

Public Document Pack

Date of meeting	Tuesday, 13th September, 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 - 6)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Land to rear of former Randles Garage, Higherland, Newcastle. Decidebloom Ltd. 16/00405/REM** (Pages 7 - 14)
- 5 **Application for Major Development - Midland House, London Road, Chesterton. Regensis Developments Ltd. 16/00623/REM** (Pages 15 - 20)
- 6 **Application for Minor Development - Land south of Stafford Avenue, Newcastle. Newcastle-under-Lyme Borough Council. 16/00646/DEEM4** (Pages 21 - 28)
- 7 **Application for Other Development - 24 Curzon Street, Basford. Mr A Street. 16/00612/FUL** (Pages 29 - 34)
- 8 **Application for Other Development - 24 Curzon Street, Basford. Mr A Street. 16/00663/FUL** (Pages 35 - 40)
- 9 **Watlands Park, Wolstanton - Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document and 7 Park Avenue Article 4 Direction** (Pages 41 - 52)
- 10 **Appeal Decisions - Ashley** (Pages 53 - 58)
- 11 **Appeal Decision - Land at Station Road, Onneley.** (Pages 59 - 60)
- 12 **Appeal Decision - Red Gates, Haddon Lane, Chapel Chorlton** (Pages 61 - 62)
- 13 **Appeal Decision - Grindey Cottage, Church Lane, Betley** (Pages 63 - 64)

14 Quarterly Report on Open Enforcement Cases

(Pages 65 - 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, 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, 16th August, 2016
Time of Commencement: 7.00 pm

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, S Hambleton, Heesom, Northcott, Owen, Panter,
Pickup, Reddish, Sweeney, G Williams and J Williams

Officers Becky Allen, Guy Benson, Geoff Durham and Rachel Killeen

Apologies Councillor(s) Mancey

1. DECLARATIONS OF INTEREST

Councillor Pickup declared an interest in application 16/00367/FUL for living within close proximity to the Linley Road site.

2. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 19 July, 2016 be agreed as a correct record.

3. MATTERS ARISING FROM THE MINUTES

Councillor Loades requested an update on item 6(i) of the Minutes as to whether the appellant had been written to. Officers advised that this had not been done at this time as a Statement of Case was being prepared but assured Councillor Loades that a letter would be sent as soon as possible.

4. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF LINLEY ROAD, TALKE. ARNOLD CLARK MOTOR GROUP. 16/00367/FUL

Councillor Pickup left the room during consideration of this item.

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

- (i) Time limit
- (ii) Approved plans
- (iii) Details of widening and improvements to existing site access on Linley Road
- (iv) Provision of internal access road, parking, servicing and turning areas
- (v) Details of surfacing materials and delineation of parking bays, servicing and loading areas
- (vi) Details of weatherproof cycle parking
- (vii) Installation of security barrier
- (viii) Opening hours
- (ix) External lighting details
- (x) Details of control of noise and spray from HGV wash
- (xi) Boundary treatments
- (xii) Materials

- (xiii) Drainage conditions
- (xiv) Implementation of security/crime prevention measures
- (xv) Tree protection
- (xvi) Construction Method Statement
- (xvii) Hard and soft landscaping
- (xviii) Management and maintenance of existing and new woodland planting
- (xix) Position of utility apparatus
- (xx) Schedule of works to retained trees
- (xxi) Any other conditions arising from the comments of the Local Lead Flood Authority
- (xxii) Additional condition requiring delivery vehicles to be able to stay overnight on site.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO THE REAR OF FORMER RANGLES GARAGE, HIGHERLAND, NEWCASTLE. DECIDEBLOOM LTD. 16/00405/REM

Resolved: That the application be deferred to enable further arboricultural information to be provided and, if necessary, revised plans submitted.

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

Proposed by Councillor Loades and seconded by Councillor Northcott

Resolved:

- (i) That the request be refused.
- (ii) That officers be asked to bring forward a report on policy within the affordable housing SPD as to where, within the district affordable housing contributions can be spent.

7. APPLICATION FOR MINOR DEVELOPMENT - FORMER BLUE BELL INN, NEW ROAD, WRINEHILL. J LITTLETON & CO. 16/00518/FUL

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

- (i) Revised plans
- (ii) All other conditions of the previous permission 15/00759/FUL.

8. APPLICATION FOR MINOR DEVELOPMENT - BROOK FARM, 4 OAKWOOD LANE, ACTON. J LITTLETON & CO. 16/00485/FUL

Councillor Panter opposed this

Resolved: (a) That, subject to the receipt of no representations by the 26th August raising concerns that cannot be addressed by conditions, the Head of Planning and Development be authorised to grant planning permission subject to the undermentioned conditions:

- (i) Time limit
- (ii) In accordance with the approved plans
- (iii) Material to be submitted

- (iv) Removal of Permitted Development Rights—
Classes A, B, C, E and F
- (v) Written Scheme of archaeological investigation
- (vi) Hard and soft landscaping scheme to include
details of boundary treatments and definition of extent
of residential curtilage.

- (b) That, in the event that representations are received by
the 26th August raising concerns that cannot be addressed by
conditions, the application be brought back to the following
Planning Committee

**9. APPLICATION FOR OTHER DEVELOPMENT - 2 THE BRACKENS, WESTBURY
PARK. MRS A HODKINSON. 16/00566/FUL**

Proposed by Councillor Reddish and seconded by Councillor Sweeney.

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

- (i) Time limit
- (ii) Plans
- (iii) Materials conditions.

**10. THE BRAMPTON CONSERVATION AREA APPRAISAL AND MANAGEMENT
PLAN SUPPLEMENTARY PLANNING DOCUMENT**

Resolved: (i) That the Planning Committee agree the draft Brampton
Conservation Area Appraisal and Management Plan
Supplementary Planning Document and to the publication of
the Consultation Statement as attached to the agenda report
and the SPD for the required final period of representations

- (ii) 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.

11. APPEAL DECISION - LAND TO THE REAR OF THE STEPS, ASHLEY

Resolved: That the decision be noted.

12. APPEAL DECISION - 108 HOUGHERWALL ROAD, AUDLEY

Resolved: That the decision be noted.

**13. QUARTERLY REPORT ON THOSE CASES WHERE ENFORCEMENT ACTION
HAS BEEN AUTHORISED.**

Resolved: That the information be received.

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

Resolved: (i) That the report be noted

- (ii) That the Head of Planning and Development 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.

16. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 8.30 pm

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.

A decision on the application was deferred at the Planning Committee on 16th August to enable further arboricultural information to be provided and if necessary revised plans submitted.

The 13 week period for the determination of this application expired on the 15th August 2016. The applicant has agreed to extend the statutory determination period to the 15th September 2016.

RECOMMENDATION

REFUSE for the following reason:-

- 1. It has not been demonstrated that the development will not adversely impact the health of visually significant trees to the detriment of the appearance of the area.**

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 addressed to date and the application will have been with the Council for some 17 weeks by the 13th September. Further Officer advice will be given with respect to these issues, should further information be received.

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. Some information has been provided. The Landscape Development Section have assessed that information and have advised that the trees adjacent to Beaumaris Court (some of which are subject to a Tree Preservation Order) also need to be included in the information submitted – the Root Protection Areas and canopies of all trees that overhang the development, in order to make an assessment as to whether the

development can be constructed without causing damage to trees. It would be inappropriate to seek to deal with this by condition. The Section also raises concerns in relation to overshadowing of the development from trees.

Given that a number of trees within the Beaumaris Court development including at least one that is the subject of a TPO and others of apparently positive amenity, overhang by up to 4 metres the application site, within which quite significant works of excavation are proposed close to the boundary, there is concern that the development may cause damage to these trees. Since the deferral of a decision by the Committee at the August meeting the applicant has yet to provide the required information to enable a proper assessment of the issue to be undertaken. It is likely that some form of amendment to the siting of at least one of the blocks may well be required to achieve a satisfactory relationship. At present refusal is considered the appropriate recommendation in the circumstances.

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.

4. 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 on 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, and have expressed concerns regarding the information received to date, as detailed above.

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 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 not commented by the due date so it must be assumed that they have no objections.

Representations

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

- The development, by reason of its height and style is incongruous, and 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 goods 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. The Authority has also deferred its decision once to enable additional arboricultural information to be submitted.

