

# Public Document Pack

Date of meeting	Tuesday, 8th November, 2016
Time	6.30 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 - Unit 2 Jamage Industrial Estate, Pit Lane, Talke Pits. CTL Estates Ltd. 16/00659/FUL** (Pages 7 - 12)
- 5 **Application for major development - New Look Pit Head Close, Newcastle. New Look. 16/00712/FUL** (Pages 13 - 22)
- 6 **Application for Minor Development - The Offley Arms, Poolside, Madeley. London and Edinburgh Pension Scheme LLP. 16/00594/FUL** (Pages 23 - 32)
- 7 **Application for Minor Development - Land Adjacent to Sheet Anchor, Newcastle Road, Whitmore. G Donlon. 16/00609/FUL** (Pages 33 - 42)
- 8 **Application for Minor Development - The Nurseries, 35 Alsager Road, Audley. Smartbuild and Design Ltd. 16/00747/FUL** (Pages 43 - 50)
- 9 **Application for Minor Development -The Coppice School, Abbots Way, Westlands. Shaw Education Trust. 16/00626/FUL** (Pages 51 - 60)
- 10 **Half yearly report on planning obligations** (Pages 61 - 68)
- 11 **Register of Locally Important Buildings and Structures in Newcastle-under-Lyme - 2016 Review** (Pages 69 - 70)
- 12 **Tree Preservation Order- Elds Nook, Willoughbridge. TPO175** (Pages 71 - 74)
- 13 **Article 4 Direction for Whitmore Conservation Area** (Pages 75 - 76)
- 14 **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, Panter, Pickup (Vice-Chair), Proctor (Chair), Reddish, Simpson, Snell, Sweeney, Turner, G Williams and J Williams

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

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

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

**FIELD\_TITLE**

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

**PLANNING COMMITTEE**

Tuesday, 11th October, 2016  
Time of Commencement: MeetingActualStartTime

**Present:-** Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, S Hambleton,  
T Hambleton, Heesom, Loades,  
Northcott, Panter, Pickup, Reddish,  
Spence, Sweeney and Turner

Officers Geoff Durham, Jennet Hough, Rachel  
Killeen, Elaine Moulton, Trevor Vernon  
and Darren Walters

Apologies Councillor(s) Mancey, Simpson,  
G Williams and J Williams

**1. DECLARATIONS OF INTEREST**

Councillor Turner declared an interest on application 16/00804/DEM as it came within his Portfolio (Finance, IT and Customer).

**2. COUNCILLOR BILLY WELSH**

Members observed a minute's silence as a mark of respect to Councillor Billy Welsh who had recently passed away.

**3. COUNCILLOR GARETH SNELL**

The Chair welcomed Councillor Snell on to the Committee following his recent re-election onto the Council in August. In addition, Councillor Spence, who was sitting on the Committee, for the first time, as a substitute was also welcomed.

**4. MINUTES OF PREVIOUS MEETING(S)**

**Resolved:** That the minutes of the meeting held on 13 September, 2016 be agreed as a correct record.

**5. APPLICATION FOR MAJOR DEVELOPMENT - THE HOLBORN, CASTLE HILL ROAD, NEWCASTLE. BRIGHT EDUCATION AND CULTURAL ASSOCIATION. 16/00641/COU**

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

- (i) Time limit.
- (ii) Approved plans.
- (iii) Provision of a kitchen ventilation system and odour abatement.
- (iv) Internal noise levels.
- (v) Travel plan.

**6. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT END OF GATEWAY AVENUE, BALDWINS GATE. KIER LIVING LTD. 16/00676/REM**

Councillor Loades asked what impact there would be on this Council if the properties in this area were to flood due to an inadequate drainage system or if a train were to be derailed due to flooding. Councillor Loades stated that there were already problems with the drainage in that area.

The Council's legal representative, Mr Trevor Vernon advised Members that the Local Planning Authority would have had to have acted in a negligent way in granting planning permission. Drainage comes under different legislation and is the responsibility of the developer. If planning permission were to be granted it would be unlikely that the Local Authority would be held responsible.

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

- (i) Link to outline planning permission and conditions.
- (ii) Approved plans.
- (iii) Details of the tie in of access of the site with Gateway Avenue.
- (iv) Integral garages of the Suckley house type to be retained for the parking of vehicles.
- (v) Materials (facing, roofing and surfacing).
- (vi) Landscaping conditions.
- (vii) Details of management of community orchard.
- (viii) Upgrading of the surface of the right of way.

**7. APPLICATION FOR MAJOR DEVELOPMENT - UNIT B DALEWOOD ROAD, CHESTERTON. CHANCERYGATE (LIVINGSTON) LTD. 16/00732/COU**

**Resolved:** That, subject to no representations/consultation responses being received by 14<sup>th</sup> October that raises issues that haven't been addressed within this report and which cannot be dealt with by the use of appropriate conditions, the Head of Planning be given the delegated Authority to PERMIT the application subject to the undermentioned conditions and any further conditions as recommended by consultees:

- (i) Time limit.
- (ii) Approved plans.
- (iii) Prior approval of plan showing secure weatherproof cycle parking for 8 cycles.
- (iv) Prior approval of plan showing 30 car parking spaces to then be marked out prior to occupation.

**8. APPLICATION FOR MINOR DEVELOPMENT - THE COPPICE SCHOOL, ABBOTS WAY, WESTLANDS. SHAW EDUCATION TRUST. 16/00626/FUL**

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

9. **APPLICATION FOR MINOR DEVELOPMENT - MCDONALD'S DIMSDALE PARADE WEST, NEWCASTLE. MCDONALD'S RESTAURANTS LTD. 16/00726/FUL**

**Resolved:** That the application be refused due to concerns that the additional opening hours would result in noise and disturbance that would unacceptably affect the level of amenity of adjoining residents.

10. **APPLICATION FOR OTHER DEVELOPMENT - FORMER KNUTTON RECREATION CENTRE, HIGH STREET, KNUTTON, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 16/00804/DEM**

**Resolved:** That prior approval is required and granted. The works to be carried out in accordance with the approved details, except to the extent that the Local Planning Authority otherwise agree in writing.

11. **ARTICLE 4 DIRECTION FOR MADELEY AND AUDLEY CONSERVATION AREAS**

**Resolved:** That the Article 4 Direction for Madeley and Audley Conservation Areas be confirmed, coming into force on 31 October 2016 as set out in the Direction.

12. **APPEAL DECISION - HAMPTONS OFF KEELE ROAD, NEWCASTLE. 14/00948/OUT**

**Resolved:** That the decision be noted.

13. **URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR BERT PROCTOR**  
**Chair**

Meeting concluded at 9.20 pm

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**UNIT 2 JAMAGE INDUSTRIAL ESTATE, PIT LANE  
CTL ESTATES LIMITED (MR ROSE)**

**16/00659/FUL**

The application seeks full planning permission for an extension to an existing industrial warehouse unit on an established industrial estate in Talke. The proposed extension would have a floor area of 1045 square metres.

The site lies within the urban area of Newcastle which has no specific land-use designations as indicated on the Local Development Framework Proposals Map.

**The statutory 13 week determination period for the application expires on 9th December 2016**

## **RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Approved plans and details**
- 3. Materials as per the submission**
- 4. Provision of parking servicing and turning areas prior to the extension being brought into use**
- 5. The vehicular one way system shall be signed and marked out prior to use**
- 6. Submission and approval of secure weatherproof parking for a minimum of 10 cycles**

## **Reason for recommendation**

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

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

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

## **KEY ISSUES**

This application is for full planning permission for an extension to an existing industrial warehouse unit to provide an additional 1,045sqm of floor space of the building. The site is located on an established industrial estate that has no specific land use designations.

The existing access will continue to be utilised off Diglake Close.

The main issues to consider in this proposal, therefore, are as follows;

- Is the principle of a further extension to the building acceptable?
- Is the design of the extension acceptable? and
- Car parking and highway safety?

## **Is the principle of a further extension to the building acceptable?**

Paragraph 19 of the NPPF indicates that "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

The application indicates that the proposed extension is now required to meet the demands of a growing business at the premises which operates as a metal storage and distribution business. Whilst the application indicates that there would be no additional employment opportunities created by the proposed extension the proposal would help the business to operate more functionally within the site and presumably negate the need to move premises.

Policies of the Core Spatial Strategy support proposals for employment provision and due to the location of the extension in an established employment area with good links to the transport system it is considered that the proposal would accord with the guidance and requirements of the NPPF.

#### Is the design of the extension acceptable?

The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The existing building is large with a footprint of 5780 square metres and a double floor height (measuring approximately 7.2m to eaves and 12.2m to ridge). It has a functional appearance constructed mainly in facing brickwork, but also incorporating some sheet cladding at a high level. On the majority of the building is a corrugated fibre cement panel double pitched roof, incorporating polycarbonate roof lights. There is also a subordinate flat roofed single storey element of the existing building on part of the southern elevation of the building wrapping round on the eastern elevation.

The proposed extension would be located on the south elevation and would have a footprint of 1045 square metres. It has a shallow, mono-pitched roof that extends to just below the eaves of the double height building. The materials would fully match those of the original building but the extension would appear as a modern and functional extension. There would be very limited views of the proposal from outside of the site and none from any main vantage points.

Overall given the appearance of the existing building and its context, the design of the proposal is considered acceptable and would not harm the visual amenity of the area. The development is therefore considered to be in accordance with the guidance and requirements of the NPPF and policy CSP1 of the CSS.

#### Car parking and highway safety?

Saved Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Appendix 3 sets out maximum parking standards for different uses. For B8 uses it specifies a maximum of 1 space per 80m<sup>2</sup> which would equate to a maximum requirement of around 13 parking spaces for the additional floor space and a maximum of 75 parking spaces in total taking into account the existing floor space of the building.

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

The application has been supported by a transport statement that indicates that 69 parking spaces will be provided within the application site. A site traffic layout plan has been submitted to show how the 69 spaces can be accommodated and how cars and delivery vehicles will manoeuvre the site using a one way system. It is considered that it has been demonstrated that the level of parking proposed would not create or aggravate a local on-street parking or traffic problem. Subject to the conditions recommended by the Highway Authority, which are considered acceptable, the development is considered to comply with policy T16 of the local plan and the requirements and guidance of the NPPF.



## **APPENDIX**

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

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

Policy SP2      Spatial Principles of Economic Development  
Policy SP3      Spatial Principles of Movement and Access  
Policy CSP1     Design Quality  
Policy CSP3     Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy T16 – Development – General Parking Requirements  
Policy T18 - Development and servicing requirements

### **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**

N2315 (1975)    Erection of offices            Permit

### **Views of Consultees**

The **Coal Authority** do not object to this planning application.

The **Highway Authority** raises no objections subject to conditions that secure the parking, turning and servicing areas prior to the use of the extension, the one way system being signed and marked out for the life of the development and the submission and approval of a secure weatherproof parking for a minimum of 10 cycles.

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

The **Waste Management Section** has been consulted on this application and has not responded by the due date of the 07.10.2016 and it is assumed that they have no comments to make on the application but any comments received prior to the committee meeting will be reported.

**Staffordshire County Council Flood Risk Team** have indicated that considering the scale of the development and existing site conditions, they have no comments to offer on this occasion.

### **Representations**

No representations have been received to date.

### **Applicant/agent's submission**

The application is supported by a design and access statement, transport statement and eh requisite plans.

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/16/00659/FUL>

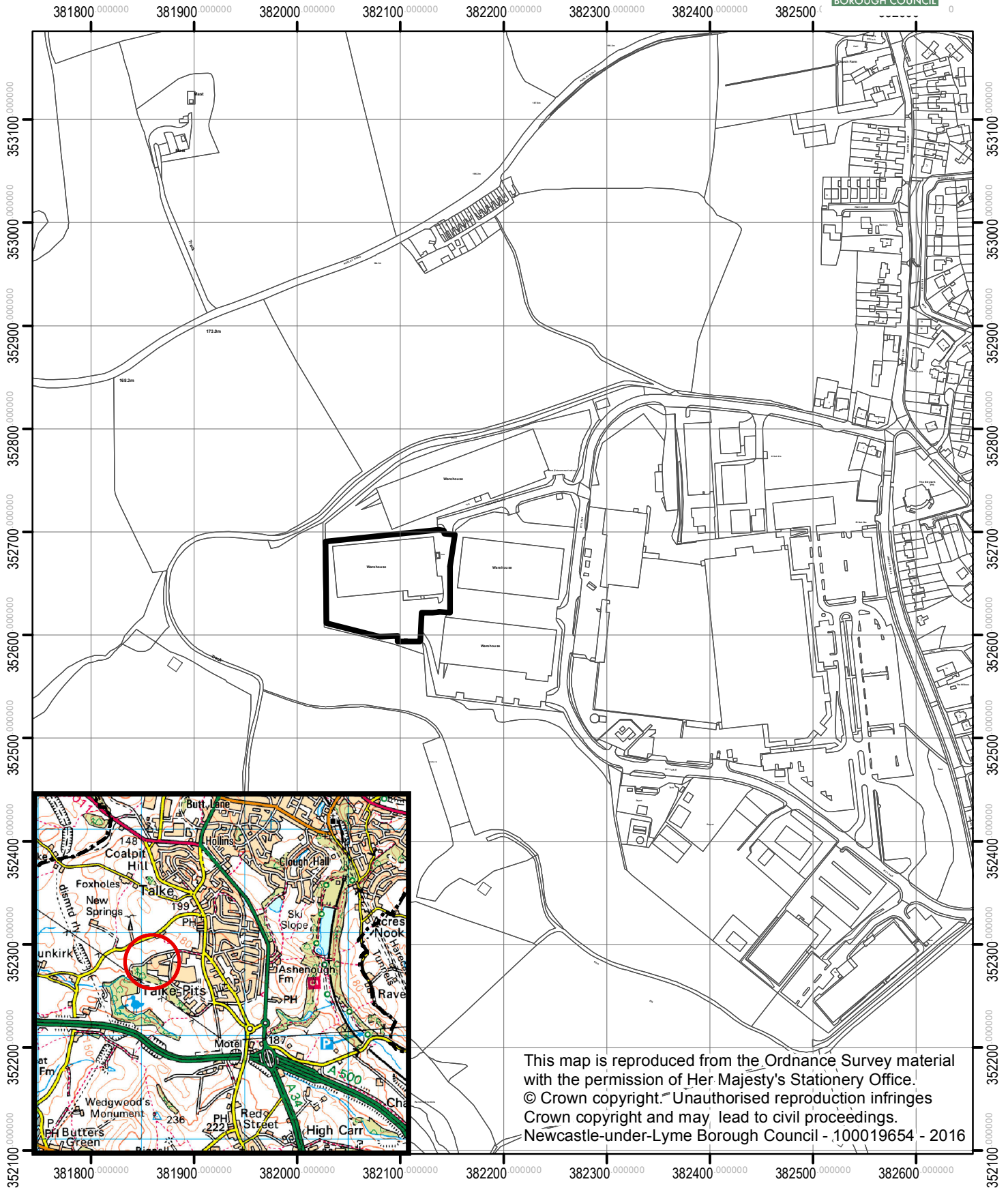
### **Background Papers**

Planning File  
Development Plan

Date report prepared

14<sup>th</sup> October 2016

**Unit 2 Jamage Industrial Estate  
Pit Lane, Kidsgrove, ST7 1XW  
16/00659/FUL**



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**NEW LOOK, PIT HEAD CLOSE, NEWCASTLE UNDER LYME  
TIMMS**

**16/00712/FUL**

The application seeks full planning permission for an extension to an existing warehouse and distribution building to provide an additional 7,900sqm of floorspace.

