The application was received after the introduction of the Planning Guarantee however no repayment of the fee is required in this case.

Date Report prepared

26th July 2016

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