Background Papers

Planning File

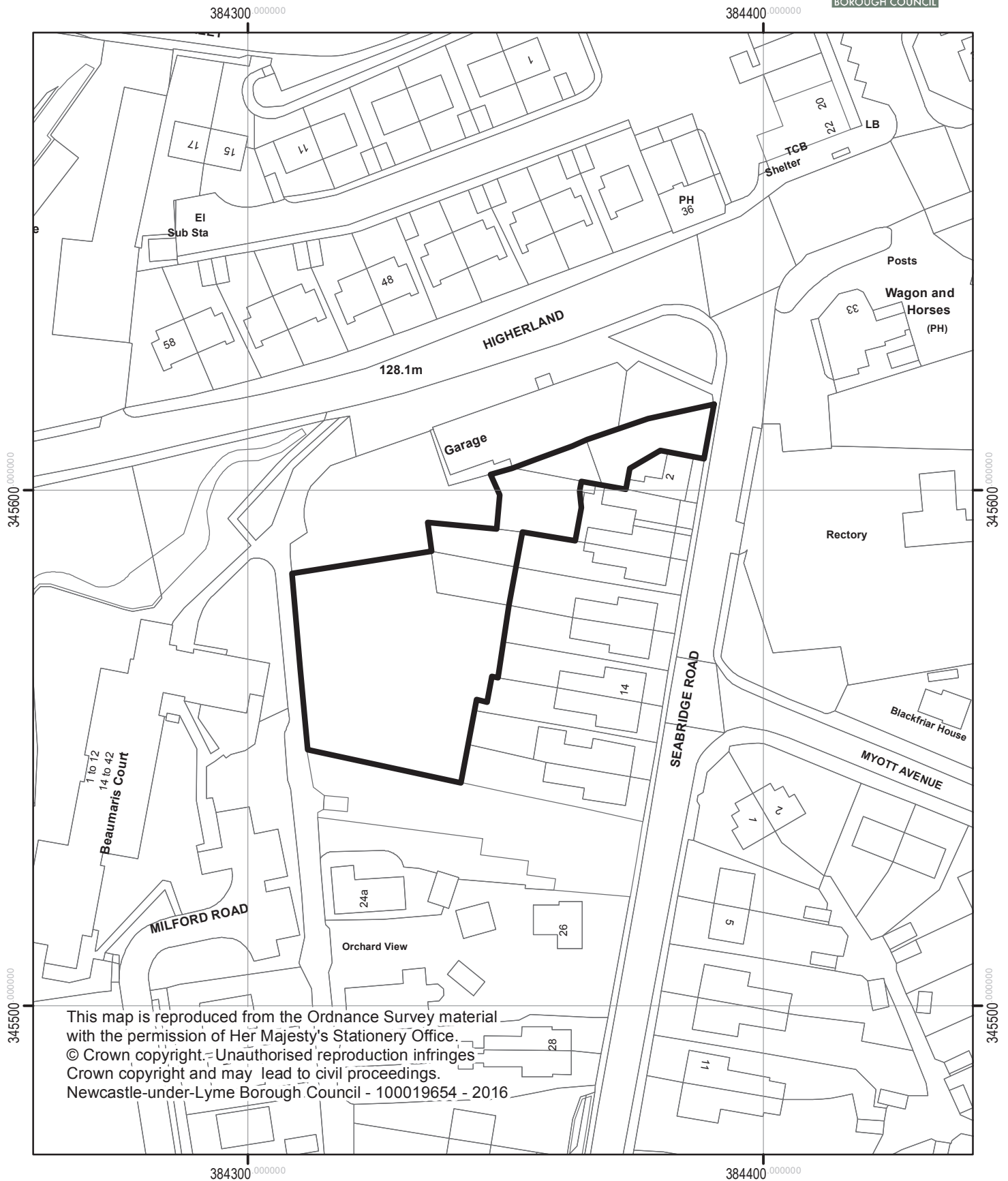
Planning Documents referred to

Date Report Prepared

25th August 2016.

Land to rear of Former Randles Garage, Higherland

16/00405/REM



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MIDLAND HOUSE, LONDON ROAD, CHESTERTON
HEATHER PARKER, REGENESIS DEVELOPMENTS

16/00623/REM

The proposal is a reserved matters application for the approval of the details of the landscaping following the granting of outline planning permission (at appeal) for 14 dwellings and 2 retail/ commercial units in 2013 reference 12/00118/OUT. All other matters of detail (access, appearance, layout and scale) were approved at that stage.

The site is located within the urban area of Newcastle as defined by the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on the 26th October 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**

Reason for Recommendation

The approval at appeal of application 12/00118/OUT, for outline permission for the demolition of the existing industrial building and the erection of 14 No. dwellings and retail/ commercial units, established the principle of the development. All matters of detail other than landscaping were also approved at that time. The proposed landscaping of the site is considered acceptable, given the urban location and limited opportunities for landscaping that exist given the approved layout.

Key Issues

The proposal is an application for the approval of the landscaping of the site, which has outline permission for 14 dwellings and 2 retail/ commercial units. Outline permission was granted at appeal on 13th September 2013, with landscaping being the only reserved matter for subsequent approval. As the principle of the development, and the access, appearance, layout and scale have all been permitted, these matters cannot be addressed at this stage.

The key issue to consider in the determination of the application is therefore whether the proposed landscaping is acceptable in appearance.

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 landscaping of the site includes astro turf rear garden areas to the dwellings, tarmac parking areas, block pavers to the access drive into the development and on areas outside of the buildings (which are permeable paving setts), and planters to the outside of the development.

The planters will soften the development and add visual interest to the development when viewed from the street scene.

Overall, the landscaping proposed for the development is considered acceptable and your officers recommend that permission be granted for the final reserved matter.

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 CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

None relevant

Other Material Considerations

National Planning Policy

National Planning Policy Framework (March 2012) as amended

National Planning Practice Guidance (March 2014) 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)

Planning History of this site

12/00118/OUT Application allowed at appeal 13.9.2013 Demolition of existing industrial building and erection of 14. No. new dwellings and retail/ commercial units

Views of Consultees

The **Landscape Division** has no objections, and comments that there is no space for any soft landscaping on the scheme.

Representations

None received

Applicants/ Agents submission

The application documents are available at the Guildhall and on the Council's website via the following link These documents are available for inspection at the Guildhall or via this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00623/REM>

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

Amended plans were requested and received, which show the incorporation of planters on the outside edge of the development. The development is considered a sustainable form of development which complies with the aims and objectives of the National Planning Policy Framework.

Background Papers

Planning File
Planning Documents referred to

Date Report Prepared

25th August 2016.



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**LAND SOUTH OF STAFFORD AVENUE
NEWCASTLE BOROUGH COUNCIL**

16/00646/DEEM4

The application is for outline planning permission for a residential development comprising 2, two storey detached houses. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent consideration and approval although a layout plan has been provided for illustrative purposes.

The application site, of approximately 0.5 hectares, is within the Urban Neighbourhood of Newcastle as defined on the Local Development Framework Proposals Map. The site also forms part of a wider area of informal play space that has been identified, within the current Green Space Strategy, to remain.

The 8 week period for the determination of this application expires on the 19thSeptember 2016.

RECOMMENDATION

Permit, subject to conditions relating to :-

- 1. Standard time limit.**
- 2. Subsequent approval of access, appearance, landscaping, layout and scale of the development as reserved matters.**
- 3. Reserved matters submission to include the provision of a footpath link from Stafford Avenue to the public open space to the rear of the site.**
- 4. Reserved matters condition to include details of any works to stream and its banks**
- 5. Reserved matters submission to include details of the retaining wall and the regrading and landscaping of the adjoining land within the site to soften its appearance.**
- 6. Reserved matter submission addressing landscaping to include replacement tree planting.**
- 7. Submission and approval design measures to ensure acceptable noise levels are achieved for the occupiers of the development.**
- 8. Construction hours.**

Reason for Recommendation

The site is located within a sustainable urban area. The benefits of the scheme include the contribution to the housing supply and the economic benefits commensurate with such a development. Some harm has been identified – loss of public open space, loss of trees and the visual impact of the required retaining wall. Applying the appropriate weight to the adverse impacts of the development it is considered that they do not significantly and demonstrably outweigh the benefits. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

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

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

KEY ISSUES

The application is for outline planning permission for 2, two storey detached houses. All matters of detail (access, appearance, landscaping, layout and scale) are reserved for subsequent approval although a layout plan has been provided for illustrative purposes.

The application site is within the Urban Neighbourhood of Newcastle as defined on the Local Development Framework Proposals Map. The site also forms part of a wider area of some 5 ha. that has been identified, within the Green Space Strategy, to remain as informal play space.

The site measures approximately 0.24 hectares and as such the application does not need to be supported by a habitat and protected species survey to satisfy policy N2 of the Local Plan. In addition the nature of the site, which is maintained open space that is regularly mown, is not an important habitat for protected species. Notwithstanding that the site contains a number of trees and a minor watercourse crosses the south-west corner it is considered that the development would not have an adverse impact on protected species or result in the loss of important habitat.

The main issues in the consideration of the application are therefore:

- Is the principle of the development on this site acceptable?
- Is the loss of open space arising from this development acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would there be any adverse impact on residential amenity?
- Highway safety
- Do any adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

Is the principle of the development on this site acceptable?

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

Policy ASP5 of the Core Spatial Strategy (CSS) sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

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

The site forms part of a wider area of open space and as such it is not previously developed land. Being located in the urban area and close to a range of services and facilities it is considered to represent a sustainable location.

The National Planning Policy Framework (Framework) states at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF) for the reasons set out in a report to its Planning Committee in January 2016. The starting point therefore is set out in paragraph 14 of the NPPF which states that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

Is the loss of open space arising from this development acceptable?

As indicated above, the site forms part of a wider 5 ha. area of informal public open space that has been identified, within the Green Space Strategy, to remain. The area of open space that would be lost (0.24 ha) as a result of the development would not significantly or unacceptably reduce the amount of open space available. The remaining area would still be capable of beneficial use.

The application site is the only useable part of this open space that fronts onto Stafford Avenue, as the rest of the land is densely planted. The residents of Stafford Avenue and areas to the north of the site would therefore have a significantly greater distance to walk to access the open space unless a footpath is provided from Stafford Avenue. It is considered that the provision of such a footpath could be secured by condition.

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

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

Stafford Avenue is characterised, on the north side, by bungalows. The character is more mixed, however, on the south side where the development is proposed including three storey flats, a Church and a two storey dwelling in addition to a number of bungalows. The introduction of 2, two storey dwellings on the site would therefore not be incongruous and out of keeping with the street scene.

The loss of green space on Stafford Avenue would have an impact on its appearance, but the area of dense landscaping to the north west of the site would be retained.