The site lies within the urban area of Newcastle on an established employment development site (Policy E3), as indicated on the Local Development Framework Proposals Map.

**The statutory 13 week determination period for the application expires on 2<sup>nd</sup> December 2016**

## **RECOMMENDATION**

**A. Subject to the applicant first entering by 1<sup>st</sup> December 2016 into a section 106 obligation securing a contribution sum of £2,100 towards Travel Plan monitoring, PERMIT the application subject to conditions relating to the following matters:-**

- 1. Standard Time limit for commencement of development,**
- 2. Approved plans,**
- 3. Materials as per submitted plans/ match existing buildings,**
- 4. Grampian condition requiring submission, approval and implementation of a landscaping scheme for the west facing side of the bund prior to the commencement of the development**
- 5. Notwithstanding submitted site plan submission, approval and implementation of soft landscaping details within the development site,**
- 6. Provision of parking and manoeuvring areas prior to development being brought into use, subject to compliance with the above condition**
- 7. Travel Plan implementation,**
- 8. Submission and approval of an Air Quality Impact Assessment for heating system,**
- 9. Any external lighting to be as shown in the submitted Lighting Assessment Report 2860SBH and external lighting plan 2860SBH-24-01-0-1,**
- 10. Mitigation as per submitted Ecological Constraints Assessment,**
- 11. Submission and approval of further surface water drainage details,**

**B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.**

## **Reason for recommendation**

Policies of the Core Spatial Strategy support proposals for employment provision and the design of the extension would be acceptable in the context of the existing surroundings and any impact would not be adverse within the context of the site, the surrounding business park and the adjacent Country Park and areas of public open space. The application has demonstrated that the proposal represents a sustainable form of development which would comply with the guidance and requirements of the National Planning Policy Framework and should be approved.

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

Detailed pre application discussions were undertaken and further information during the planning application has been submitted to address matters. The proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

This application is for full planning permission for an extension to an existing warehouse and distribution building to provide an additional 7,900sqm of floorspace to the building which includes 1010sqm of ancillary office space. The application is a further extension to the building following a previous application granted in November 2009 for an 8,918sqm extension (DC3).

The existing vehicle and pedestrian access arrangements will be utilised off Pit Head Close/ Ore Close, within the Lymedale Industrial Estate.

Land contamination, coal mining, noise and air quality and the impact on ecology are not considered significant and any impacts can be addressed by the use of conditions. Therefore the main issues to consider in this proposal are as follows;

- Is the principle of a further extension to the building acceptable?
- Is the design of the extension acceptable?
- Loss of car parking and the impact of the proposed development on highway safety in terms of increased vehicle movements?
- Will the development have an adverse impact on TV reception in the area? and
- Surface Water Drainage matters

### The principle of a further extension to the building

Paragraph 19 of the NPPF indicates that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

The application indicates that the New Look business continues to grow year on year and in particular the e-commerce aspect. There is now a demand for the business to expand and the applicant indicates that the proposed extension would ensure that the business can grow on this site which can continue to deliver quality and effectiveness which the applicant considers has been an essential part of the growth and success of the company .

The proposed extension is to accommodate a growing e-business sector which is likely, according to the applicant, to create in the region of 150-200 additional job opportunities over the next two years and will ensure the continued investment year on year by New Look at the Lymedale site.

The extension will provide an additional 6,900 square metres of warehousing and 1000 square metres of office space.

Whilst the additional office space is extensive and offices are identified as a ‘main town centre use’ in the NPPF they will, in this case, be associated with and physically part of the business operating from the site and accordingly it is not considered necessary to apply the sequential test indicated in the NPPF.

Policies of the Core Spatial Strategy support proposals for employment provision and due to the location of the extension in an established employment area with good links to the transport system it is considered that the proposal would promote sustainable economic growth in accordance with the guidance and requirements of the NPPF. The principle of this application should therefore be supported.

### Is the design and impact on the visual amenity acceptable?

The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

The proposed extension would be a large extension to the south-west of the existing large warehouse and distribution building that has been extended previously. The previous extension to the building, known as DC3, had a greater height than the original building by approximately 3 metres and the extension now proposed would also have a similar increased height of 3 metres.

The reason for the greater height is indicated to be the automation technologies and systems which are important to the successful operation of the business and its growth.

The general design of the proposed extension would have a similar appearance to the previous extension with the same palette of materials – with darker panels and eaves features. As such it is different in design from the original building with its distinctive cantilevered corners and partial use of timber cladding, but it marks a significant improvement upon the earlier warehouse developments within Lymedale.

The application is supported by a Landscape & Visual Impact Assessment (LVIA) in recognition that the extension is large and would be closer to the adjacent Apedale Country Park than existing buildings are, albeit still within an existing employment site.

The LVIA assesses a number of key viewpoints and the likely visual effects on these receptors. These include views from the Apedale Country Park/ Visitor Centre, residential properties such as Cheviot Close, public rights of way, and road users. The potential impact on these receptors is considered high due to their “sensitivity” and the size of the proposal. However, whilst the sensitivity level is classed as high the actual adverse impact level on all receptors is identified in the LVIA as low or moderate due to the existing views of Lymedale Business Park, the existing buildings and the design and location of the proposed extension. Therefore the proposals are identified in the LVIA as only having a minor adverse effect. Two visual representations of the development have been submitted, and members are recommended to have a look at these in advance of the meeting – they are within Appendix F of the LVIA.

The LVIA identifies that the existing bund and associated woodland planting directly adjacent to the south and west of the site would assist in reducing the effects of the proposed extension. If allowed to establish, the woodland along the bund would improve screening and filtering of views toward the new building, improving the long term impact and effect on all landscape and visual receptors to negligible adverse or neutral.

Your officers note that the existing bund to the southwest of the development is about 4 metres high although it reduces to nothing at the northwestern corner of the site. Tree planting previously placed on the uppermost part of the bund, and its inner face is now established. The building would be 18 metres high and particularly when seen from the Cotswold estate, the southern approach to Apedale valley, would visually project out into the Apedale Valley even though it is on the existing employment site. The development plateau is at a higher level than the floor of the Apedale Valley at this point.

The Apedale Country Park area (as shown by the designation C8 on the Local Plan Proposals Map) lies some distance to the west and north-west although the two Borough and the County Councils control significant areas of land in the vicinity including the bund and the adjoining Apedale Valley which are used for informal recreational activities. That area has, within the Local Plan, a designation as an Area of Landscape Regeneration, within which where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration (N22). Policy E3 of the Local Plan referring to the Lymedale Park extension indicates that the “extent and topography of the development area must not harm the visual quality and character of Apedale Community Country Park or the Apedale Valley as a whole” (criterion (iii)), whilst “high quality landscaping must be provided which... mitigates any visual harm to the adjoining Apedale Valley” (criterion (v)). Apedale Valley is not however the subject of any national landscape designation.

To the northwest of the site lies an area of higher land, in private ownership, with mature tree cover upon it. A Grampian condition was imposed on the 2009 approval for the DC3 extension requiring certain landscaping on the bund to be undertaken prior to that extension’s construction but if that landscaping was implemented it does not appear to have become established.

The Landscape Development Section has requested enhanced woodland planting and landscape management proposals on land within the Country Park which is outside of the area controlled by the applicant, although within the control of either the County Council or the Borough Council. It would appear that the most important existing feature (which will provide the appropriate landscape context for the development is the above mentioned tree covered hillock on the adjacent privately owned land. There is no reason to consider this will be removed. As to the bund it is considered essential that given the height of the development and its location within the valley, significant additional tree planting on the bund is now provided. If this is done whilst the proposed extension would lead to some visual impact but it is appropriately designed due to it matching the appearance of the existing buildings and it would be seen, particularly from a more elevated position, as within the context of the existing site and wider business park. Subject to this proviso, the proposed development would therefore not result in a significant harmful impact on the visual amenity of the area.

Loss of car parking and the impact of the proposed development on highway safety in terms of increased vehicle movements?

The proposed extension would be located on part of the existing car park which would result in the loss of car parking spaces within the site.

The submitted Transport Statement indicates that the business has an existing capacity of 654 car parking spaces over the DC1, DC2 & DC3 sites. This will be reduced to 579 spaces if the proposed extension is constructed. Therefore 75 spaces would be lost at the DC2 and DC3 site and the proposed extension would create an additional floor space of 7,900 square metres. For the avoidance of doubt the parking arrangements would remain the same at DC1.

Saved Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets.

The TS concludes on the basis of surveys that the existing parking demand is significantly below the capacity of the current car parks with significant "spare" capacity allowing for the times of peak demand at shift changeover times. Projecting existing travel to work characteristics an overall parking requirement is then calculated allowing for the new development, which falls comfortably below the planned provision of spaces. A Travel Plan has also been submitted to support the application and it is clear that the business supports and seeks to promote sustainable transport usage. The business operates a successful car share scheme and the site is within walking and cycling distance of residential areas and there are good links to public transport modes i.e. bus services to the wider area.

Officers have visited the site on numerous occasions and existing parking demand has been low within the car park. The Highways Authority has also raised no objections subject to conditions which secure the parking and manoeuvring areas along with the travel plan being implemented in accordance with the timetable set out in the travel plan. A travel plan monitoring fee would need to be secured via the completion of a Unilateral Undertaking.

Subject to the recommended conditions and the travel plan monitoring fee it is considered that the proposal is unlikely to exacerbate an on street car parking or highway safety implications which comply with policy T16 of the Local Plan. The proposal would also encourage sustainable transport and so would meet the guidance and requirements of the NPPF.

Will the development have an adverse impact on TV reception in the area?

During the consideration of the previous planning applications on the site the matter of television signal reception has had to be considered with a condition of the reserved matters application (app ref 05/01140/REM) requiring a television reception survey be undertaken within 2 months of the completion of the development. A further similar condition was imposed on the planning permission for the DC3 extension.



The applicant has submitted a TV reception survey with this application dated April 2016 which identifies that there are no properties located directly within the potential impact zone for satellite or terrestrial television reception. However, due to the low signal strengths in the area and the close proximity of the proposed extension to the potential impact zone a number of simple mitigation measures have been outlined. A condition which secures these mitigation measures could be imposed on the permission.

Planning conditions have to meet the six tests and Paragraph 206 of the NPPF states "Planning conditions should only be imposed where they are: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects."

It is not considered that mitigation measures for tv reception would meet the six tests in this instance. If there is any interference to tv reception simple measures can be undertaken by home owners. Therefore the proposed development would not result in significant adverse impact to the living conditions of adjacent residential properties in terms of disturbance to tv reception.

#### Surface Water Drainage

A Flood Risk Assessment and Surface Water Drainage Strategy was submitted with the application but the County Local Lead Flood Authority indicated that sufficient information to demonstrate an acceptable surface water drainage scheme for the site had not been provided. This resulted in further information being submitted by the applicant. This information has primarily addressed the concerns of the LLFA but further plans and details are still required. The applicant is seeking to provide this information but a condition requiring this information to be submitted for approval would be acceptable.

## **APPENDIX**

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

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

Policy SP2 Spatial Principles of Economic Development  
Policy SP3 Spatial Principles of Movement and Access  
Policy CSP1 Design Quality  
Policy CSP3 Sustainability and Climate Change  
Policy CSP10 Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy E3 - Lymedale Park Extension  
Policy T16 – Development – General Parking Requirements  
Policy T18 - Development and servicing requirements

### **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**

In 2003 outline planning permission was granted for the erection of buildings for Class B1, B2 and B8 purposes on this site, and a wider area forming the Lymedale West extension (03/560/OUT). In addition to outline planning permission being granted, under the same application full permission was granted for the formation of plateaux, mounding and construction of access road, together with other associated engineering operations. In 2006 approval of reserved matters was given for the warehouse building (reference 05/01140/REM) on this site and that development was then built out .

A retrospective application (reference 05/01241/FUL) to amend the details of the bund around the development plateaux was permitted in 2006.

An application was then granted for a 8,918sqm extension to the existing warehouse in 2009 under reference 09/00430/FUL. That development was then built out (DC3)

### **Views of Consultees**

The **Coal Authority** raises no objections.