The site levels fall away from the road, with the ground gently sloping for about the first 25m from the pavement which then changes to a steeper slope beyond. To address such levels the illustrative plans provided indicate the potential need for a 3m gabion retaining wall so that a plateau can be provided upon which the dwellings can be constructed and to provide a relatively level garden area within the plots. Such a structure will, no doubt, have a significant visual impact when viewed from the publicly accessible open space to the south of the site. It is, however, considered that this impact can be reduced by building up the ground levels directly to the rear of the gabion wall so that suitable planting can soften its appearance – although such alterations in levels would have to be carried out carefully to ensure that the watercourse running through the site is not adversely affected.

A number of visually prominent mature trees will be lost to the development. The supporting information suggests that these trees are not good specimens, however and the site is of a sufficient size that replacement tree planting can be undertaken. A large and visually prominent street tree within the pavement verge can be retained.

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

Would there be any adverse impact on residential amenity?

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

The proposed houses would be set within sizeable plots and sufficient separation can be achieved from the proposed houses and the adjoining flats, Falmouth Court.

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

Highway safety and loss of parking facilities

The National Planning Policy Framework states that a safe and suitable access to the site should be achievable for all people and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

Whilst not submitted for approval at this stage, the illustrative plans that have been provided demonstrate that maximum parking standards set out in the Local Plan can be achieved on the site and that the development will not conflict with policy T16. The Highways Authority has raised no objections on access and parking grounds subject to conditions.

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

The proposal would result in the provision of two houses, which would make a small contribution towards addressing the current shortfall in housing supply. Additionally there are economic benefits arising from the development through constructions jobs and the additional custom to local shops, services and public transport from the two new households. Such benefits can be given some weight.

Harm has been identified in respect to the loss of public open space. The remaining open space is of such a scale that the loss would not be significant and would still be capable of beneficial use. In addition provided that a footpath link is secured it would be accessible to the surrounding residential population. The loss of trees would also be harmful but such trees are poor specimens and replacement planting can be secured. The adverse visual impact arising from the required retaining wall can be mitigated, to some extent, through the grading and planting of the adjoining land within the application site.

Applying the appropriate weight to the identified benefits of the proposed development, the adverse impacts of the development do not significantly and demonstrably outweigh the benefits.

APPENDIX

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

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N2:	Development and nature conservation – site surveys
Policy N12	Development and the Protection of Trees

Other Material Considerations

National Planning Policy

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

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

North Staffordshire Green Space Strategy (Sept 2007)

Relevant Planning History

15/00585/DEEM4 Outline planning application for the erection of 2, two storey detached dwellings Withdrawn

Views of Consultees

The **Environmental Health Division** raises no objections on contaminated land and recommends conditions that restrict the hours of construction and ensure that acceptable noise levels are achieved for the occupiers of the development.

The **Highway Authority** raises no objections subject to conditions regarding the access and parking; surface water drainage and surfacing materials for the parking areas.

The **Landscape Development Section** advises the following:

- The application will result in the loss of numerous visually prominent trees, however due to their poor condition and/or form none of these trees are suitable for protection under a Tree Preservation Order.
- The driveways and access points are likely to have an impact on a Beech tree which is a highly prominent roadside tree which would appear to be in poor health. Nevertheless alterations to the layout on the illustrative plan now avoid the root protection area to that tree.

- There are concerns about the appearance of the 3m gabion retaining wall from the publicly accessible open space beyond.
- There are concerns that no provision is made for public access to the wider open space and footpaths to the south.

Representations

One objection has been received on the following grounds:

- Loss wildlife habitat and open space
- Stafford Avenue is a busy thoroughfare and the dwellings will add to the existing congestion.
- Stafford Avenue is not adequately constructed to carry additional traffic and will continue to disintegrate.
- New houses should be constructed on brownfield land first and there are many such sites in Newcastle.
- The retaining structure required would be out of keeping with the area.

Applicant/agent's submission

An Arboricultural Survey and Report and Arboricultural Implications Assessment, Geo-Environmental Assessment Report along with the requisite plans have been submitted to support the application. These documents are available for inspection at the Guildhall or via this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00646/DEEM4>

Background Papers

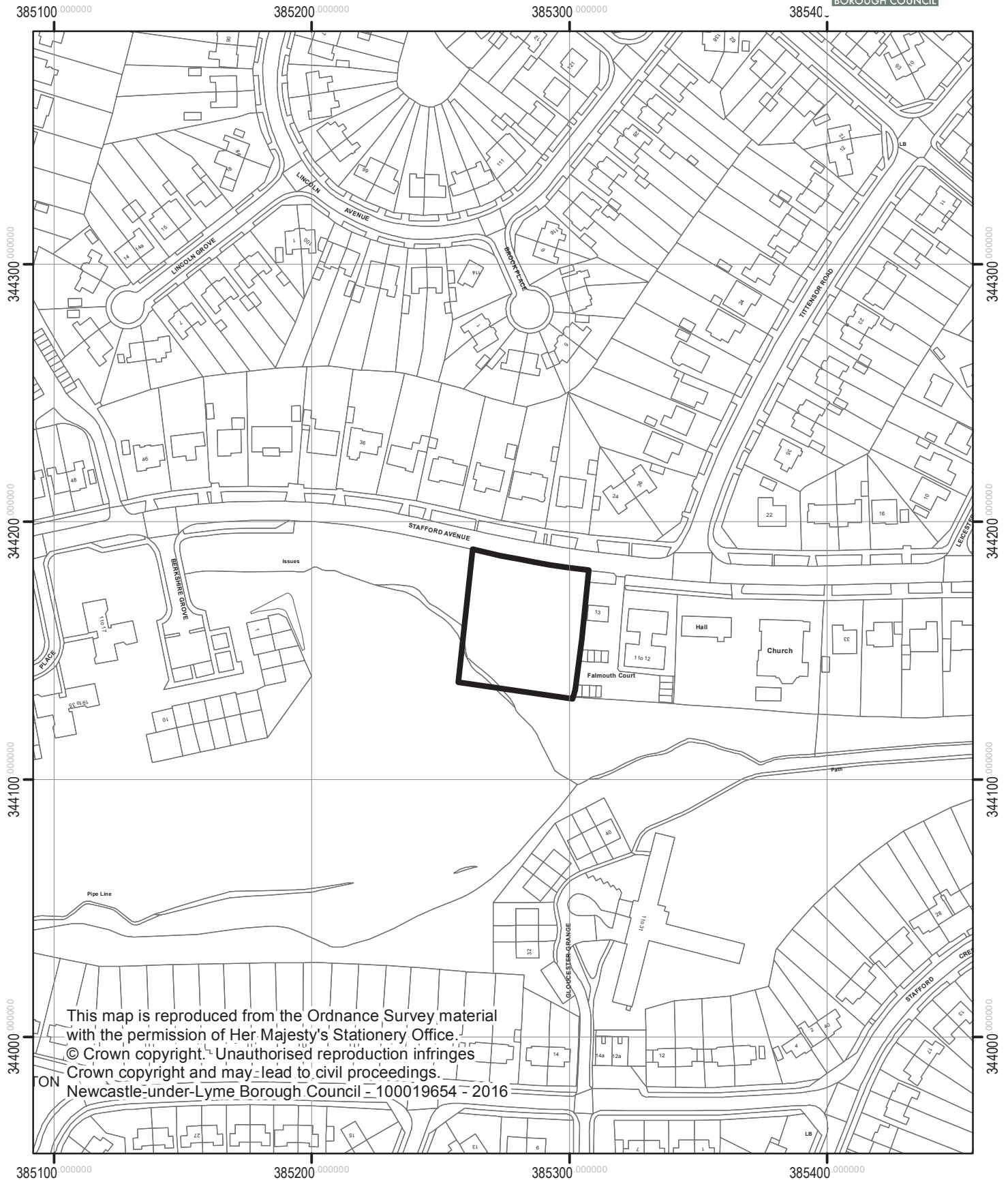
Planning files referred to
Planning Documents referred to

Date report prepared

26th August 2016

Land south of Stafford Avenue, Newcastle under Lyme

16/00646/DEEM4



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**24 CURZON STREET, BASFORD
MR ANDREW STREET**

16/00612/FUL

The application seeks planning permission for a new canopy to the front elevation incorporating a new front porch, a new front door and a ground floor side window. The retention of a new front boundary wall is also proposed.

The application site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map and it is also within the Basford Conservation Area.

The application has been brought to Planning Committee as the applicant is related to an elected member.

The statutory 8 week determination period for the application expires on 7th October 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Approved plans**
- 2. Materials as specified in application**

Reason for recommendation

The proposals are considered to preserve the character and appearance of the Conservation Area. No other issues are raised by the proposed development.

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

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

KEY ISSUES

This application seeks planning permission for a new canopy to the front elevation of the dwelling incorporating a new front porch, a new front door and a ground floor side window. These works are partially complete. The retention of a new front boundary wall is also proposed as part of the application.

The property is within the Basford Conservation Area and it is considered that the sole issue in the determination of the application is whether the design of the development is acceptable in terms of its impact on the character and appearance of the Conservation Area.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Policy B10 of the Local Plan states that permission will be granted to construct, alter the appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area. It states that this will be achieved by a number of criteria being met including a requirement for the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing to respect the characteristics of the buildings in the area.

The property is brick on the ground floor with a roughcast rendered first floor with gables. It has had a two-storey side extension. The pair of properties have ground floor bay windows with hipped tiled roofs. The canopy, which has been partially constructed, extends from above the bay window, over the front door with a timber porch, and above the garage. The canopy is a maximum of 3.7m in height

and the porch element projects a maximum of 1.5m from the front elevation of the dwelling. The tiles will match those of the existing house.

The boundary wall is 800mm high sloping up to piers of approximately 1.5m in height.

Whilst this pair of semi-detached properties are relatively attractive, the Basford Conservation Area Appraisal states that they make little contribution to the special character of the area. The canopy is relatively limited in scale and it is not considered that it has any adverse impact on the character and appearance of the pair of dwellings or the Conservation Area. The front boundary wall is similar in scale and design to that of the neighbouring property and it has replaced a less attractive concrete wall.

The proposal is considered to have an acceptable impact upon the character and appearance of the Conservation Area.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy ASP5: Newcastle and Kidsgrove Urban Area

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H18: Design of Residential Extensions, where subject to planning control
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

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

01/00241/FUL Two-storey side extension Approved

16/00663/FUL Alterations to existing boundary wall and re-surfacing of existing driveway
Pending consideration

Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the vehicle access to remain ungated unless otherwise agreed in writing.

A summary of the comments of the **Conservation and Urban Design Officer** is as follows:

- The south side of Curzon Street is characterised by 20th century semi-detached housing and only Nos. 22 and 24 are included in the boundary of the Conservation Area.
- The Basford Conservation Area Appraisal states that this pair of dwellings “lack distinctive architectural detail and make little contribution to the special character of the area”.
- The proposed porch and canopy unbalances the pair of properties and despite what is said in the Appraisal, inappropriate development on these two properties still has the potential to cause harm to the character and appearance of the Conservation Area. Incremental and poor quality change can detract from the overall special character of conservation areas and starts to dilute the character of the area.
- However the design does tend to reflect the character of the mock timber gables and dormers and providing the roof covering matches the tiles, it is unlikely to be harmful to the overall character of the Conservation Area.
- A photograph of the property prior to the erection of the new wall shows an unsympathetic brick wall with concrete patterned infills. The replacement wall is not considered harmful.
- The proposed surfacing has a shiny surface and is inappropriate. A gravel and tegula setts or a bound gravel would be more sympathetic to the appearance of the Conservation Area.

The comments of the **Conservation Advisory Working Party** are awaited and will be reported to Members in a supplementary report.

Representations

None received to date

Applicant/agent's submission

The application is accompanied by a Heritage Statement.

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/16/00612/FUL>

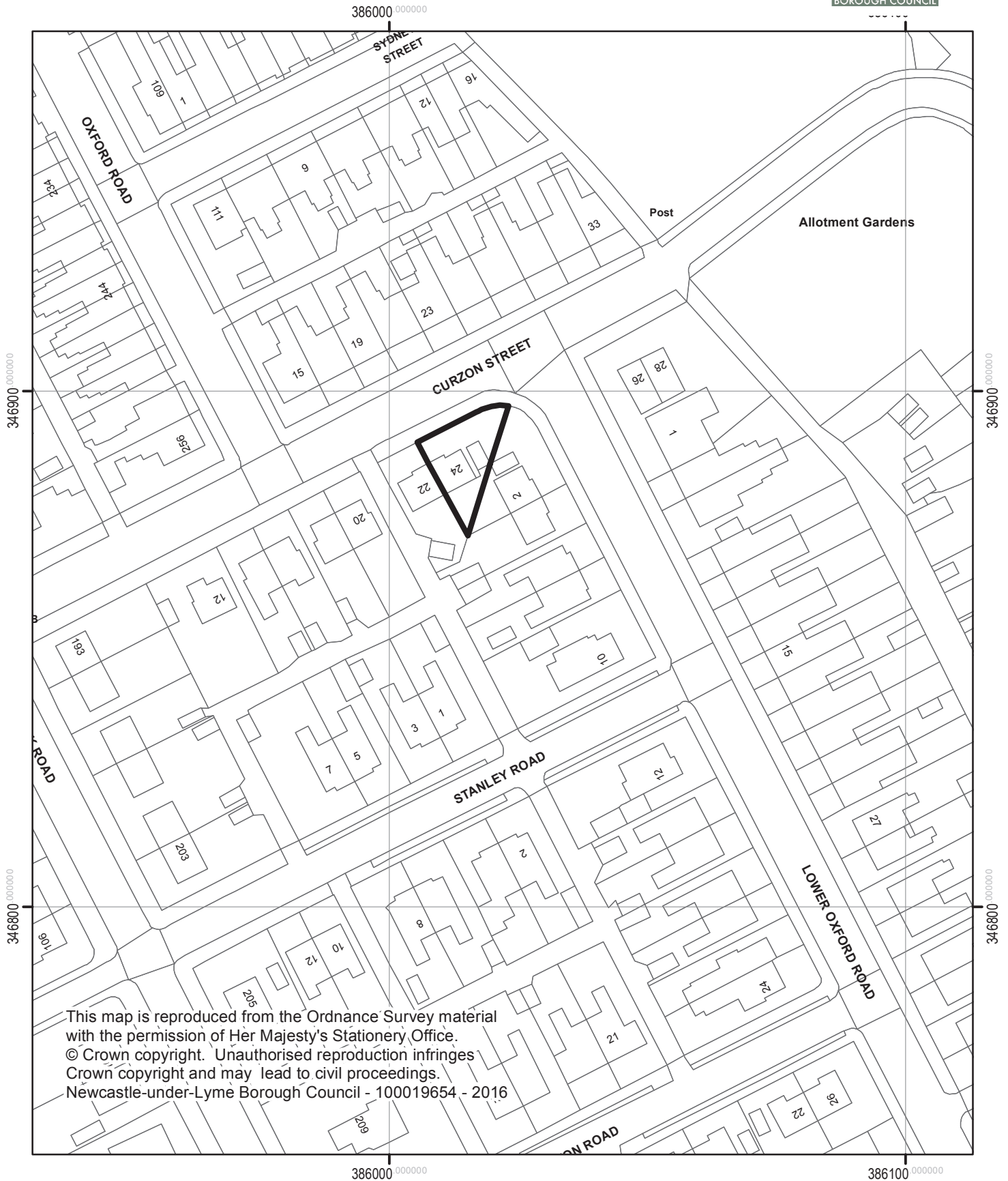
Background Papers

Planning File

Development Plan

Date report prepared

31st August 2016



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**24 CURZON STREET, BASFORD
MR ANDREW STREET**

16/00663/FUL

The application seeks planning permission for alterations to the existing boundary wall and the re-surfacing of the existing driveway.

The application site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map and it is also within the Basford Conservation Area.

The application has been brought to Planning Committee as the applicant is related to an elected member.

The statutory 8 week determination period for the application expires on 7th October 2016

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Approved plans**
- 2. Materials as specified in application**

Reason for recommendation

The proposals are considered to preserve the character and appearance of the Conservation Area. No other issues are raised by the proposed development.

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

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

KEY ISSUES

This application seeks planning permission for alterations to the existing boundary wall and the re-surfacing of the existing driveway.

The property is within the Basford Conservation Area and it is considered that the sole issue in the determination of the application is whether the design of the development is acceptable in terms of its impact on the character and appearance of the Conservation Area.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas.

Policy B10 of the Local Plan states that permission will be granted to construct, alter the appearance or change the use of any building only if its proposed appearance or use will preserve or enhance the character or appearance of a Conservation Area. It states that this will be achieved by a number of criteria being met including a requirement for the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing to respect the characteristics of the buildings in the area.

The existing vehicular access would be widened by 2 metres, involving the removal of a section of the boundary wall and the driveway would be surfaced with imprinted concrete to have the appearance of cobbles. Whilst the Conservation Officer considers that the proposed surfacing is inappropriate, given the dark and recessive colour proposed and given the variety of surfacing materials in the surrounding area, it is not considered that an objection could be sustained on the grounds of impact on the character and appearance of the Conservation Area. The proposal is considered acceptable therefore.

APPENDIX

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

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

Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy ASP5: Newcastle and Kidsgrove Urban Area

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area

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

01/00241/FUL Two-storey side extension Approved

16/00612/FUL New canopy to front elevation incorporating new porch, new front door, ground floor side window and retention of new front boundary wall Pending consideration

Views of Consultees

The **Highway Authority** has no objections subject to a condition requiring the vehicle access to remain ungated unless otherwise agreed in writing.

A summary of the comments of the **Conservation and Urban Design Officer** is as follows:

- The south side of Curzon Street is characterised by 20th century semi-detached housing and only Nos. 22 and 24 are included in the boundary.
- The Basford Conservation Area Appraisal states that this pair of dwellings “lack distinctive architectural detail and make little contribution to the special character of the area”.
- The proposed porch and canopy unbalances the pair of properties and despite what is said in the Appraisal, inappropriate development on these two properties still has the potential to cause harm to the character and appearance of the Conservation Area. Incremental and poor quality change can detract from the overall special character of conservation areas and starts to dilute the character of the area.
- However the design does tend to reflect the character of the mock timber gables and dormers and providing the roof covering matches the tiles, it is unlikely to be harmful to the overall character of the Conservation Area.
- A photograph of the property prior to the erection of the new wall shows an unsympathetic brick wall with concrete patterned infills. The replacement wall is not considered harmful.
- The proposed surfacing has a shiny surface and is inappropriate. A gravel and tegula setts or a bound gravel would be more sympathetic to the appearance of the Conservation Area.

The comments of the **Conservation Advisory Working Party** are awaited and will be reported to Members in a supplementary report.

Representations

None received to date

Applicant/agent's submission

The application is accompanied by a Heritage Statement.