The **Highways Authority** raises no objections subject to conditions which secure the parking and manoeuvring areas and the Travel Plan being implemented in accordance with the timetable as set out. They also request a Travel Plan monitoring fee of £2,200 to be secured via a S106 agreement.

The **Environmental Health Division** raises no objections subject to conditions regarding the submission and approval of an air quality assessment, and an external lighting scheme.

The **Landscape Development Section** raises no objections but they make the following comments; Young blocks of woodland planting, outside the site (within Apedale Country Park) play a significant role in screening the existing development. If allowed to mature the planting will continue to soften and screen the visual impact of the new building, and this effect will increase as the planting matures. Therefore the management and growth to maturity of this woodland is extremely important to the long term softening and screening of the new development from the open access country park beyond. Additional visual softening could be created by additional planting along the elevation that will be clearly visible from Cheviot Close and Apedale Visitor Centre. Landscaping and landscape

management proposals should be drawn up between the developer and the country park with the aim of enhancing the existing woodland planting and securing detailed proposals for its long term future management.

**Staffordshire Local Lead Flood Authority** indicates that in light of the existing drainage system for the car park, there will be a relatively small increase in impermeable area and the proposed addition of 40m<sup>3</sup> storage seems appropriate, although detailed pipe network drawing and microdrainage results have not been provided. The existing surface water layout drawing shows a flow control to restrict discharge from the car park to 15l/s prior to the swale, so additional flow controls may be needed in the proposed system. The existing oil interceptors will also need to be retained. Detailed proposed pipe network drawing and accompanying microdrainage results are requested. Calculations should be provided to demonstrate that the proposed pipe network and balancing pond are capable of attenuating runoff from both extensions from the critical 100 year (+CC) storm so that it will not exceed existing runoff rates, and meets the non-statutory technical standards

The **Waste Management Section** and the **Greater Chesterton Locality Action Partnership (LAP)** have been consulted on this application and has not responded by the due date and it is assumed that they have no comments to make on the application but any comments received prior to the committee meeting will be reported.

#### Representations

No representations have been received to date. Any comments will be reported and taken into consideration.

#### Applicant/agent's submission

The application is supported by requisite plans and the following additional documents;

- Planning, design and access statement,
- Flood Risk Assessment,
- Transport Statement,
- Travel Plan,
- Coal Mining Risk Assessment,
- TV Reception Survey,
- Phase 1 Desk Study Report,
- Phase 2 Ground Investigation Report,
- Landscape and Visual Impact Assessment,
- External Lighting Assessment,
- Site Waste Management Plan,
- Ecological Constraints Assessment.

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/16/00712/FUL>

#### Background Papers

Planning File

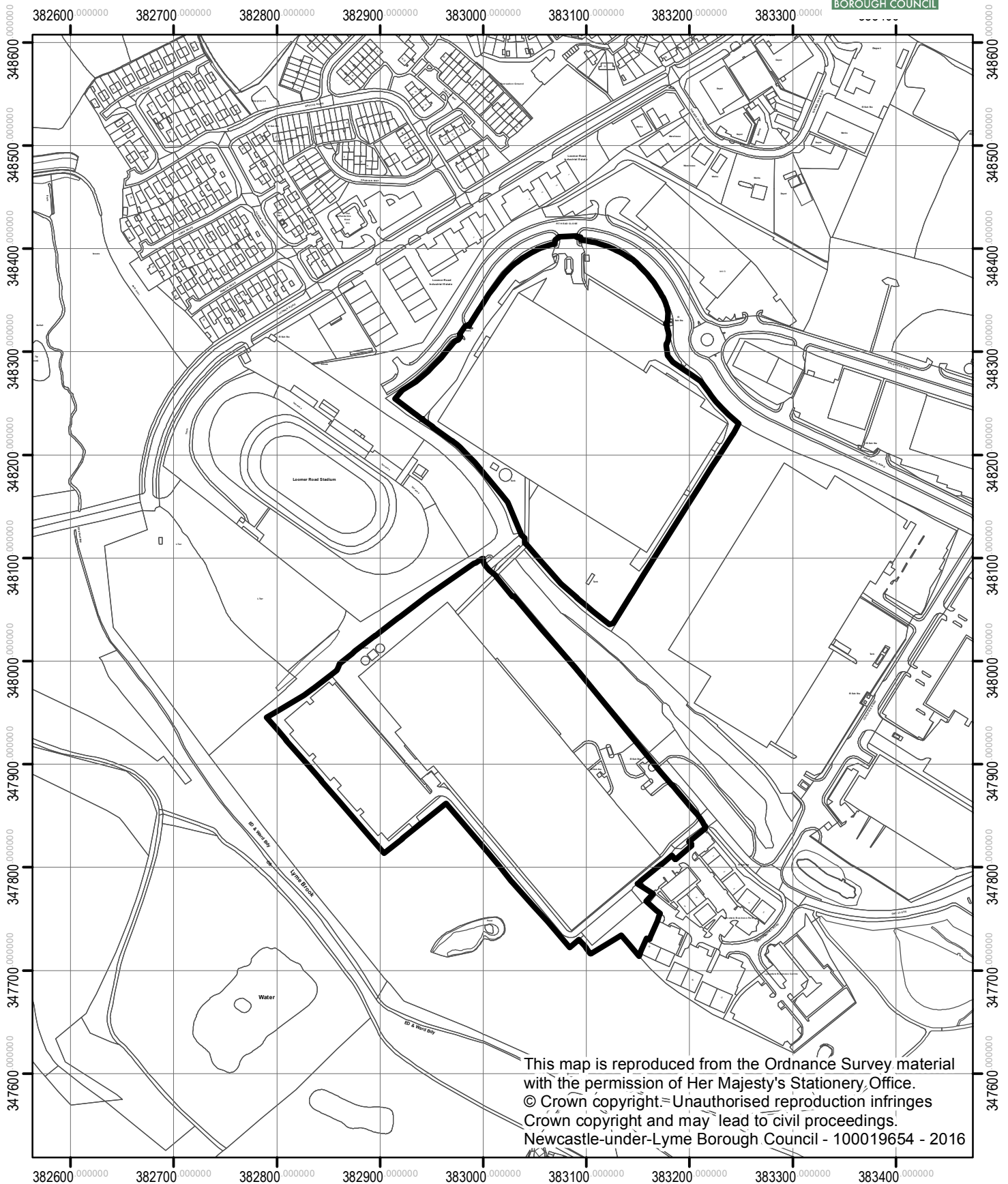
Development Plan

#### Date report prepared

27th October 2016

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**New Look, Pit Head Close,  
Newcastle-Under-Lyme,  
Staffordshire, ST5 9QG  
16/00712/FUL**



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**OFFLEY ARMS, POOLSIDE, MADELEY**  
**LONDON & EDINBURGH PENSION SCHEME LLP**

**16/00594/FUL**

The application seeks full planning permission for the erection of three dwellings on part of the car park and land of the Offley Arms.

The application site lies within the Conservation Area of Madeley, as defined by the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors on the grounds that the development is inappropriate in the conservation area. There are also highway safety concerns regarding the access along with concerns about existing vehicle arrangements for adjacent properties and how these will be affected.

**The statutory 8 week determination period for the application expired on 8<sup>th</sup> September 2016 and the applicant has agreed to an extension of time until the 10<sup>th</sup> November 2016.**

**RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Approved plans**
- 3. Sample facing and roof materials**
- 4. Conservation style roof lights**
- 5. Prior approval of finished ground and floor levels**
- 6. Prior approval of boundary treatments and hard surfacing materials**
- 7. Removal of Permitted Development Rights for extensions, roof alterations, porches and outbuildings**
- 8. Prior approval of specific glazing details**
- 9. Full suite of contaminated land conditions**
- 10. Construction hours**
- 11. Prior approval of refuse storage and collection arrangements**
- 12. Prior approval of construction phase tree protection plan**
- 13. Prior approval of landscaping scheme to include tree planting**
- 14. Parking and turning areas in accordance with drawing no: 4277-01-11 rev H**
- 15. Prior approval of surfacing materials, delineation of parking bays, surface water drainage for the parking and turning areas for public house and new dwellings**
- 16. Weatherproof parking for a minimum of 3 cycles**
- 17. Prior approval of Construction Method Statement**

**Reason for recommendation**

The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14. As such whilst policies on the location of housing within the Development Plan are supportive of the proposal they are out of date and have limited weight. The starting point is a presumption in favour of the development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal. Subject to conditions the development would preserve the character and appearance of the conservation area. In addition the development is acceptable in respect of the level of parking; residential amenity levels; and impact on trees. The development would therefore comply with Policies N12, N13, B9, B10, B13, B14 and B15 of the Newcastle under Lyme Local Plan, Policies ASP6, CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy, and with the aims and objectives of the Newcastle under Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document and the National Planning Policy Framework.

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

The applicant has submitted further information during the consideration of the application to address concerns. The proposed development is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

Full planning permission is sought for the erection of three dwellings within the car park and land of the Offley Arms public house and restaurant. The application site is within the village envelope and Conservation Area of Madeley, as indicated on the Local Development Framework Proposals Map.

The three dwellings are configured in a block of three and are arranged in a dog-leg style layout towards the back of the site. The dwellings would have three bedrooms and two car parking spaces per unit and the site would utilise the existing access point of the Offley Arms which is off Poolside and would involve the provision of an access through the pub car park.

Amended and additional information has been submitted during the consideration of the application to address concerns.

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

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

Policy ASP 6 of the Core Spatial Strategy requires a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key rural service centres of Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements.

The National Planning Policy Framework (NPPF) advises, 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 up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The application site is primarily part of an existing car park and a grassed area towards the rear. Therefore it would be classed as partially greenfield and partially previously developed land. The site is located within the rural service centre of Madeley, which offers shops, services, a primary and high school and good public transport links to nearby town centres. It is therefore a sustainable rural location for housing development.

The applicant has indicated that the proposal does not seek in any way to alter, extend or demolish the existing public house, which is acknowledged to constitute an Asset of Community Value.

In light of the above, the starting point must be one of a presumption in favour of residential development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

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



The National Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Permission should be refused where a development will lead to substantial harm or total loss of significance of a designated heritage asset. This follows the duty that is placed upon the Local Planning Authority in the exercise of planning functions with respect to any buildings in a Conservation Area, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Policies B9, B10 and B13 of the Local Plan all concern the prevention of harm to Conservation Areas, and the requirement to preserve or enhance their character. The policies of the Urban Design SPD reflect the aims of the Local Plan Policies, which are consistent with the aims of the National Planning Policy Framework.

The block of three dwellings would be configured in a dog-leg style layout and would occupy a position towards the rear of the site. Existing car parking for the Offley Arms would be lost with some car parking spaces being maintained to the front of the proposed dwellings along with proposed car parking for the three units.

The applicant has described the design approach as being a contemporary interpretation of a barn conversion. Views of the proposal would be limited from any main vantage points and the design and layout responds well to the 'historical' plot which other adjoining developments have not. The main concern is the visual relationship between the proposed development and the public house/ restaurant car park but the proposed landscaping and hedgerow buffer would help this.

The Conservation Officer and the Conservation Advisory Working Party raise no significant objections to the proposals subject to conditions which would ensure that the design of the proposal and the relationship with the public house/ restaurant would be improved. They do consider that the design could be improved by simplifying the central gable and this will be explored with the applicant but on balance it is not considered that the proposal should be refused on these grounds.

#### The impact of the development in highway safety terms

The existing car park has 35 spaces for the public house/ restaurant use and 11 of these spaces would be lost to accommodate the proposed development. The proposed development includes two parking spaces per dwelling.

Saved Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. Appendix 3 sets out maximum parking standards for different uses. For a restaurant use it specifies a maximum of 1 space per 10m<sup>2</sup> and for a public house a maximum of 1 space per 6m<sup>2</sup>.

The application is now supported by a car parking survey which was undertaken over a two week period. The survey indicates that the busiest times were during the weekends but only 9 parking spaces were in use. The application indicates that this demonstrates that the car park is not heavily used by customers virtue of it being a local pub that principally serves residents within the village.

The Highway Authority (HA) has raised no objections to the proposed level of parking, or to the access arrangements, subject to conditions. The advised conditions would ensure that the proposed parking and turning areas would be provided and would be constructed appropriately. The advised

conditions also include a requirement for a construction method statement which is considered necessary to ensure that traffic issues during the construction phase are not detrimental to highways safety in the area. Secure weatherproof parking for a minimum of 3 cycles is also requested for staff and customers.

Subject to the recommended conditions it is considered that the applicant has demonstrated that the proposed development would not lead to on street car parking problems and highway safety implications. The public house is a community asset in a sustainable rural location and the resultant off street car parking provision would be acceptable for the proposed dwellings and to serve the public house/ restaurant. This would comply with policy T16 of the local plan and the requirements of the NPPF.

#### The impact upon residential amenity

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

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

All principal windows of the proposed dwellings would be located on the front and rear elevations and where they face a neighbouring property they more than meet the distances advised in the SPG.

Each dwelling would have an area of private amenity space at the rear. All three have an irregular shape and are limited in size but on balance these are considered acceptable for modest sized 3 bedroom properties. There would be space for future occupiers to sit and hang out washing. There is also public open space in close proximity which would provide alternative enjoyment for the occupiers.

The impact of neighbouring uses on the future occupiers of the dwellings is a materials consideration also. In this respect the proposed dwellings would be in close proximity to a chip shop and public house/ restaurant which have the potential to cause a noise and odour impact to future occupiers. The adjacent car park would also create similar disturbance.