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/16/00663/FUL>

Background Papers

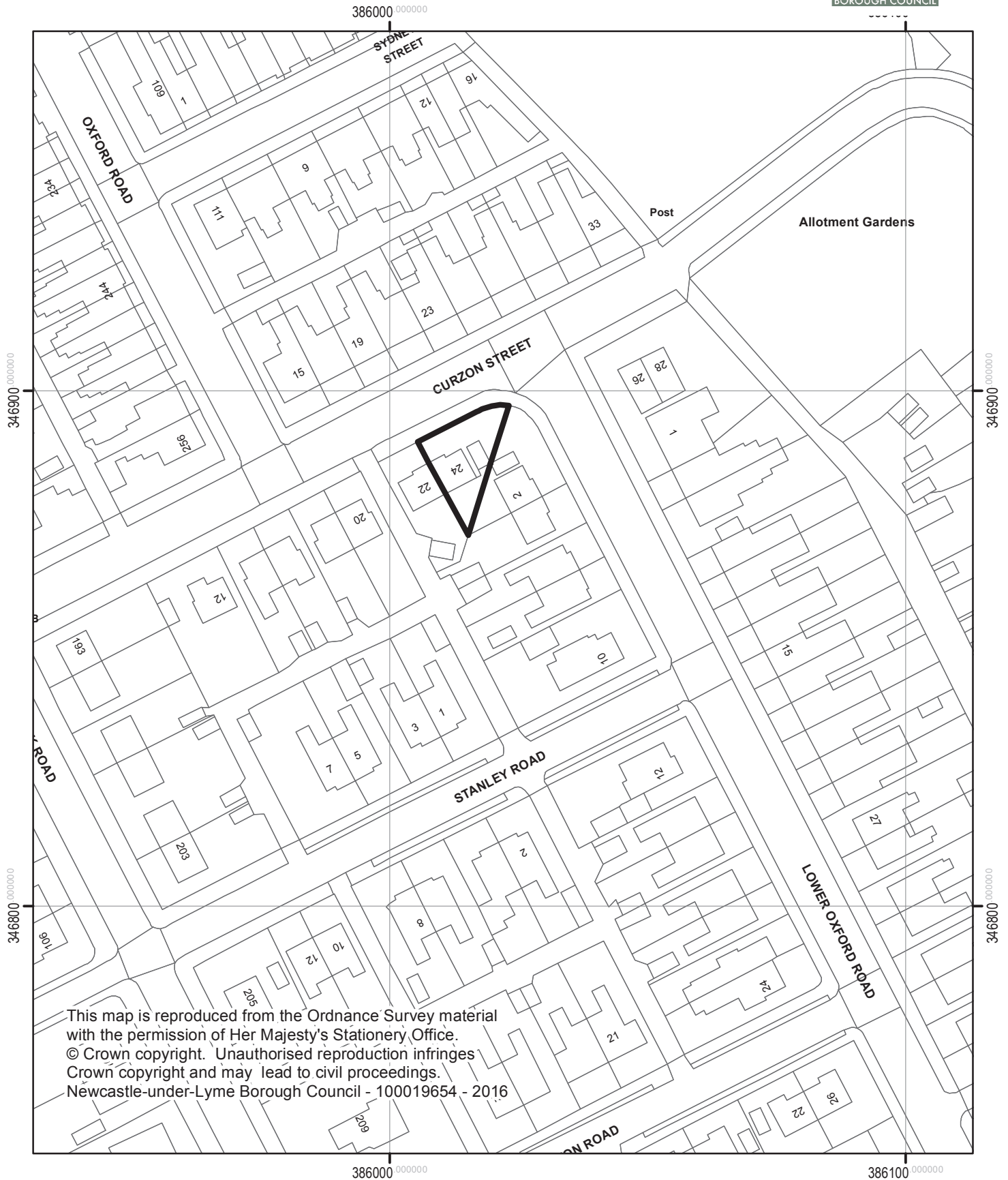
Planning File

Development Plan

Date report prepared

31st August 2016

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Watlands Park, Wolstanton - Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document and 7 Park Avenue Article 4 Direction

Report to Planning Committee 13th September 2016

Purpose of the Report

- 1) To inform the Committee of the results of the consultation process on the draft Watlands Park Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption by Cabinet.
- 2) To provide the Committee with the opportunity to consider whether to designate a Conservation Area at Watlands Park, as set out in the attached plan (Appendix B).
- 2) To provide the Committee with the opportunity to consider the comments received on the Article 4 Direction for 7 Park Avenue, Wolstanton and to decide whether to confirm the Direction.

Recommendations

- 1) That the Committee agree the draft Watlands Park 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;
- 3) That the Committee agrees to designate a Conservation Area at Watlands Park as shown on the plan attached as Appendix B and arrangements are made to formally designate the Conservation Area as soon as possible.
- 3) That the Committee confirms the Article 4 Direction for 7 Park Avenue, Wolstanton.

Reason

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

The Committee has the authority to designate new Conservation Areas or vary Conservation Area boundaries and to make and confirm Article 4 Directions

With regard to the Article 4 Direction the notification period is over and the Council must now decide if the Direction should be confirmed or not.

1.0 Introduction

- 1.1 The Planning Committee, on 26th April, approved the draft Watlands Park 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 it is considered for adoption by the Cabinet. It also will consider whether to designate a Conservation Area at Watlands Park, as set out in the Appraisal and on the Townscape Appraisal map. This report also considers the confirmation of the Article 4 Direction at 7 Park Avenue.

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 defines the special interest of the area around Watlands Park and proposes to designate a Conservation Area. It also identifies issues which might threaten these special qualities. The Management Plan provides a framework for future actions which includes the imposition of an Article 4 Direction on some of the properties within this area – as identified on the Townscape Appraisal map.

3.0 Consultation process and results

- 3.1 The consultation on the draft SPD took place over a six week period from 10th June to 22nd July 2016. The documents were on the Council's website and made available in the Guildhall. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation
- 3.2 In total, there have been 5 responses submitted on the draft documents. A consultation statement has been prepared with individual comments, the Council's response, including any recommended changes to the draft SPD. 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.
- 3.3 Residents who attended the consultation were positive about the environment in which they lived and want to preserve it. The representations support the designation of a Conservation Area and the making of an Article 4 Direction to restrict permitted development rights for certain houses within the Area as a way of helping the protect the area's special character.
- 3.4 The Conservation Advisory Working Party's further views are being obtained - they proposed no amendments or raised any issues with the document at consultation stage.

4.0 Designation of the Conservation Area

- 4.1 The appraisal is considered to provide an appropriate basis for concluding that the Council should move to designate the area as a Conservation Area given that it is an “area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance” (Section 69, Planning (Listed Buildings and Conservation Areas) Act 1990).

5.0 Article 4 Direction – 7 Park Avenue

- 5.1 At its meeting on 26th April, the Planning Committee also resolved that an immediate Article 4 Direction be issued to remove certain permitted development rights with respect 7 Park Avenue – including rights associated with works of improvement, extension and alteration of the building, its outbuildings; works to boundary walls and the demolition of the building and such walls. Under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 a Direction that affects this property was made with the giving of the required notice, including service upon the owner. The Direction came into force on 23rd May 2016. The Direction expires at the end of a 6 month period beginning with the date on which it came into force (i.e. by 23rd November 2016) unless it is confirmed by the Local Planning Authority.
- 5.2 The purpose of this report is to inform members of the representations made, and to enable the Planning Committee to consider whether the Article 4 Direction should be confirmed.

Notification process and results

- 5.3 The notification period where representations were invited took place between 23rd May 2016 and 21st June 2016. In accordance with legislation, the relevant notifications were undertaken. In total, there has been 1 letter of objection to the Article 4 Direction, in response to the notification submitted from an agent on behalf of the owner of the property and one of support.
- 5.4 The letter of objection (summarised) indicates the following;

The owner of the property wishes to renovate and occupy the property as a single family home and to retain the trees protected by a Tree Preservation Order. They want to retain the site as a single dwellinghouse, rather than, as appears to have been assumed in the April Committee report, to redevelop the site. They remind the Council of the policy set out in the NPPF and claim that the Council has failed to identify what special character or specific features the building possesses that are desirable to preserve in the interests of protecting local amenity, other than sash windows, nor have the Council identified any special or historic importance that the building possesses. They submit that Park Avenue has a mix of properties and that the area is unremarkable. The property itself they assert is well built and has undergone few alterations and considers the Article 4 Direction is not appropriate – on the basis that the property and the wider area in general lacks the special architectural or historic interest necessary to warrant a more strict level of protection. Similarly they question why 7 Park Avenue was singled out for an Article 4 Direction.

- 5.5 There has been a representation fully supporting the Direction from the Watlands Park Residents Association. The reason for the support of the Direction is to ensure the extensive renovation work needed to this vacant property is undertaken in character with this historically important house and uses appropriate materials.
- 5.6 The property lies within the proposed Conservation Area at Watlands Park. The NPPF indicates that *“the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity”* whilst the national planning practice guidance goes on to indicate that the potential harm that the Direction is intended to address should be clearly identified and there should be a particularly strong justification for the withdrawal of permitted development rights in certain cases – none of which apply here. The Conservation Area Appraisal sets out why the area has significant special architectural and historic interest to justify its status as a Conservation Area. The property at 7 Park Avenue is a fine example of an unaltered building which retains its original features. The fact that permitted development rights would enable any owner to remove many of these features is the reason why the Direction has been made to help protect and control development. Since the Direction has been made, a planning application (16/00538/FUL) for extensions and alterations to the house has been submitted which includes removal of all sash windows – without the Article 4 Direction an alteration which did not require permission. Conditions have been attached to this permission to retain and repair the timber sash windows on the main elevations or to replicate the style with any replacements.
- 5.7 It is required that the Borough Council notifies the Secretary of State of the Direction and the Secretary of State has raised no objections to it. As indicated above, the Direction must be confirmed before 23rd November 2016 or it will expire. It is considered, taking into account the representations received, that the Direction as made is justified as the property does retain special architectural details which contribute to the character of the area. An Article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail. Accordingly it is recommended that the Committee confirm the Direction. Following this, it will be necessary for the Local Planning Authority, as soon as practicable, to give notice of the confirmation and send a copy of the Direction to the Secretary of State.

6.0 Next Steps

- 6.1 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.
- 6.2 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.

- 6.3 If accepted by the Planning Committee the boundary will be formally designated and the relevant notifications done in the local newspaper and the London Gazette. The Article 4 Direction for 7 Park Avenue will be confirmed and the non-immediate Article 4 Direction for the new Watlands Park Conservation Area will be progressed as set out in the Management Proposals and in line with statutory procedures.

7.0 Background Papers

Consultation Draft SPD

Copies of representations made on the draft SPD

The SPD Consultation Statement

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

The responses received to the notification

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Consultation Statement

Watlands Park, Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

Background

The SPD redefines the special interest of the proposed Conservation Area at Watlands Park 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, 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 10th June to 22nd 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 Bradwell Lodge, Porthill, on 21st June. Posters about this event were sent to groups and put up around the proposed Conservation Area in public areas.
- News release was published by the Sentinel.
- Inspection copies of the SPD made available in the Guildhall.
- 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 Document.

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

3.1 The draft SPD has been well received. No comments have been received from Historic England or the County Council.

3.2 There have been 5 formal representations made. Attendance at the consultation event was good, with residents and local ward councillors 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 regarding the area's special character and the wish for it to be designated as a Conservation Area.

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

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 Albert Terrace	Very supportive of proposed Conservation Area, suggests adding properties at 2-24 Dimsdale Parade East.	Consideration has been given to these properties. 2-12 are not particularly significant, 14/16 were interesting but have suffered alterations and extensions, 18/20 are well proportioned villas and 22/24 are bungalows. Overall it is not felt that it makes sense to include this mixture of properties the CA boundary due to their disparate character and unsympathetic changes.	None proposed.
2	Resident Albert Terrace	Supportive of the proposed Conservation Area and protection of the character and quality of buildings	Noted	No change proposed
3	Resident Woodland Ave	Fully supports the proposals.	Noted	No change proposed
4	Resident Woodland Ave	Supports the proposed Conservation Area to ensure residential character not harmed by future planning applications.	Noted	No change proposed
5	Residents Woodland Avenue	Supportive of the proposal to designate a Conservation Area, but not of any further enlargement of it. Would wish to see individual planning applications that might be	Noted – the Council at present does have some funds available within its Historic Buildings Grant fund to assist homeowners	No change proposed

Appendix A

		required as a result of an Article 4 direction judged on their merits, and consideration given to use of sash type UPVC windows, insulation requirements and financial assistance where required		
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Proposed Conservation Area Boundary

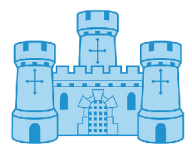
Proposed Conservation Area Watlands Park, Wolstanton Townscape Appraisal Map

Key



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NEWCASTLE UNDER LYME
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APPEALS ON LAND OFF ELDERTREE LANE, ASHLEY AND CHARNSFORD LANE, THE DALE, ASHLEY

Following the appeal decision that was reported to Planning Committee at its last meeting, relating to the refusal of planning permission for a single dwellinghouse on land rear of the Steps, Doctor's Bank, Ashley, a further two appeal decisions in the Ashley area have been received and are reported below.

1. APPEAL BY MRS JEN DERRICOTT AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DWELLING HOUSE ON LAND OFF ELDERTREE LANE, ASHLEY

<u>Application Number</u>	16/00140/FUL
<u>LPA's Decision</u>	Refused under delegated powers 25th April 2016
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	9th August 2016

In dismissing the appeal, the Inspector found the main issue to be whether, in the context of national policy and adopted local planning policy, the development is appropriate on this site. The key points raised by the Inspector within the appeal decision are summarised as follows:

- Not a matter of dispute that the Council is unable to demonstrate a 5 year supply of housing. Consequently Policy H1 of the Local Plan and Policies SP1 and ASP6 of the Core Spatial Strategy should be considered not to be up-to-date. The effect of this, taking into account paragraph 49 of the NPPF, is that the presumption in favour of sustainable development is to be applied. However, this is not to say that the policies should be totally disregarded as they remain part of the adopted Development Plan, rather the weight should be reduced accordingly.
- The appellant referred to the site being around 350m north-west of Ashley and the Council approximately 450m. Irrespective of the exact distance the site clearly forms part of the open countryside. It is not part of the appellant's case that the proposed development would fall in any categories of special circumstance listed in Paragraph 55 of the NPPF that apply to new isolated homes in the countryside.
- It would be possible for future occupants to walk or cycle into Ashley to attend church services or use the very limited facilities and the range of deliveries and peripatetic services which visit Ashley, including a bus service for primary and secondary school children.
- Ashley has limited employment opportunities.
- There is a bus stop within walking distance of the appeal site which is served by a regular day time service.
- Whilst the Inspector accepted that this is a relatively frequent service for a rural area, it is probable that any future occupants of the house would be likely to use the car for their day to day needs, including commuting to work. Nonetheless, in common with the Inspector who determined the recent appeal within Ashley at Doctor's Bank (which was reported to the 19th August Planning Committee), given the relative ease of access to the bus service, in contrast to the situation reported at the Rowney Farm appeal (reported to the 24th May Planning Committee) where a major road had to be crossed, the Inspector accorded moderate weight to the environmental harm in respect of the limited accessibility of the appeal site to means of transport other than the private car.
- As the occupants are likely to use their car for their day to day needs it is therefore probable that they would drive to settlements with more facilities and greater choice and therefore the construction of an additional dwelling would make little contribution to the vitality of the rural community and would be contrary to the provisions of Paragraph 55 of the NPPF.
- To provide a safe access requires the existing field access to be extended and the hedgerow trimmed back to enable adequate visibility splays.

- On the basis that the hedgerow forms part of a Pre Parliamentary enclosure field system, and is therefore considered 'important' a Hedgerow Retention Notice has been served and is now the subject of a separate appeal.
- Policy N12 of the Local Plan promotes the protection of significant tree, shrubs or hedges in the landscape and is generally consistent with paragraph 109 of the NPPF. As such Policy N12 is afforded significant weight. The loss of a significant proportion of the hedging fronting Eldertree Lane along the appeal site would impact significantly on the quality of the landscape and result in the loss of hedgerow which due to its age should be valued for its own merits. The proposal would be contrary to Policy N12 and the Inspector accorded it significant weight.
- The limited contribution of one dwelling towards addressing the undersupply of housing does not outweigh the harm identified and the proposal is thus not sustainable development for which there is a presumption in favour.

2. APPEAL BY MR NICK BRIDGETT AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR TWO PLOTS TO ACCOMMODATE DETACHED DWELLINGS WITHIN THE CURTILAGE OF CHARNSFORD HOUSE, CHARNSFORD LANE, THE DALE, ASHLEY

<u>Application Number</u>	15/00934/OUT
<u>LPA's Decision</u>	Refused under delegated powers 11th December 2015
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	2nd August 2016

In dismissing the appeal, the Inspector found the main issues to be:

- (i) Whether the proposed development would be sustainably located, with particular regard to access to local services and facilities;
- (ii) The effect of the proposed development on existing trees; and
- (iii) The effect of the proposed development on the character and appearance of the area.

The key points raised by the Inspector within the appeal decision are summarised as follows:

Location of development

- As in the appeal above, the Inspector indicated that as the Council does not have a 5 year supply of housing land, policies for the supply of housing are not up-to-date.
- Whilst not up-to-date, the Council's policies remain part of the Development Plan. The appeal site would be outside a settlement boundary and therefore would be contrary to Policies SP1 and ASP6 of the Core Spatial Strategy and Policy H1 of the Local Plan. The weight that can be attached to this conflict however is limited given the Council's lack of a 5 year housing land supply.
- Ashley village is less than half a mile from the appeal site, which has a number of facilities. The new dwellings would not be connected to Ashley by a safe or convenient means of access; the road connecting the two is a single track country road, devoid of a pavement or cycle lane. Walking or cycling to the services and facilities on offer, or to the local bus service, would not be a realistic option. Instead it is likely that journeys would be made by car.
- Approximately 1.5 miles from the site is Loggerheads a key rural service centre. The occupiers of the new dwellings would have few sustainable transport choices to Loggerheads from the appeal site. Consequently the proposal would result in unsustainable journeys, contrary to the objectives of the Framework.
- Weighed against this is the contribution two new dwellings would make to the shortfall in housing land supply. The proposal would also benefit local employment. The weight attributed to these benefits is limited, however, given the small number of houses proposed and the limited accessibility of the site and therefore the lack of sustainable transport options for prospective occupiers travelling to and from work.

- The harm identified, would not be significantly and demonstrably outweighed by the limited positive benefits. In line with paragraph 14 of the NPPF the development should not be granted planning permission in accordance with the presumption in favour of sustainable development.

Existing trees

- Trees that collectively contribute to the rural and verdant character of the area could be eventually lost due to damage to the roots due to tarmac surfacing and excavations required to form a driveway. This would be harmful to the rural character of the area and contrary to policy N12 of the Local Plan.

Character and appearance of the area

- Being on the lower slopes of Charnsford House and surrounded by landscaping, the dwellings would sit comfortably within their surroundings. Furthermore, set apart from each other and below Charnsford House, the dwellings would be appreciated within good sized plots which are characteristic of other properties within the area.
- The Inspector did not agree with the Council that the proposal would be harmful to the rural setting of the site.