The Environmental Health Division has raised no objections subject to conditions which control noise. They have also suggested a condition regarding the upgrade of extraction and ventilation systems of the nearby chip shop however this is not within the applicant's ownership or control. It is possible in such circumstances to impose a condition that prohibits the development taking place until a specified has taken place such as the assessment and upgrade to the extraction and ventilation system at the chip shop (a *Grampian* condition). However such a condition should not be used where there are no prospects at all of the action in question being performed and there is no information to suggest that isn't the case here. In addition it is noted that there are existing residential properties that are already closer to the chip shop premises than those proposed and as such it is considered that other legislation could address any issues caused by the chip shop extraction and ventilation equipment and this issue is not grounds to refuse the application. The use of such a condition would therefore fail the tests of reasonableness and enforceability and would be unlawful.

The applicant has now submitted a noise survey which identifies a number of mitigation measures and these could be secured via conditions. Therefore subject to conditions the proposed development would not raise any significant concerns for existing properties and the amenities of future occupiers should be protected to an acceptable level.

#### The Impact on Trees

There are several trees on and around the site, which contribute to the sites green character and to the character and appearance of the wider Conservation Area. Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree,

shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

The Landscape Section has now removed their original objection following the submission of further information from the applicant. Primarily the revised layout addresses the concerns subject to tree protection and submission of detailed landscaping proposals.

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 NPPF advises that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

In decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

As discussed the proposal would provide three new houses in a sustainable rural location which would contribute to the Councils housing supply. The proposal would also add variety to the existing housing stock being a development of a unique character. There are other minor economic and social benefits associated with a new dwelling that also weigh in favour of the development. These matters are considered to represent benefits that would outweigh the very limited harm identified by virtue of visual relationship between the proposed development and the public house/ restaurant car park; and potential residential amenity issues arising from the nearby chip shop, particularly as such matters can be addressed through landscaping or other legislation. On this basis the presumption is in favour of the development in this instance.

## **APPENDIX**

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1:	Residential Development: Sustainable location and protection of the Countryside
Policy T16:	Development: General parking requirements
Policy N12:	Development and the protection of trees
Policy N13:	Felling and pruning of trees
Policy B9:	Prevention of harm to conservation areas
Policy B10:	The requirement to preserve or enhance the character or appearance of a conservation area.
Policy B13:	Design and Development in Conservation Areas
Policy B15:	Trees and Landscape in Conservation Areas

### **Other material considerations include:**

#### National Planning Policy Framework (March 2012)

#### Planning Practice Guidance (2014)

#### Supplementary Planning Guidance/Documents

#### Space Around Dwellings (July 2004)

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

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

#### Relevant Planning History

None relevant

#### Views of Consultees

**Madeley Parish Council** objects on the following grounds;

- The proposal represents over development of a small space,
- The proposal will reduce the car parking space of the Public House to 23. This will potentially restrict the ability of the Community Asset to expand its business and have an adverse effect on the local rural economy,
- The proposed access to the properties is poor.

A further consultation has been sent following the submission of amended and additional information. Further comments are due by the 01.11.2016 and any comments will be reported if they are received prior to the meeting.

The **Landscape Development Section** indicates that the revised layout addresses previous objections but the relationship between dwelling number 3 and the ash tree T6 is still a concern. It is accepted that the amendments have improved this and the French windows are no longer directly opposite the tree but the future occupants of the property might find the tree overbearing. Permission

should be subject to the submission of a construction phase tree protection plan, to include the now retained ash tree T5. Permission should also be subject to submission of detail landscaping proposals. This should include the tree planting proposed in the tree report.

The **Environmental Health Division** raises no objections subject to conditions regarding contaminated land; a noise impact assessment; assessment and upgrade of the ventilation system and odour abatement at the nearby fish and chip shop: construction hours; and waste storage and collection arrangements.

The **Highway Authority**, following receipt of a car parking survey, now raises no objections subject to conditions that the parking and turning areas for the Public House have been provided, surfacing, marking and drainage details for the parking spaces for the dwellings, weatherproof parking for a minimum of 3 cycles for the public house, submission and approval of a construction method statement.

The **Councils Conservation Officer** indicates that the proposed development for 3 houses is set towards the rear of the site on the edge of the Conservation boundary. The houses will be set within an existing historical plot boundary, unlike earlier proposals which ignored this. In terms of the visual appearance, the buildings are proposed to be built from brick with a tile roof and timber windows. The scale of the development will appear like a complex of barn buildings and some thought has gone into creating an interesting plan form which reduces the impact of the 3 dwellings. Only part of the development will be glimpsed through the entrance to the Offley Arms due to the nature of the access which will be relatively constricted. The users of the public house will see the development and it is a strange relationship whereby occupants will have to cross the pub car park to get to their properties. If development is considered acceptable in planning terms it is important that trees and greenery are retained. Brickwork will also need to be carefully controlled so that a high quality appropriate brick is chosen to ensure that mistakes of the adjacent properties are not repeated. A condition for conservation style rooflights set flush will be required. The garage doors are side hung timber doors and domestic paraphernalia should be controlled in this setting by consideration of removing permitted development rights especially to the front elevation. Generally this development is unlikely to be harmful to the character and appearance of the village setting of Madeley and the Conservation Area subject to the advised conditions.

The **Conservation Advisory Working Party** felt that there was a good attempt to design an interestingly shaped building which was pleasingly unconventional, including the alleyways. The brick needs to be good quality and reflect the darker brick characteristic of Madeley unlike the adjacent development. Some concern was raised over the access and they felt the gable feature was a little fussy.

The **Coal Authority** indicates that they do not need to be consulted on this supplication and that Standing Advice should be applied to any decision.

#### Representations

**Five** letters of representation have been received with four of these raising the following concerns/objections;

- Loss of parking for the Offley Arms will result in existing parking problems would be exacerbated.
- Existing accesses will be blocked.
- The existing access to the public house is unacceptable.
- Construction would lead to pedestrian safety and logistical problems.
- The proposal would increase drainage problems.
- The development would harm the Offley Arms which locals have fought hard to save.
- Madeley does not need any more housing.

**One** letter has been received raising no objections.

### Applicant/agent's submission

The application is supported by the following documents;

- Planning and Heritage Statement,
- Phase 1 Desk Study,
- Coal Mining Report,
- Tree Survey,
- Noise Survey, and
- Car Parking Survey.

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

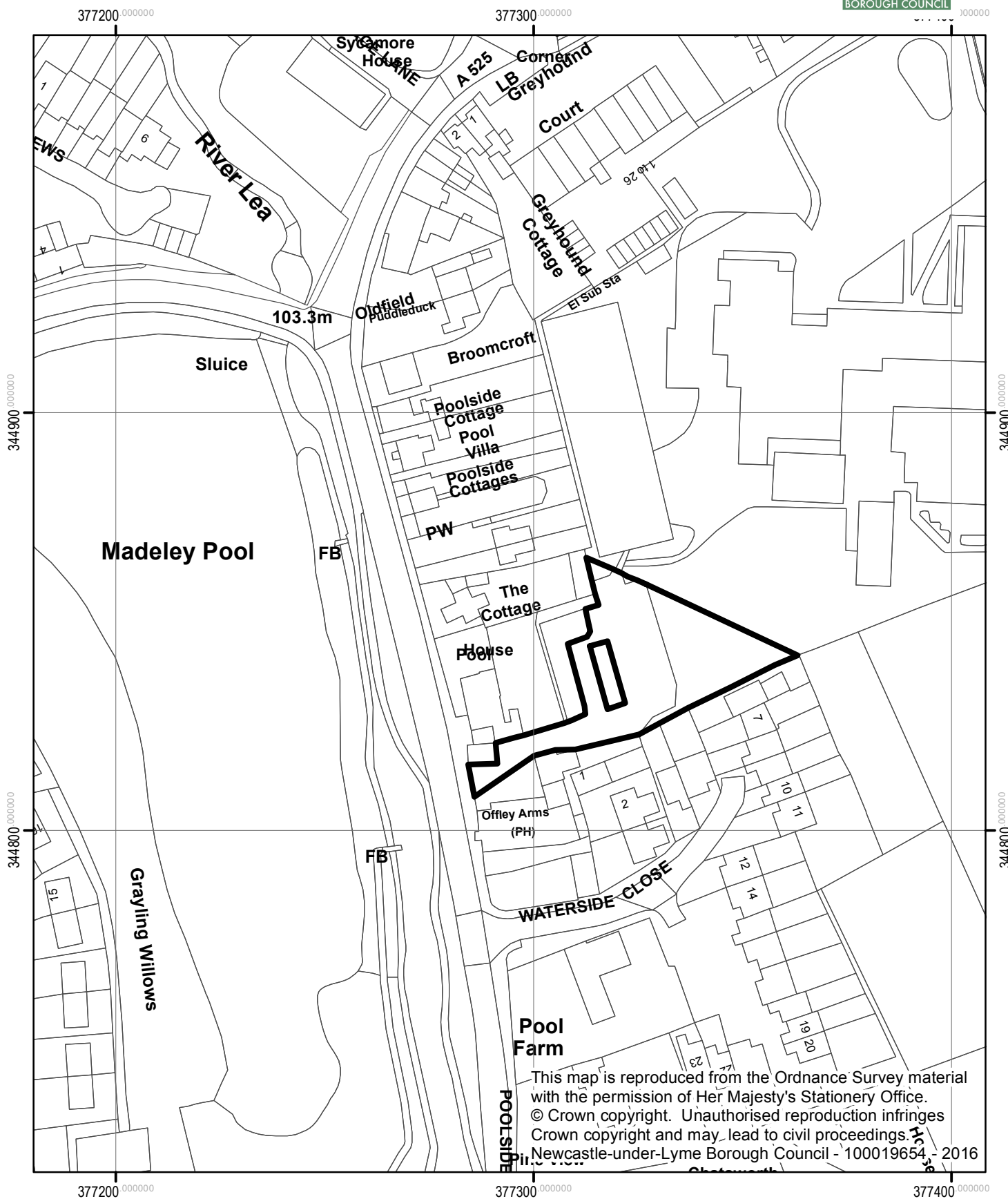
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00594/FUL>

### Background Papers

Planning File  
Development Plan

### Date report prepared

26<sup>th</sup> October 2016



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**LAND ADJACENT THE SHEET ANCHOR, NEWCASTLE ROAD, BALDWINS GATE  
MR GAVIN DONLON**

**16/00609/FUL**

The application seeks full planning permission for the construction of 7 new houses on land to the rear of the Sheet Anchor Public House and its car park comprising 2 detached bungalows and 4 detached two storey properties. Access to the site is obtained off Newcastle Road.

The application site lies within the village envelope of Baldwins Gate as indicated on the Local Development Framework Proposals Map. The site area is approximately 0.493 hectares.

**The statutory 8 week determination period for the application expired on 20<sup>th</sup> September 2016 and the applicant has agreed to an extension of time until the 25<sup>th</sup> November 2016.**

## **RECOMMENDATION**

**That the Committee receive a supplementary report on the application (to be issued prior to the meeting) which, upon consideration of the independent appraisal of the viability of the proposed development undertaken by the District Valuer, sets out a recommendation as to whether the application should be permitted subject to a S106 securing a commuted sum payment for off-site affordable housing provision (the sum to be provided upon receipt of advice from the District Valuer) and a financial contribution of £20,601 towards public open space provision and subject to conditions relating to the following matters:**

- 1. Standard Time limit for commencement of development.**
- 2. Approved plans.**
- 3. Materials.**
- 4. Detailed landscaping scheme.**
- 5. Provision of access, parking and turning areas prior to occupation.**
- 6. Submission and approval of Surfacing, drainage and visibility details**
- 7. Garages to be retained for parking.**
- 8. External noise mitigation.**
- 9. Protection of the highway from mud and debris.**
- 9. Unexpected land contamination.**
- 10. Construction hours.**
- 11. Drainage provision.**
- 12. Details of appropriate vehicle safety protection measures along the boundary shared with the railway.**

## **Reason for Recommendation**

The principle of residential development on this site has already been accepted as there is an extant permission for the construction of 4 new detached dwellings. The visual appearance of proposed higher density development is considered to be acceptable subject to landscaping to be secured by planning condition. Appropriate levels of residential amenity can be achieved subject to planning conditions.

The advice of the District Valuer is, however, being sought as to the level of the commuted sum necessary to secure off-site affordable housing provision broadly equivalent to the provision of 2 units on this development. In addition advice is to be received from the District Valuer with regard to whether the affordable housing and public open space requirements would render the development unviable if secured in full or in part. A further advance supplementary report will therefore be necessary to report the advice received from the District Valuer and, dependent upon that advice, reach a recommendation as to whether the application should be permitted without part or all of the policy compliant contributions.

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

Discussions have been ongoing with the applicant with regard to the public open space and affordable housing requirements and subject to conditions and legal agreement this is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

The application is for the construction of 7 new houses with an access road and associated landscaping. Access to the site is obtained off Newcastle Road. The scheme comprises of 2 detached bungalows and 4 detached two storey properties. The dwellings proposed have a footprint ranging from approximately 120 metres squared to 316 square metres.

The site is within the Baldwin's Gate village envelope as indicated on the Local Development Framework Proposals Map. The key issues in the determination of this application are:

1. Is the principle of residential development acceptable?
2. Is the impact to the character of the area acceptable?
3. Is the impact on highway safety acceptable?
4. Will the residential amenity of the occupiers of the dwellings be acceptable? and;
5. What developer contributions, if any, are required in order to make the development acceptable in planning terms?

#### 1. Is the principle of residential development acceptable?

Residential development has already been accepted on the site and a development of 4 dwellings is still capable of being implemented. There are no relevant policies which suggest that the density of the development now proposed is of concern so as to justify the reconsideration of the issue principle. However other more detailed considerations to the proposal still need to be assessed.