Conclusion

- The development would be outside of an existing settlement and would not be sustainably located. Furthermore the loss and damage to existing trees which would have a harmful impact on the rural character of the area. Weighed against these matters is that the development would not have a harmful effect on the character and appearance of the local area. The harm identified would not be outweighed by the limited benefits of the scheme.

Officer comments

As Members are aware appeal decisions can be a material planning consideration in the determination of any subsequent planning applications. This is apparent in the first of the appeal decisions reported above which makes reference to other appeal decisions in the locality in assessing whether that site is in a sustainable location (one of the appeals referenced was reported to 19th August Planning Committee).

In light of the three recent decisions in Ashley it is considered an opportune time to reflect upon the picture that has begun to emerge from appeal decisions in the Loggerheads / Ashley area as to the sites where their location weighs significantly for or against the proposed development.

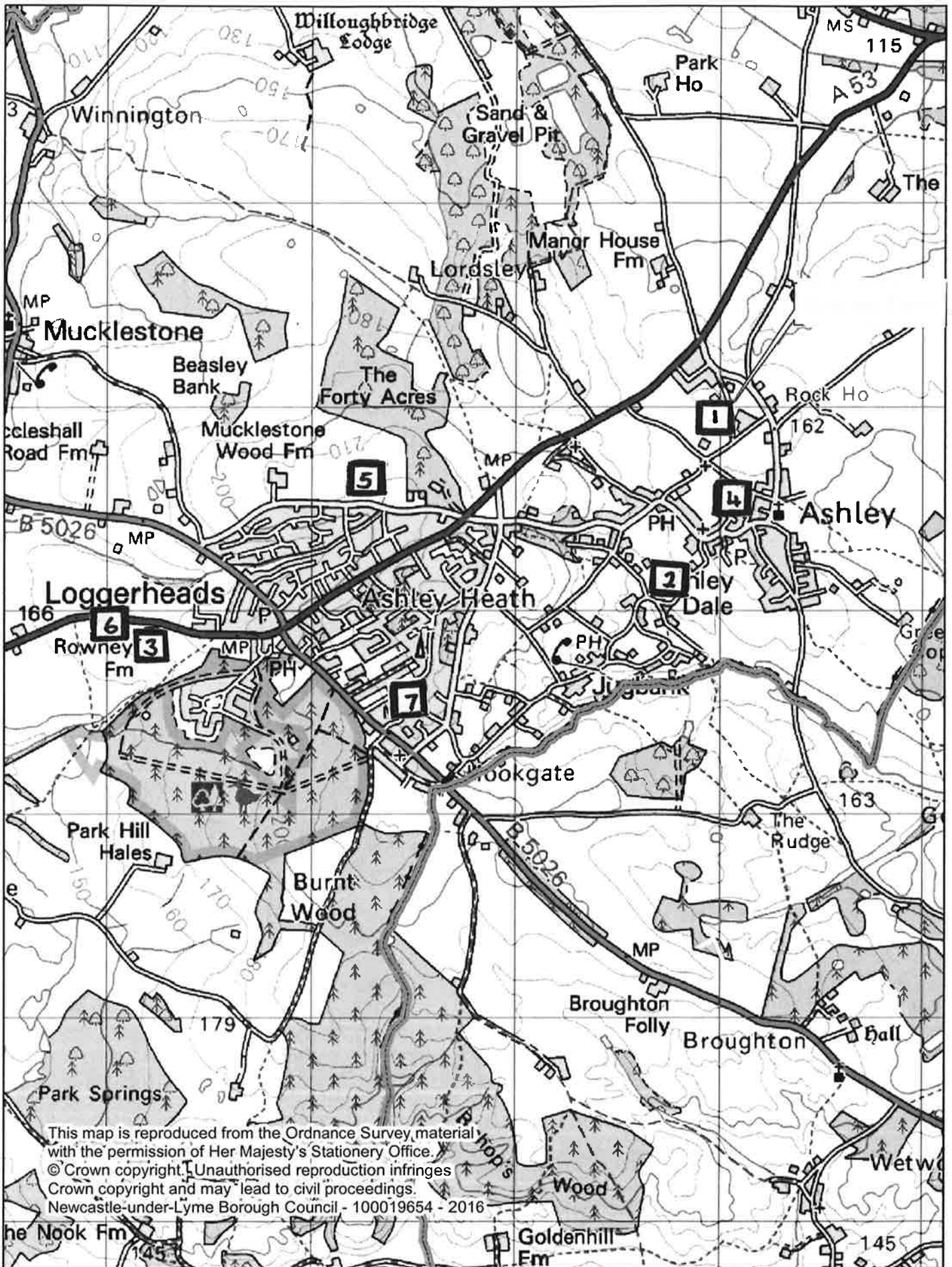
The Table below, therefore, sets out the appeal decisions within the Loggerheads/Ashley area over the last few years where location was a factor in the decision reached by the Inspector. The plan attached as an Appendix to this report shows the locations of the appeal proposals listed in the Table. Older appeal decisions and other appeal decisions where location was not addressed have not been included.

App Plan no.	Application Ref. no.	Proposed development & Site location	Appeal decision (& date when appeal decision reported to Comm)	Did location weigh in favour or against the proposal?
1.	16/00140/FUL	Single dwelling on land off Eldertree Lane, Ashley	Dismissed. (Reported above)	Against
2.	15/00934/OUT	Two dwellings at Charnsford House,	Dismissed (Reported	Against

		Charnsford Lane, Ashley	above)	
3.	15/00821/OUT	9 dwellings at Rowney Farm, Loggerheads	Dismissed (24.05.16)	Against
4.	15/00540/OUT	Single dwelling on land rear of the Steps, Doctor's Bank, Ashley	Allowed (19.08.16)	In favour (within the Ashley village envelope)
5.	15/00404/OUT	Two detached 4/5 Bedroom Dwellings at Wrekin House, off Mucklestone Wood Lane	Dismissed (26.04.16)	In favour
6.	14/00884/FUL	Change of use from Granny Annex to Detached Dwelling at Rowney Farm, Loggerheads	Allowed (13.10.15)	Against
7.	14/00053/OUT	Single dwelling at Land behind no. 5 Pinewood Drive, Ashley Heath	Dismissed (28.04.15)	In favour

Recommendation

That the decisions and the information provided on other appeal decisions be noted.



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APPEAL BY MR ANDREW LIGOCKI AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION 'TO BUILD A HIGHLY SUSTAINABLE ENERGY POSITIVE SINGLE DWELLING WITHIN THE BACKLAND GARDEN SITE OF THE LODGE', STATION ROAD, ONNELEY

<u>Application Number</u>	16/00129/FUL
<u>LPA's Decision</u>	Refused by Delegated Powers
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	10th August 2016

In dismissing the appeal, the Inspector found the main issue to be whether the principle of the development proposed would be acceptable having regard to national and local policies relating to development in the countryside.

- The proposal would see the construction of a dwelling on garden land to the rear of the existing dwelling.
- A previous appeal has been dismissed on the site for a dwelling that would have utilised sustainable construction methods. The Inspector for the previous appeal referred to the site's isolated location in the countryside and that the dwelling proposed would not represent exceptional quality or an innovative design.
- This appeal proposal differs from the previous scheme in that the design and appearance of the proposed dwelling has been revised and it would also have enhanced sustainability features.
- For the purposes of the development plan, the appeal site is not within one of the identified village envelopes or key Rural Service Centres where a limited amount of new housing development to meet identified local requirements is permitted. Policy H1 of the 'Newcastle-under-Lyme 2011 Local Plan' seeks to restrict new development in the countryside except in limited circumstances, none of which are relevant to the appeal proposal.
- The Council accepts that it is currently unable to demonstrate a five year supply of housing land and that several policies, including H1 of the LP are relevant to the supply of housing. Therefore the Inspector determined the appeal in accordance with the Framework.
- Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also states that new isolated homes in the countryside should be avoided unless there are special circumstances which include the exceptional quality or innovative nature of the design of the dwelling. The paragraph goes on to state that such design should be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- The Inspector took the view that 'The Lodge' is in a highly rural location with very limited glimpses of other buildings close by other than distant farmhouses nestled in the landscape.
- Whilst Onneley has some limited services, including a pub, a cricket club and a golf course, those services would not be sufficient to meet the day to day needs of future occupants of the dwelling. For example, future occupants would be reliant upon the private car in order to do even the most basic food shopping, visit the post office or access other higher level services such as a leisure centre or cinema. Furthermore, the appeal site is situated some distance from the main road through the village and Station Road is narrow, there is no pavement or street lighting and there are no pedestrian refuges along the road in the form of grass verges. In such circumstances it is unlikely that future occupants of the proposed dwelling would choose to walk to the village to access the limited services available or the bus stop particularly in the dark or during inclement weather. For these reasons, the Inspector was in agreement with the previous Inspector and the Council that the appeal site is in an isolated countryside location. As such the proposed dwelling would not be in a location where

it would enhance or maintain the vitality of rural communities in accordance with paragraph 55 of the Framework.

- The proposed dwelling would have the appearance of an agricultural barn, with some adaptations such as a flat roof to accommodate the solar panels proposed. Whilst an agricultural barn is often appropriate within a rural setting, the proposal would be situated behind the existing dwelling on the site which has a clearly defined domestic appearance. The proposed appearance of the dwelling would therefore be at odds with its immediate setting and it would be seen as an incongruous feature on the appeal site that would not enhance the area in design and appearance terms.
- Furthermore, whilst the agricultural appearance of a rural barn may be acceptable in the context of serving a functional purpose in the countryside, that is not synonymous with a building of exceptional quality or truly outstanding or innovative design. There is little specific evidence to suggest that the appeal proposal would help to raise the standards of design more generally in rural areas or that it would reflect the highest standards in architecture.
- The enhanced sustainability benefits of the proposed dwelling listed by the appellant are acknowledged. However, in order to meet the specific exception in paragraph 55 of the Framework the appeal proposal would need to fulfil the criteria listed. For the reasons given above, the development proposed does not.
- Accordingly, the principle of the development proposed would not be acceptable having regard to national policies relating to development in the countryside. The proposal would therefore conflict with paragraph 55 of the Framework.
- The adverse impacts of the appeal proposal would significantly and demonstrably outweigh the limited benefits.