#### 2. Is the impact to the character of the area acceptable?

The site can be viewed from Newcastle Road which is the main road running through the centre of the village. The increase in the number of units proposed to a total of 7 is not considered inappropriate in the context of surrounding development within the village and against the size of the area land in question. The style of the dwellings proposed are in keeping with a semi-rural location and subject to the approval of external facing materials would have an acceptable visual impact. However the amount of landscaping provision as shown on the submitted plans is considered to be unacceptable in its present format where tree planting could be pursued. There is considerable scope to improve the appearance of the scheme with meaningful landscaping provision which can be secured by planning condition.

#### 3. Is the impact to Highway Safety acceptable?

The proposal includes the same access that has already been considered acceptable and permitted on this site within the four dwelling development. The introduction of an additional three dwellings to be served off the same access, as currently proposed, would not result in highway safety concerns.

It is proposed that the two bungalows have parking provision, on plot, for two vehicles with provision for three or four vehicles on the plots of the larger detached houses. This level of parking is considered to be in accordance with Local Plan policy, and, it is noted, is similar to the level of parking provided within the already permitted development.

It is noted that the Highway Authority has no objections to the proposal subject to conditions relating to a range of matters including parking and turning area provision and access and taking this into consideration, in addition to the above, it is considered that the proposed development is acceptable in respect of its impact on highway safety.

#### 4. Is residential amenity adequate?

It is necessary to consider whether appropriate standards of residential amenity would be provided for the occupiers of the dwellings as well as surrounding local residents. The site is located close to the railway line; however as with the already permitted development it is considered that acceptable living conditions can be achieved for the occupiers of the development subject to the inclusion of measures to address the noise and vibration that will arise.

The layout of the development is such that adequate separation distances are achieved between the proposed dwelling and nearby existing dwellings. In addition the proposed garden areas are of a sufficient size for the dwelling.

In accordance with the advice of the Environmental Health Division, there are no objections on residential amenity grounds to the proposal subject to the imposition of conditions relating to dealing with a range of matters from securing acceptable noise levels for internal and external areas, protection of the highway from mud and debris, construction hours and dealing with land contamination.

5. What developer contributions, if any, are required in order to make the development acceptable in planning terms?

*Affordable Housing requirements*

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

Notwithstanding adopted policy, there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account in planning decisions.

Based on current position, as set out in the Ministerial Statement, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm. As the development applied for is for less than 10 units, but exceeds a combined floor space of more than 1000 square metres affordable housing requirements, as set out in policy, are therefore triggered.

The scheme would therefore need to make provision for two affordable housing units in order for the scheme to comply with national planning policy. The applicant was not anticipating that requirement and has yet to indicate if they are in full agreement with securing such provision.

Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that affordable housing should be provided on the application site in the first instance and only in very particular, agreed circumstances will either another site, or payment in lieu of on-site provision be considered as an acceptable alternative. It goes on to advise that the provision of units on an alternative site may apply where the Council considers that the provision of completed units elsewhere would enable it to apply the contribution more effectively to meeting the Borough's housing need. It also states that it is important that off-site provision does not compromise the aim of creating mixed, balanced communities.

The starting point is for affordable housing provision to be met on-site. However the applicant is seeking agreement to instead provide a commuted sum payment for such provision to be made off-site.

On a small scale development such as this it is difficult to achieve a truly inclusive and mix of housing as indicated in the SPD, because a limited number of dwellings in turn limit the mix that can be

achieved. In addition it would be difficult to argue that a development of this scale would compromise the aim of creating a mixed, balanced community within Baldwins Gate village as a whole, particularly in light of the existence of affordable properties within the village already and those that have been secured in the Gateway Avenue development and will be provided in the near future. The affordable housing provision within the village already provided/secured and the lack of any identified need for affordable housing in this locality suggests that offsite provision could assist in a more effective distribution of affordable housing to meet the Borough's need.

It would be more appropriate to provide affordable housing on the site if the proposed development involved a denser development of more dwellings including those for smaller households, and recent indications are that this would be more attractive to Registered Social Landlords also. However, whilst it could not be argued that such a form of development would be harmful for reasons such as it being inappropriate and harmful to the character of the area, it must be acknowledged that this is a site with a valid planning permission for four large detached dwellings. A refusal on the basis that the development is unacceptable due to the inability to secure on-site affordable housing to meet policy requirements would be difficult to sustain at appeal due to this fall-back position.

Overall it is considered that there is a case, in respect of this development, to support a financial contribution to off-site affordable housing provision. As such it is necessary to calculate that financial contribution so that what is secured is of broadly equivalent value to the provision of two affordable housing units on site as required by policy. The views of the District Valuer have been sought as to the calculation of the commuted sum required and also if such a sum, in addition to the public open space contribution referred to below, would render the scheme unviable in financial terms. A further update will be given following receipt of advice from the District Valuer.

#### *Public open space provision*

Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle's Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The normal contribution expected is £2943 per dwelling (consisting of £1791 for improvements to capital development and maintenance in addition to £1152 per dwelling for 60% maintenance costs for 10 years). The money would be used for improvements to play equipment for the play facilities to the rear of the village hall and is a reasonable requirement in accordance with planning policy.

## APPENDIX

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

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

SP1 Spatial principles of Targeted Regeneration  
SP3 Spatial principles of Movement and Access  
ASP6 Rural Area Spatial Policy  
CSP1 Design Quality  
CSP3 Sustainability and Climate Change  
CSP5 Open Space/Sport/Recreation  
CSP10 Planning Obligations

#### Newcastle-under-Lyme Local Plan (NLP) 2011

H1 Residential development: sustainable location and protection of the countryside  
T16 Development – General Parking Requirements  
T18 Development servicing requirements  
N12 Development and the Protection of Trees  
C4 Open Space in new housing areas  
IM1 Provision of Essential Infrastructure and Community Facilities  
IM2 Compliance with Policy Concerns

### **Other Material Considerations include:**

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Community Infrastructure Levy Regulations (2010) as amended

Written Ministerial Statement Section 106 obligations imposed on small-scale developers, custom and self-builders March 28th November 2014.

#### Supplementary Planning Guidance/Documents (SPG/SPD)

Space Around Dwellings SPG (SAD) (July 2004)  
Newcastle under Lyme and Stoke on Trent Urban Design Guidance SPD (2010)  
Affordable Housing SPD (January 2009)  
Developer Contributions SPD (September 2007)

#### Relevant Planning History

16/00539/REM	Application for approval of the details of appearance, landscaping, layout and scale including internal access within the site of the development relating to 13/00145/OUT - Outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings	Permitted 2016
14/00608/REM	Application for approval of appearance, landscaping, layout and scale details of plots 2 and 3 relating to 13/00145/OUT for outline planning permission for the demolition of existing warehouse/playbarn and the erection of 4 dwellings	Permitted 2014
13/00145/OUT	(i) Full planning permission for change of use of first floor of public house to provide Bed and Breakfast accommodation, ground floor extension to the public	Permitted 2013

house, retention and enhancement of existing area of

### Views of Consultees

**Whitmore Parish Council** has no objections but requests that the Authority consults HS2 prior to reaching a decision, in order to ensure that the proposed development is not affected by the 'safeguard zone' or any changes to this which might ensue from the on-going deliberations as to the precise route to be adopted for the track.

**United Utilities** have no objections to the development subject to a number of conditions:-

- 1Foul and surface water drainage systems shall be kept separate.
- The prior approval and implementation of a surface water drainage scheme.
- Approval of a management and maintenance regime for Sustainable Drainage Systems

**Network Rail** set out a number matters that the developer/applicant must do to ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway and infrastructure. In addition they recommend the following conditions:-

- Prior approval of details of the disposal of both surface water and foul water drainage directed away from the railway.
- Prior approval of ground levels, earthworks and excavations to be carried out near the railway boundary.. Details of appropriate vehicle safety protection measures along the boundary of the railway.

They also advise that it is a matter for the development and the Local Planning Authority to ensure adequate mitigation measures are secured to address and the noise and vibration that arises from an existing operational railway.

The **Education Authority** has not requested an education contribution given the scale of the development being less than 10 dwellings.

The **Highway Authority** has no objections subject to conditions concerning:-

- Access drive, parking, and turning areas provision in accordance with submitted plans prior to occupation.
- The garages indicated on the approved plans shall be retained for the parking of motor vehicles and cycles.
- The submission, agreement and implementation of Construction Management Plan.

The **Landscape Development Section** comments that the current application for 7 dwellings leaves very little opportunity for meaningful tree planting to mitigate the loss of substantial number of trees that have been removed from the site since the original outline permission. They request that strategic landscaping proposals are submitted to show how it is proposed to integrate the scheme into its setting before it can comment. This should show trees to be retained and removed as well as proposed tree and shrub planting.

They also comment that the site is in excess of 0.4ha and request a contribution by the developer for capital development/improvement of off-site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution £2,943 per dwelling. This would be used for improvements to play equipment for the play facilities to the rear of the village hall.

The **Environmental Health Division** has no objections subject to conditions relating to the following:-

- Remediation and report of land contamination.
- Protection of the highway from mud and debris.
- Restriction of construction hours. between 07.00 and 18.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
- Internal and external noise levels for dwellings.

The **Housing Strategy Section** considers the scheme triggers the requirement for 2 affordable housing units. Given the development is for very large spacious units that could be described as 'aspirational houses' they are of the view that based on previous discussions with Registered Providers that such type of houses are usually not suitable for affordable housing. Therefore it would be appropriate to seek an equivalent off site contribution to develop appropriate units within the Borough.

#### Representations

None received.

#### Applicant's/Agent's submission

The application documents are available for inspection at the Guildhall and as associated documents to the application via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00609/FUL>

#### **Background Papers**

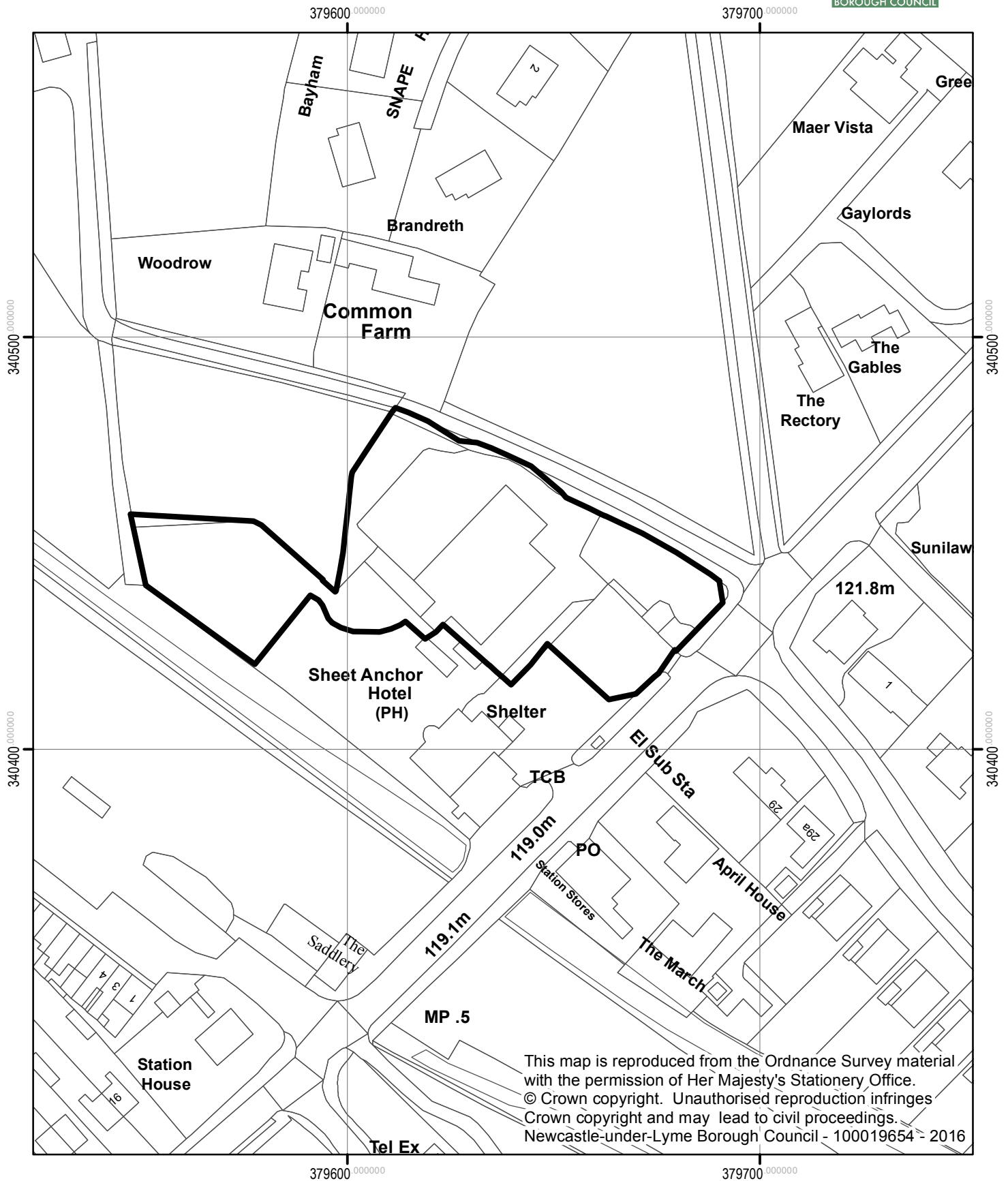
Planning files referred to.  
Planning Documents referred to.

#### **Date report prepared**

22nd October 2016.

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**THE NURSERIES, 35 ALSAGER ROAD, AUDLEY  
SMARTBUILD AND DESIGN LTD**

**16/00747/FUL**

The application seeks full planning permission for the development of three two bedroom bungalows and one two bedroom dormer bungalow with associated access road on land to the rear of The Nurseries, 35 Alsager Road, Audley.

The site lies within the village envelope of Audley, and within the rural area, as indicated on the Local Development Framework Proposals Map.

**The statutory 8 week determination period expires on the 7<sup>th</sup> November 2016.**

## **RECOMMENDATION**

**PERMIT subject to the following conditions:**

- 1. standard time limit**
- 2. approved plans**
- 3. provision of access road, parking and turning areas in accordance with plans prior to occupation**
- 4. provision of visibility splays prior to occupation of the development**
- 5. prior approval of surface water drainage for the access road, parking and turning areas**
- 6. the access road to remain ungated**
- 7. prior approval of a Construction Method Statement**
- 8. prior approval of details of design measures supported by a noise assessment to ensure satisfactory internal noise levels for the proposed dwellings**
- 9. full suite of contaminated land conditions**
- 10. Tree protection should be in accordance with the revised arboricultural report and drawing THL-0408 rev 5. Installation of special measures must take place before the start of works on site and be maintained in situ thereafter.**
- 11. Approval of finished floor levels prior to construction of the dwellings**
- 12. Approval of landscaping proposals, prior to construction of the dwellings**
- 13. Removal of permitted development rights on all plots for extensions and dormer extensions covered by Classes A. and B**
- 14. Prior approval of the design of the bin collection area prior to occupation of the dwellings.**

## **Reason for recommendation**

The principle of residential development of this site has already been established through granting of outline planning permission in 2014 under reference 14/00731/OUT. The development would achieve a safe access, adequate off road car parking, and sufficiently sized private garden areas for the dwellings. The design and layout of the development would be acceptable in appearance and would not cause any material loss of amenity to neighbouring residents that would justify a refusal of the application.

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

Additional arboricultural information was requested and submitted, to address landscape concerns with the development. The proposed development is considered to represent a sustainable form of development that would comply with the provisions of the National Planning Policy Framework.

## **KEY ISSUES**

The application seeks full planning permission for the development of three two bedroom bungalows and one two bedroom dormer bungalow within the rear garden area of an existing property retaining the existing property (35 Alsager Road).

The site lies entirely within the village envelope of Audley (and no part is within the Green Belt), and within the rural area of the Borough, as indicated on the Local Development Framework Proposals Map.

Subject to tree protection measures in accordance with those set out in the additional supporting information it is considered that the development would not have an adverse impact on trees. The main issues to consider in this proposal, therefore, are as follows;

- Is the principle of residential development in this location acceptable?
- Is the design and appearance of the development acceptable?
- Car parking and highway safety
- Impact on residential amenity

Is the principle of the residential development in this location acceptable?

Residential development on this site has already been accepted in outline under application reference 14/00731/OUT which involved the demolition of the existing bungalow and the erection of three bungalows and a pair of semi-detached dwellings. Whilst an application has not been received or approved for the details of that development the outline planning permission remains capable of being implemented. The current proposal seeks permission for 4 dwellings and the retention of the existing property and as such involves the same number of dwellings as that already permitted.

There has been no change in planning circumstances since the previous decision and as such there is no basis upon which to reconsider the principle of residential development at this time.

Is the design and appearance of the development acceptable?

The NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and that good design should contribute positively to making places better for people.

The proposal would comprise four dwellings to the rear garden area of 35 Alsager Road. There is currently no backland development on this part of Alsager Road, however as indicated above outline planning permission has already been granted on this site and as such the principle of backland development is established.

The proposed layout incorporates an access road to the proposed bungalows and private car parking spaces for each of the dwellings. Although the density of the proposed development is higher than the surrounding residential properties, the density is considered acceptable given that there is sufficient access, garden sizes and car parking space for each dwelling.

The character of the area is comprised by a mixture of single and two storey semi-detached, detached and terraced properties, therefore the proposed bungalows are considered appropriate to the immediate context of the site.

The proposed dwellings would be largely unseen from views from within the street scene. The individual dwellings would have an acceptable design and appearance. Whilst there is little opportunity for landscaping of the site, there are some small front and side garden areas which could be landscaped to improve the general character and appearance of the development for residents.

A bin storage area is proposed at the frontage of the site. The design of this has not been confirmed, and as such a condition requiring prior approval of its design is necessary to ensure that it is appropriate for its location. It should have a permeable and bound surface, and should be well screened.

Overall, the layout of the development is considered acceptable, and the appearance of the dwellings would be in keeping with the character and appearance of the dwellings in the surrounding area. Therefore the development is considered to accord with policy CSP1 of the core spatial strategy and the aims and objectives of the National Planning Policy Framework.

### Car parking and highway safety

Policy T16 of the Local Plan states that development will not be permitted to provide more than the maximum levels of car parking spaces specified in the local plan car parking levels appendix.

The four proposed dwellings would each have two car parking spaces, which complies with the maximum car parking standards as set out in the Local Plan Appendix. The existing dwelling to be retained would retain 2 -3 car parking spaces, which is acceptable.

The access arrangements for the proposed development are similar to that which was approved in the outline planning permission and which was considered acceptable in highway safety terms.

Overall, it is considered that adequate off road car parking would be provided for the proposed dwellings, and a suitable and safe access to the site would be provided, therefore the proposal is considered to comply with Policy T16 of the Local Plan and with the aims and objectives of the National Planning Policy Framework.

### Impact on residential amenity

It is important to assess the proposal in terms of its likely impact upon residential amenity standards. Supplementary Planning Guidance provides advice on achieving satisfactory amenity standards.

No amenity issues would arise from the development of plot 1, and whilst the proposed garden length is shorter than the specified length in the Space Around Dwellings SPG, the length requirement is aimed at ensuring acceptable amenity distances are maintained where there are dwellings to the rear, and as the proposed private garden area would be if a sufficient size this is considered acceptable.

Plot 2 would have an adequately sized rear garden area, however the length of the garden is below the minimum length, similar to plot 1.

Plot 3 achieves an acceptable size and length of rear garden area, and would not cause any loss of privacy or light issues to neighbouring dwellings. The side wall of plot 3 is close to the boundary of several residential properties on Alsager Road, however would not cause any loss of light issues to these properties given the distance that would be achieved. A bathroom window would face towards the rear of 39 Alsager Road, however this is not a principal window and therefore it is considered that this relationship is acceptable. The siting of the dwelling on plot 3 complies with guidance and would not result in an unacceptable loss of privacy or have an overbearing impact on the occupiers of the adjoining property.

Plot 4 would achieve acceptable separation distances to principal windows, and similar to plots 1 and 2, whilst the garden length is short, it achieves an acceptable sized private garden area.

Overall, the development would achieve an acceptable level of amenity for both future occupants and those existing residents living in surrounding properties. However, given the site is very tight, it is considered appropriate to remove permitted development right for extensions and dormer windows on all plots. This is because increasing the number of bedrooms would increase the need for off road car parking for which there is limited space within the development to provide for this.

## **APPENDIX**

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing

#### Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy N12:	Development and the protection of trees
Policy N13:	Felling and pruning of trees

### **Other material considerations include:**

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

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

#### Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

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

#### Relevant Planning History

14/00731/OUT	5 no.residential units on site of bungalow	Permitted in 2014
NNR6385	Erection of squash courts, badminton hall and ancillary rooms and tennis courts.	Refused in 1973
NNR5559	Residential Development	Refused in 1972
NNR4755	Residential Development	Refused in 1969
NNR2252	Site for private housing estate	Refused in 1961

#### Views of Consultees

**United Utilities** – The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The applicant should implement the scheme in accordance with the surface water drainage hierarchy as outlined in their comments.

**Audley Rural Parish Council** - Not supported, due to the large number of objections received, the negative impact on the surrounding green belt, overdevelopment of a back garden, the road is excessively busy on a tight corner which would be worsened as a result of increasing further dwellings on the site, there is concern that by allowing this development it will set a precedent for other similar sites within green belt to be built upon.

**Highway Authority** – No objections subject to conditions relating to completion of access road, parking, and turning areas prior to use of the development, provision of visibility splays, provision of surface water drainage details prior to commencement of the development, the access road to remain un gated, and approval of a pre commencement construction method statement.

**Environmental Health Division** – No objections subject to conditions relating to contaminated land, the internal noise levels of the new dwellings and advisory notes concerning construction hours, details of acoustic consultants and importation of waste materials to facilitate construction

**Landscape Development Section** - No objections following receipt of updated information subject to a condition securing tree protection in accordance with the revised arboricultural report and drawings.

**Waste Management** – have not responded by the due date and as such it is assumed that they have no comments to make

#### Representations

Two letters of objection have been received which are summarised below:

- One of the dwellings is to be erected within 2 metres of the boundary of neighbouring property, resulting in a loss of privacy and amenity
- Any future occupant of this property would have minimal privacy
- The previous outline plans offered better spacing with greater privacy standards for existing and future residents
- Restricted access for emergency vehicles
- Does the fact that the existing properties on Alsager Road have large gardens mean the proposed dwellings can be sited closer to their rear boundaries

#### Applicant/agent's submission

The application is supported by a Phase 1 Desk study to identify potential ground engineering and contamination issues; and a revised Arboricultural Report. 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/16/00747/FUL>

#### Background Papers

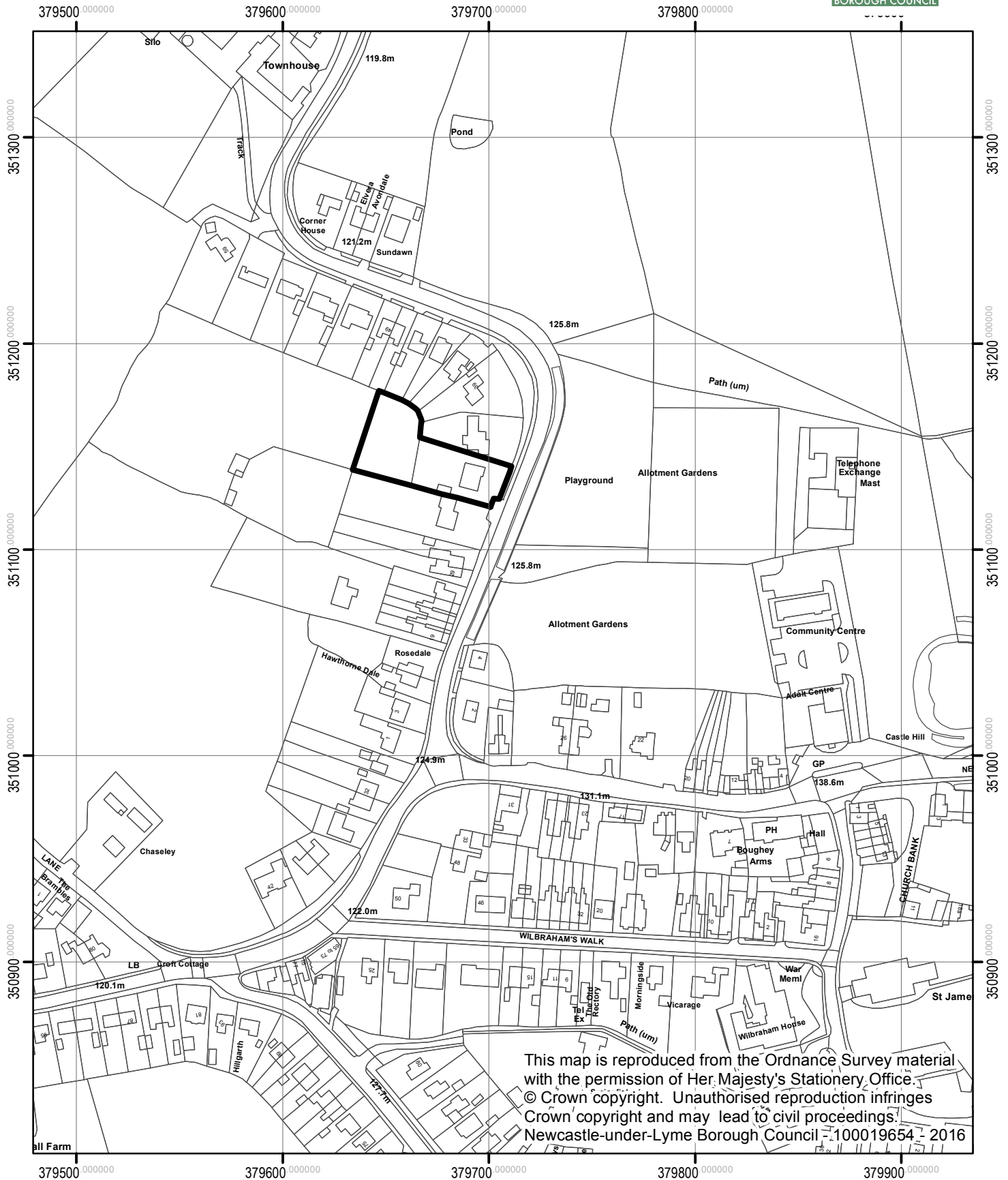
Planning File  
Development Plan

#### Date report prepared

21<sup>st</sup> October 2016

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**THE COPPICE SCHOOL ABBOTS WAY, WESTLANDS**  
**MR GAVIN LAWRIE**

**16/00626/FUL**

The application is for planning permission for the erection of two extensions and the refurbishment and remodelling of the existing building.