Recommendation

That the decision be noted.

APPEAL BY MR I SNAITH AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A NEW DETACHED DWELLING, DOUBLE GARAGE, ALTERATION TO VEHICULAR SITE ACCESS, FORMATION OF NEW DRIVEWAY AT RED GATES, HADDON LANE, CHAPEL CHORLTON

<u>Application Number</u>	15/00878/FUL
<u>Recommendation</u>	Refusal
<u>LPA's Decision</u>	Refused by Planning Committee 10th November 2016
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	19th July 2016

In allowing the appeal, the Inspector found the main issue to be the effect of the proposed dwelling on the character and appearance of the area. The Borough Council had refused the application on the grounds that the design of the proposed dwelling, by reason of its scale, would have a harmful impact on the character of the area and the quality of the landscape.

Her reasoning is as follows

- The site is the large side garden of Red Gates which is a bungalow situated within a long ribbon development of other dwellings in an area designated in the Local Development Framework Proposals Map as an Area of Landscape Maintenance. Outline planning permission for a dwelling on the site was granted in 2015.
- Dwellings along Haddon Lane are of mixed age, size, design and height and the Lane is therefore characterised by a wide variety of dwellings with no architectural uniformity. The site contains a mature copper beech tree which is subject to a Tree Preservation Order (TPO) and the proposed house would be sited away from the tree to avoid harm to it.
- Although set at a slightly lower level than the dwellings on either side, the proposed dwelling would have a similar ridge height to that of the adjacent two-storey house. It would be larger than its immediate neighbours but as nearby dwellings are of mixed sizes, this difference would not look out of place.
- The main 2-storey part of the dwelling would be set back from the front elevations of the adjacent dwellings. Policy R5 of Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document indicates that buildings should define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area. However, the street does not have a strong building line and therefore, the proposed siting would not be out of character with the surrounding development pattern. The proposed double garage would be set roughly mid-way between the building lines of the neighbouring dwellings and would be some distance from the road and therefore it would not be dominant against other development. Overall, the proposed development would not look out of keeping or dominant within the street-scene.
- In conclusion the proposed dwelling would not harm the character and appearance of the area. Consequently, she finds conflict with Local Plan Policies N17 and N19 which jointly indicate that development should be sympathetic to landscape character and maintain the high quality and characteristic landscapes in Landscape Maintenance Areas; and CSP1 of the Core Spatial Strategy which seeks to ensure that new development should respect the character, identity and context of the townscape and landscape. Neither is there conflict with the National Planning Policy Framework which promotes good design and reinforces local distinctiveness

In considering what conditions the permission should be subject to the Inspector rejects a suggestion from the Council that permitted development rights should be removed noting that the Planning Practice Guidance (PPG) advises against such conditions except in exceptional circumstances and no such circumstances had been advanced. She notes that the extant outline permission is subject to an occupancy condition to ensure that the existing bungalow would continue to be occupied by the mother of the appellant. The Council's position was that the personal needs of the appellant outweighed the unsustainable location of the site, hence the imposition of this condition. In response to the Council's suggestion that the condition

should be re-imposed on this new permission the Inspector noting that the suggested condition is worded so that its requirements would last for the life of Mrs Snaith indicates that there are 2 main reasons why she considers that she cannot impose such a condition. The first is that she says that she has no substantive evidence that the site is in an unsustainable location and therefore she has insufficient evidence that the condition is necessary. The second is that the condition would serve no planning purpose because after Mrs Snaith dies, the bungalow could be occupied by anyone.

Your Officer's comments

This appeal was not about the principle of a house on the site, that point having been accepted by the Authority in its decision in 2015 on the outline application. The Inspector took a different view from the Authority on the design of the house and gives reasons for that view. The appeal demonstrates well how at every stage it is necessary for a Local Planning Authority to justify conditions. Whilst the Inspector does refer to "circumstances not having been advanced", and a lack of "substantive evidence" as to the unsustainable nature of the location, which could be perceived as an observation on the content of the Authority's statement of case, her refusal to include the two conditions is also based upon the advice in the Planning Practice Guidance. Any members who may have been supportive of the principle of a house here on the assumption that it would be possible to restrict the use of the existing house to the use which the applicant said at the time it would be put (and which may of course continue to be the case) may wish to note that this position could not be sustained at appeal.

Recommendation

That the decision be noted.

APPEAL BY MR AND MRS COX AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE DWELLING HOUSE ON LAND TO THE REAR OF GRINDLEY COTTAGE, CHURCH LANE, BETLEY

<u>Application Number</u>	15/01033/FUL
<u>LPA's Decision</u>	Refused
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	25th August 2016

In dismissing the appeal, the Inspector found the main issue to be the effect of the development on the setting of the Grade I Listed Building, St Margaret's Church, and on the character of the Betley Conservation Area.

- The appeal site lies within the Betley Conservation Area. St Margaret's Church, a Grade I listed building, adjoins the northern boundary of the site. The graveyard within which the listed building sits and the detached graveyard to the north of Church Lane are noted in the Conservation Area Appraisal as 'significant open spaces'. The land surrounding the church provides an open setting and as it is also elevated the heritage asset creates a prominent feature within the street scene.
- The residential properties in the area vary in terms of their age, scale and design. Several in the vicinity of the church, including Grindley Cottage and Grindley House, are identified in the Conservation Area Appraisal as 'positive buildings'. The appeal site forms part of the garden to Grindley Cottage.
- The site is relatively well screened by existing mature trees on its boundaries with the lane to the cricket club and its car park. There are also trees within the central area of the site, some of which would be lost as part of the development. The level of screening provided by the trees varies between seasons and from several viewpoints the foliage limits views of the church and would filter views of the proposed dwelling. The boundary with the church is marked by a hedge recently planted within the graveyard which in time will increase the degree of enclosure of the appeal site.
- From vantage points in the area filtered views of the dwelling would be possible and in some views it would be seen in the context of the church. This would be particularly so from the car park of the cricket club where in times when there is no foliage on the trees the dwelling would be seen in the foreground. The dwelling would impose on the open view of the tower currently seen from The Butts. Furthermore, from Church Road and various points within the detached graveyard, the proposed dwelling would be seen in the backdrop to the church. The appeal site is therefore important in the wider setting of the listed building. The proposed dwelling would have the potential to encroach into the open character of that setting which is of significance to the heritage asset.
- It is accepted that other properties in the area are seen in the context of the church. However, most of these properties are set on lower ground and do not detract from the prominence of the listed building
- The proposed dwelling is described by the Appellant as a cottage of traditional appearance built of reclaimed brick and sandstone under a slate roof. However the dwelling would be split level. The elevation facing the church would be part single and part two storey and would contain openings of varying proportions including large full height windows.
- It is accepted that there is a variety of styles of property surrounding the church however there is no detailed analysis or substantive explanation which justifies the design of the dwelling now proposed and the contribution it would make to the setting of the heritage asset.
- On balance it is considered that the siting and design of the dwelling would be unsatisfactory and cause harm to the setting of the listed building, contrary to Policy B5 of the Newcastle under Lyme Local Plan 2011 (LP) and the aims and objectives of the National Planning Policy Framework which resist development which would adversely affect the setting of a listed building.

- In respect of the degree of harm that would be caused to the setting of the heritage asset it is considered it would be less than substantial. The balance against public benefits required in these circumstances by the Framework is addressed later.
- Any development on the appeal site would be important in the transition from the built development of the settlement and the rural landscape beyond. Given the identified design concerns, it is considered that the proposal would fail to create a strong sense of place and would not promote or reinforce local distinctiveness. As a result the proposal would not integrate well into the landscape and the historic character of Betley. On this basis the development would fail to preserve or enhance the character or appearance of the Betley Conservation Area. However, the harm it would cause would be less than substantial.
- In circumstances where less than substantial harm is identified, the Framework requires the proposal to be weighed against the public benefits the proposal would bring. No public benefits have been identified in evidence and although the provision of a dwelling would go towards addressing the national housing shortage, there are no details of the effect it would have locally. It is therefore concluded that there are no public benefits sufficient to outweigh the harm identified to the setting of the listed building and the character of the conservation area.

Recommendation

That the decision be noted.

Report on Open Enforcement Cases

Purpose of the Report

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

Recommendations

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

Background

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

In the last quarter (April–June 2016) a further 65 new cases have been reported, lower than the previous quarter (68). The current number of open cases is 252 (3 less than at the end of the last quarter). The number of open cases this quarter has therefore decreased slightly.

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (12 as at 22 August 2016).

Conclusions

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

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

Current Outstanding Enforcement Cases

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

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2016	168	52	1	40	11	-	-	-	-
2015	238	39	1	25	12	1	-	-	-
2014	212	46	-	35	11	-	-	-	-
2013	219	30	5	20	5	-	-	-	-
2012	229	25	8	11	6	-	-	-	-
2011	204	11	2	7	2	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	10	-	6	1	1	-	1	1
2008	276	10	-	-	-	-	3	7	-
2007	353	5	-	-	-	-	1	3	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2
2004	252	1	-	-	-	-	1	-	-

2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

Open Cases **252**
(inc Backlog)

Previous Quarter 255

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

Date report prepared

22 August 2016