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

**The 8 week period for the determination of this application expired on the 27<sup>th</sup> September 2016. The applicant previously agreed to extend the statutory determination period to the 14<sup>th</sup> October 2016 but no further extension of time has been agreed with the applicant.**

**A decision on the application was deferred at the meeting dated 11<sup>th</sup> October so that Members could visit the site. The site visit is to take place on the 5<sup>th</sup> November.**

## **RECOMMENDATION**

**PERMIT subject to conditions relating to the following:-**

- 1. Approved drawings.**
- 2. Time Limit.**
- 3. Prior approval of all external facing materials.**
- 4. Prior approval and implementation of a Construction Method Statement.**
- 5. The works are completed in accordance with the arboricultural information required which shall include the wider drainage installation works.**
- 6. The prior approval and implementation of an Arboricultural Method Statement.**
- 7. Trees shown as retained shall be retained and protected throughout the construction period.**
- 8. Prior approval of details of mechanical ventilation.**
- 9. Construction activity is kept to reasonable hours.**
- 10. That no community use is granted (for the avoidance of any doubt).**

## **Reason for Recommendation**

The scale and appearance of the sports hall and classroom extensions are not considered to be harmful to the character of the area provided that the external facing materials are agreed by condition. In addition it is also considered that the scale and appearance of the extensions would not adversely affect the living conditions within neighbouring properties. There is to be no community use of the proposed facilities and no increase in staff or pupil numbers and as such it is not anticipated that there would be any significant impact on highway safety arising from the proposal itself. Visually significant boundary trees close to the classroom extension and further afield lining neighbouring boundaries can be adequately safeguarded by planning condition.

As Sport England have withdrawn their objection to the application it is no longer necessary to consult the Secretary of State in accordance with the requirements of the Town and Country Planning (Consultation) (England) Direction 2009 if minded to permit

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and subject to conditions no amendments are considered necessary.

## **Key Issues**

The application is for planning permission to erect two extensions as follows:

- To provide a multifunctional sports hall measuring 19.1 metres by 10.9 metres by 8.2 metres in overall height sited on the south elevation of the building adjoining the sports field.
- To provide additional teaching space measuring 21.5 metres by 33.8 metres in maximum width and length and 4 metres in maximum roof height sited on the east side of the building .

The refurbishment and remodelling of the existing building is also proposed. No increase in staff or pupil numbers would arise from the development.

There are no policy objections, in principle, to extending existing schools and as such it is considered that the key issues in the determination of the application are:-

1. Is the loss of existing sports field acceptable?
2. Is the design of the extensions and the impact on the character of the area acceptable?
3. Can visually significant trees be adequately safeguarded?
4. Is the impact on the living conditions of surrounding occupiers acceptable?
5. Are there any significant highway safety concerns?
6. An overall conclusion of the merits of the proposal.

#### 1. Loss of sports field

The proposed sports hall extension marginally encroaches onto the school sports field resulting in the loss of about 180m<sup>2</sup> of the total area of about 4,350 m<sup>2</sup> (about 4% of the total).

In light of their policy to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless certain exceptions apply Sport England initially objected to the application. However such objections have now been withdrawn following consideration of further detailed information regarding the function of existing and proposed sports spaces available to pupils of the school (which is set out in the Appendix to this report under the heading 'Applicant's/Agent's submission').

Taking into consideration the limited loss involved, and noting the current position of Sport England, it is considered that there are no objections to the loss of sports field as a result of the proposed sports hall extension.

#### 2. Is the design of the extensions and the impact on the character of the area acceptable?

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

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

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

Following receipt of amended plans it is now proposed that the sports hall extension is to be constructed in brown bricks for the lower sections, matching the existing school, and the upper section is to be clad in smooth light grey cladding panels (having initially been shown to be a dark grey colour). The other extension is to be constructed, predominantly, in brown facing bricks. Such

materials are considered to be appropriate to the design and function of the proposed extensions within the context of the appearance of the existing school.

The amended plans received also reduce the height of the sports hall extension, by around 0.8m from approximately 9m to 8.2m. That extension still remains considerably taller than the existing parts of the school which range between about 4m and 7.4m in height (the upper height being the ridge height of the roof on the taller elements of the existing buildings). Given such dimensions and its flat roof design the new sports hall will be a prominent addition to the existing school building. However, notwithstanding the objections that have been received, it is considered that the height of the sports hall extension is acceptable and would not appear incongruous in this location. Any further reduction in height would mean that the sports hall does not have a scale that would accord with guidance for multifunctional sports spaces appropriate for schools produced by Sport England.

The classroom additions proposed, which are situated on the eastern boundary of the school shared with the cemetery, are not as tall replicating the scale and architecture of the existing school building and as such would not be as prominent in the local area.

Overall subject to a planning condition controlling the precise details of external facing materials the impact on the character of the area is considered to be acceptable.

### 3. Can visually significant trees be adequately safeguarded?

Saved Local Plan policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub, or hedge, whether mature or not, unless the need for the development is sufficient to warrant tree loss and the loss cannot be avoided by appropriate siting or design. Where exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The proposal does not involve the loss of any mature and visually significant trees, that have been identified as Category A and B trees (those of high and moderate quality and value) and in recognition of this the Landscape Development Section has no objections to the proposal subject to the imposition of tree protection conditions. It is noted that additional concerns have been raised by residents in relation to the installation of new drainage on surrounding trees but that can also be addressed against by an appropriately worded planning condition and the advice received is that this would not result in the loss of trees.

### 4. Is the impact on the living conditions of surrounding residents acceptable?

SPG (Space Around Dwelling) provides guidance on privacy, daylight standards and environmental considerations. The sports hall extensions is the closest to the rear of residential properties on Abbots Way but at a distance of approximately 54m or more from the rear elevations of such properties and about 35m or more from the rear boundary it is considered that the extension would not have any adverse impact on daylight or result in an overbearing impact. There are no windows on the elevation facing towards the rear of such properties that would affect amenity.

The relationship between the proposed development and other neighbouring dwellings is therefore compliant with the advice of the SPG. In conclusion there is no significant adverse impact to neighbouring living conditions.

### 5. Are there any significant highway safety concerns?

Local residents have highlighted existing car parking and vehicle circulation problems along Abbots Way and within the school grounds which coincide with morning and evening drop off and pick up times. The access road leading down to the school from Abbots Way is narrow and the number of vehicles using the entrance alongside pupils requiring assistance when being dropped off results in traffic circulation problems on Abbots Way.

Those local concerns have been taken into account by the Highway Authority. But as no increase in staff or pupil numbers are proposed as a result of the extensions applied for there are no significant highway safety issues arising from the proposal.

Concerns have also been raised in relation to the possibility of the sports hall being used for community evening uses which would have a local highways impact. The school have now confirmed the proposal will not be used in that capacity. Taking into account the specific nature of the development applied for significant highway safety detriment cannot be justified.

## APPENDIX

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

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

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

#### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements  
Policy N17: Landscape Character – General Considerations  
Policy N12: Development and the Protection of Trees

### Other Material Considerations include:

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

#### Supplementary Planning Guidance/Documents

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

#### Relevant Planning History

05/01212/CPO	New car park, relocation of existing garage from the rear of the site, new classroom extension, staffroom extension and new access ramp at entrance	Permitted in 2006
00/00040/CPO	Erection of garage	Permitted in 2000
93/00740/CPO	Double classroom mobile unit	Permitted in 1993
92/00373/FUL	Extension to classroom	Permitted in 1992
N6238	New headmasters office	Permitted in 1978
N7477	The erection of a garage	Permitted in 1979

#### Views of Consultees

**Sport England** following consideration of additional information, now have no objections to the application.

**Landscape Development Section** comment that they have no objections to the proposal subject to conditions requiring:-

1. The works are completed in accordance with the arboricultural information required.
2. The prior approval and implementation of an Arboricultural Method Statement.
3. Trees shown as retained shall be retained and protected throughout the construction period.

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

The **Highway Authority** has no objections to the development subject to conditions requiring:-

1. The submission, agreement and implementation of a Construction Method Statement.

They also comment that their advice is based on the following:-

- Pupils and staff numbers not increasing.
- The existing car park will not be affected by the development.
- The proposed sports hall is to be used solely by the school and the facility will not be available to be used by the local community.

## Representations

The neighbour notification period expires on the 27<sup>th</sup> September.

A total of 46 objections, including a letter from **Paul Farrelly MP** and from **Cllr Mark Holland**, have been received raising the following concerns:-

- Aggravation of existing traffic problems in the area.
- The visual impact of the development is considered harmful due to its disproportionate height, scale and materials compared to the existing school building. Such impact will not be lessened by the mature trees on the boundary as they are deciduous species.
- The design basis for the proposal is questionable and allows for the height of the sports hall to be reduced.
- The extension works will harm visually important trees in the vicinity.
- The proposal could be used for evening community use which would cause parking and traffic problems and other disruption to local amenity.
- There is already an oversupply of community sports facilities in the Newcastle under Lyme area as evidenced by Sport England.
- The reduction of outdoor sports field space is unacceptable (as supported by Sport England).
- Consultation with residents has not been carried out and a decision should be undertaken with transparency.
- Construction times and landscaping provision are secured by planning condition.

## Applicant's/Agent's submission

The application is supported by a Phase 1 Site Appraisal (desk study) to identify potential ground engineering and contamination issues and an Arboricultural Implications Assessment and Method Statement. In addition the applicant, in response to concerns expressed, in particular those made by Sport England, has provided the following additional information:-

- The Coppice Academy is a 100 place Special Educational Needs school offering education from age 12 - 18. In 2015 a basic needs assessment was undertaken, the assessment concluded that the school accommodation is approximately 40% smaller than the current standard requirements. Funding for the construction of additional accommodation has been awarded to this school as a result. Basic accommodation requirements have been identified and the layout of the existing site interrogated to determine the most appropriate proposal to accommodate the required facilities:-
  1. Sports Hall
  2. Music classrooms
  3. Small group rooms
  4. Standard size ICT classroom
  5. Associated ancillary support spacesThe proposed extensions allow the greatest operational benefits to the school, maximising use and accessibility.
- The existing playing field is currently used by the school for the following activities (weather permitting): athletics (using a non-standard size 4/6 lane running track); football; softball; rounders; tag rugby and orienteering.
- The school also have use of hard play courts on site which can accommodate: basketball; 5-a-side; volley ball; quick cricket; netball; and field hockey.
- The remaining playing field provision post building the extension will continue to accommodate all of the above and it can be laid out formally to provide: a 7 v 7 mini soccer pitch (55m x 43m); two. 5 v 5 mini soccer pitches (43m x 33m); a non-standard running track (4 lane, 40m straight, 15m radius) (smaller radius than existing but longer straight); as well as the existing full size football pitch (measuring around 80m x 40m).
- The number of extra sports activities the school could provide within the sports hall during the school day and throughout the year far outweighs the marginal loss of playing field of which use and purpose is dependent on the weather.
- Often the playing fields are used informally by small groups due to the range in ability of the pupils across different age groups. Using the playing field for two smaller



pitches is just as valuable to the school as its use as a single larger pitch, the fields are used in this way already.

- External play equipment is currently stored in the garage at the far end of the car park, at the northern boundary of the site. The proposed sports hall design includes an external store adjacent to the playing fields. The benefit of this proximity means pupils can be involved in collecting and setting up equipment and will contribute to longer lesson times.
- The school believes the new sports hall will enable them to deliver a specialist curriculum that best supports their student's needs.

The application documents are available for inspection at the Guildhall and via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00626/FUL>

#### Background papers

Planning files referred to

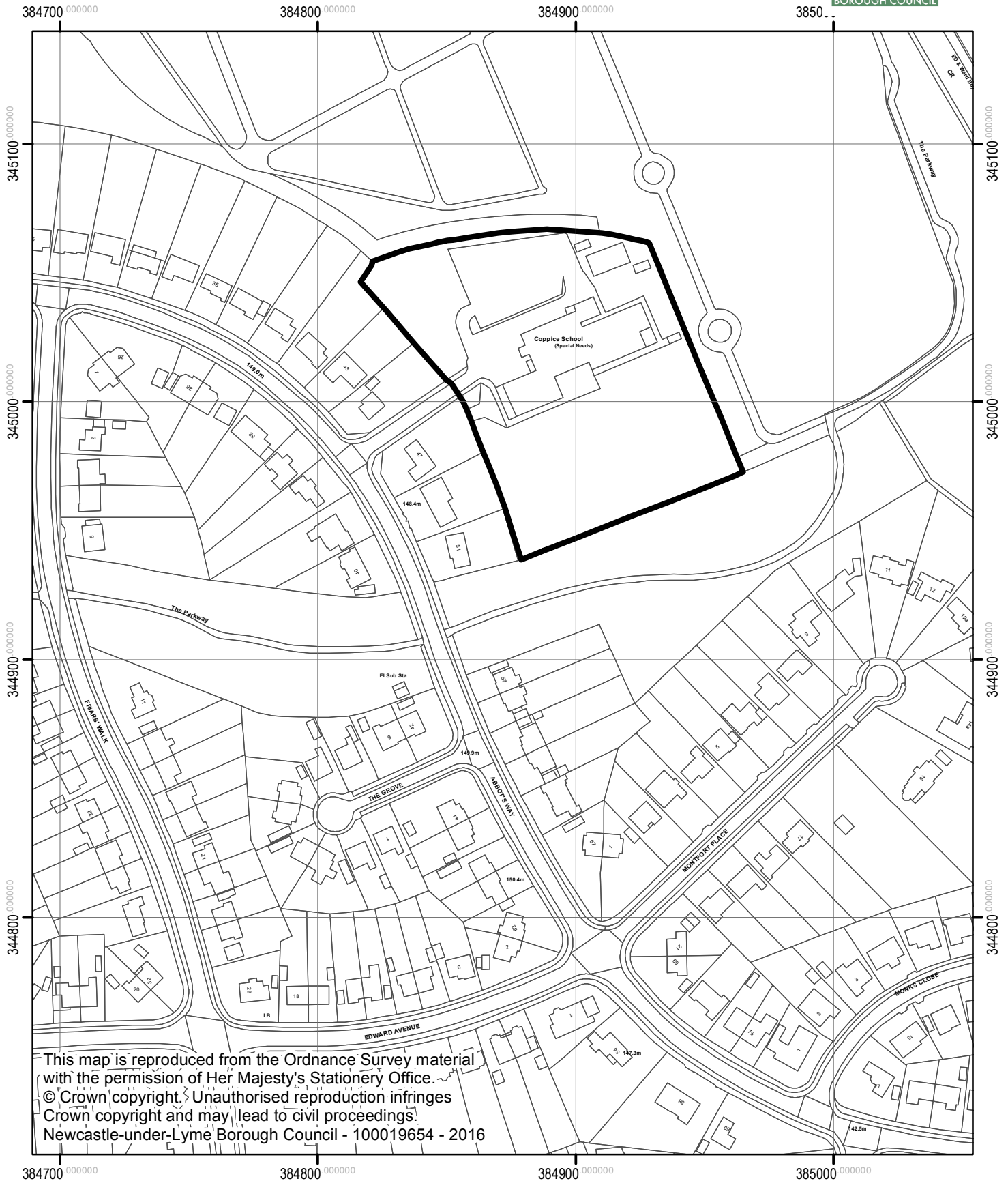
Planning Documents referred to

#### Date report prepared

27<sup>th</sup> September 2016.

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**The Coppice School, Abbots Way,  
Westlands, Newcastle-under-Lyme, ST5 2EY.  
16/00626/FUL**



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## HALF YEARLY REPORT ON PLANNING OBLIGATIONS

### Purpose of the Report

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

### Recommendations

- a) That the report be noted
- b) That the Head of Planning continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, obligations that have been modified, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements

### Introduction

The last half yearly report on planning obligations was provided to the Committee at its meeting on 24<sup>th</sup> May 2016 and covered the period between 1st October 2015 to 31st March 2016. This report now covers the period between 1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016 and sets out planning obligations which have been secured during this 6 month period, obligations which have been amended either by application or by agreement, works that are known to have been funded during that period in whole or in part by planning obligations, and compliance with their requirements. Members should however note that the information on payments received and funded expenditure may be incomplete.

Planning obligations can be secured by agreement or by unilateral undertaking. These are sometimes known as Section 106 agreements or undertakings – being entered into pursuant to Section 106 of Town and Country Planning Act 1990, as amended.

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

**Table 1 - Developments where planning obligations by developers/owners of land have been entered into (1st April 2016 to 30th September 2016)**

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

<b>Application reference and date of agreement or undertaking</b>	<b>Location of development</b>	<b>Development</b>	<b>Purpose of the obligation(s) entered into by developers/owners</b>	<b>The level of contribution(s) payable when development trigger achieved</b>
15/00692/FUL 27 <sup>th</sup> May 2016	Audley Working Mens Club,, New Road., Bignall End	Erection of 12 houses	Education Places Contribution (Ravensmead Primary) but only should a reappraisal be required and demonstrate one can be provided)	Nil but upon reappraisal up to £33,093 (Index Linked)
			Public Open Space (Bignall End Road playground) contribution but only should a reappraisal be required and demonstrate one can be provided	Nil, but upon reappraisal up to £41,202 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	Not Applicable
15/00368/OUT 1 <sup>st</sup> September 2016	Land At West Avenue, Kidsgrove	Outline planning application for residential development for 44 dwellings	25% Affordable Housing (11 Units)	Not Applicable
			Public Open Space contribution towards enhancement and maintenance of the playground at Townfield Close	£129,492 (Index Linked)
			Education Places Contribution towards general teaching rooms at St. Saviour's CE Primary School.	£99,279 (Index Linked)
14/00948/OUT	Hamptons Metal Merchants And Land Adjoining Keele	Residential development of up to 138 dwellings	20% Affordable Housing	N/A
			Education Places Contribution to St Giles's and	£319,899 (Index

8 <sup>th</sup> July 2016, as subsequently confirmed by Inspectors appeal decision 14 <sup>th</sup> September 2016	Road, Newcastle Under Lyme		St.Georges Academy	Linked)
			Long term Management and Maintenance of on site public open space	N/A
			Travel Plan Sum	£6,300 (Index Linked)
			Financial Viability Re-Appraisal Mechanism	N/A

**Table 2 – Developments where planning obligations by developers/owners of land have been agreed to be modified or discharged by application or by agreement (1<sup>st</sup> April 2016 to 30<sup>th</sup> September 2016)**

This Table identifies developments where planning obligations by agreement or undertaking have been modified or discharged. The list includes decisions made under Section 106A (to vary or discharge the terms of an obligation), under Section 106BA which allowed the review of planning obligations on planning permissions which related to the provision of affordable housing, and where the Council has, without a formal application having been made, agreed to amend or modify an existing agreement .

Application Number (if applicable) & Reference Number of original related permission and date of modified /discharged agreement	Location of Development	Application	Decision
16/00015/DOB & 04/00189/COU  19 <sup>th</sup> April 2016	White House Farm Deans Lane Balterley	Application to discharge a planning obligation which prevented the severance of a building from the other buildings and land on the application site in the ownership of the applicant. The obligation was originally entered into prior to the granting of planning permission for conversion of the building into a holiday let. In 2015 planning permission was granted 15/00682/COU for the buildings use as a single dwelling.	Obligaton discharged
16/00326/FUL & 14/00767/FUL  3 <sup>rd</sup> September 2016	Site of former Woodshutts public house, Lower Ash Road.	Application for amendment to a condition of the earlier permission for 22 dwellings on this site. A S106 agreement prior to that earlier permission had referred only to the development referred to in that earlier permission and had required a reappraisal 12 months later (if no substantial commencement by then). As a consequence prior to the granting of the new permission it was necessary to enter into a Deed of Variation varying the terms of the original agreement entered with respect to application 14/00767/FUL, that also preserved the original date by which a financial reappraisal might be required.	Obligation amended



**Table 3 - Development where financial contributions have been made (1st April 2016 to 30th September 2016)**

This Table identifies the developments where a planning obligation requires the payment of a financial contribution and the trigger for payment has been reached and payments have been made. The sum of the contribution may differ from that originally secured due to it being a phased payment of the contribution, or the application of indexation. Because of difficulties experienced in obtaining this information it may be incomplete particularly with respect to contributions that may have been made directly to the County Council. In the next 6 monthly report an update will, hopefully, be provided.

Permission reference	Location of development	Development	Purpose of the obligation(s) subject of contributions received	Contribution made and to whom
15/00759/FUL	Former Blue Bell Inn, New Road, Wrinehill	Proposed 5 No. detached dwellings	A commuted off-site affordable housing contribution	£45,000 NBC
14/00476/FUL	Homestead / May Place, Brampton Road, Newcastle Under Lyme	Proposed new 65 apartment Extra Care scheme with allied facilities.	Public Open Space contribution	£36,366.85 NBC

**Table 4 - Development where financial contribution have been spent. (1st April 2016 to 30th September 2016)**

This Table identifies those developments where the spending authority have advised the Planning Authority that they have spent within the above period a financial contribution secured via planning obligations. The Table refers to expenditure by the Education Authority and by the Borough Council and accordingly may be incomplete. In the next 6 monthly report an update will, hopefully, be provided. The Table only refers to the spending of financial contributions, it does not refer to on-site affordable housing that has been provided as a consequence of planning obligations.

Permission associated with the planning obligation as a result of which funding was received	Location of development referred to in the permission	Development	Amount received as a result of planning obligation and purpose of contribution as indicated in the planning obligation	How the contribution has been spent
Nil	-	-	-	-

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

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

<b>Permission reference &amp; Date of Obligation</b>	<b>Location of development</b>	<b>Development</b>	<b>Purpose of the obligation and description of the apparent breach</b>	<b>Action taken and to be taken to resolve the apparent breach.</b>
10/00480/FUL 14 <sup>th</sup> December 2010	Former Corona Works, Sandford Street Chesterton	Residential Development of 16 dwellings	Public Open Space contribution of £47,088 (index linked) – trigger of commencement of the development (within original agreement) for payment passed sometime ago but no payment received to date	<p>The Planning Committee at its meeting on 16th April 2013 resolved to defer the requirement to make this payment - until prior to commencement of the 9th dwelling on the site. The revised agreement required to formalise this has still not been completed by the other party, despite several approaches by the Council's solicitors.</p> <p>The scheme currently has 4 dwellings completed with 3 plots due to be completed.</p> <p>The District Valuer has now been instructed to carry out a viability appraisal for the approved development to assess whether the scheme can support the policy</p>

				compliant public open space and affordable housing contributions/ requirements. It is expected that the developer will then make an application under Section 106A to vary or discharge such requirements, which would come before the Planning Committee for determination.
99/00918/FUL 13 <sup>th</sup> Feb 2012	Land off Grange Lane Wolstanton Newcastle	Residential development	Provision of toddlers play area at the bottom of Minton Street no later than the date upon which 214 dwellings completed or 13 <sup>th</sup> Feb 2015 which ever is the sooner.  The toddlers play area was not provided when it should have been which was a breach of the S106 obligation.	Landscape Section are due to carry out a site visit as the developer is nearing completion of the works in question and the toddlers play area should soon be in use. Once the works have been completed and the area is in use the case can be closed. Members will be informed of this.
15/00166/FUL 24 <sup>th</sup> November 2015	Site of former Jubilee Baths site, Brunswick Street / Nelson Place.	Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking (Sky Building)	Public Open Space capital sum contribution for the improvement of Queens Gardens totalling £120,931 (index linked) was due to be paid on or before 31 <sup>st</sup> March 2016 but the payment was not received by that date	The Planning Committee at its meeting on 19 <sup>th</sup> July 2016 agreed, upon the developer's request, to amend the agreement so that the required payment date would be 30 <sup>th</sup> September 2016. Since then the agreement has not been amended nor was the payment was made by the

				30 <sup>th</sup> September.
12/00701/FUL 13 <sup>th</sup> May 2013	Former Randles Ltd, 35 Higherland, Newcastle Under Lyme	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	A financial contribution of £36,017 (index linked) towards the Newcastle (urban) Transport and Development Strategy (NTADS) is required to have been paid prior to the commencement of the development.  That has not happened	The ground floor of the building has been operating as a Tesco food store for over a year. The County Council and the Borough Council have requested outstanding amount which will need to have index linking applied, and in the event of payment still not being made further action may need to be taken.
15/00329/FUL 27 <sup>th</sup> May 2015	The Skylark High Street Talke	Demolition of existing public house and erection of ten dwellings	A financial contribution of £15,000 (index linked) towards Public Open Space enhancements and maintenance at Chester Road playground should have been made within 9 months of the commencement of the development. The applicant has previously confirmed that the development commenced in September 2015. Therefore the payment was due by the end of June 2016. The contribution has not been paid to date.	The development is nearing completion and further correspondence has been sent to the developer seeking the payment of the outstanding contribution.

## **Register of Locally Important Buildings and Structures in Newcastle-under-Lyme - 2016 Review**

Report to Planning Committee 8<sup>th</sup> November 2016

### **Purpose of the Report**

To approve the updated Register of Locally Important Buildings and Structures following the 2016 review.

### **Recommendation**

**That Members agree to the proposed additions to the Register, as set out Section 2 of this report.**

### **Reason**

As previously resolved, to review the Register.

## **1.0 Background**

- 1.1 A report was considered in October 2010 to compile a list of locally important buildings and structures in the Borough. Members resolved to accept that list and call it a Register of Locally Important Buildings and Structures. Members also resolved to review the Register annually (subject to resources), plot the location of buildings on a publicly available plan and agreed that the membership of the Assessors' Panel that would consider all future nominations should be determined by the Conservation Advisory Working Party. The current Register can be viewed on [www.newcastle-staffs.gov.uk/localregister](http://www.newcastle-staffs.gov.uk/localregister)
- 1.2 A Supplementary Planning Document (SPD) was adopted in March 2012 for the Register of Locally Important Buildings and Structures which sets out the procedure by which buildings and structures are added to the Register, including the scoring system.

## **2.0 Alterations to the Register**

- 2.1 A review of the Register has been undertaken and the proposed additions to the Register following consideration of the nominations by the Panel are set out below. 10 nominations were considered by the Panel in the 2016 review. 8 buildings and structures are now proposed to be added to the Register. These are as follows:-

**Cherry Tree Pub, London Road, Newcastle**  
**90 King Street, Newcastle including post box**  
**The Mount, 64 King Street, Newcastle**  
**Alsagers Bank War Memorial**  
**Miners Tribute sculpture, Silverdale**  
**Catholic Church, The Avenue, Kidsgrove**  
**Methodist Church, The Avenue, Kidsgrove**  
**302/304 High Street, Silverdale**

### **3.0 Buildings scoring below the required amount**

- 3.1 During the review, some nominated buildings fall short of the required number of points to warrant inclusion on the Register. Buildings and structures will be reconsidered if significant and appropriate additional information is provided to enable a better assessment to be made of the building.

### **4.0 Next Steps**

- 4.1 The nominators and owners of the buildings which are to be added to the Register will be notified and a period of time given for them to send in any representations for consideration by the Council at the next review.
- 4.2 The buildings will be added to the Council's Geographical Information System (GIS) and the amended Register will be put on the Council's website.
- 4.3 The Register will continue to be regularly updated and reviewed as resources permit.

### **5.0 Background Papers**

English Heritage: Good Practice Guide for Local Listing: 2012 <http://www.english-heritage.org.uk/publications/good-practice-local-heritage-listing/>

## **Confirmation of Tree Preservation Order**

Trees at Elds Nook, Willoughbridge Market Drayton Shropshire

### **Tree Preservation Order No 175 (2016)**

Town & Country Planning Act 1990

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

### **The Provisional Order**

This Provisional Tree Preservation Order protects three individual mature Oak trees situated in a visually prominent position within the garden of Elds Nook.

**The 6 month period for this Order expires on 21<sup>st</sup> December 2016**

### **RECOMMENDATION**

That Tree Preservation Order No 175 (2016), Elds Nook be confirmed as made and that the owners of the site be informed accordingly.

### **Reasons for Recommendation**

#### **Background**

Your officers are of the opinion that the longer-term visual amenity of the trees was best secured by the making of a Provisional Tree Preservation Order after a planning application was submitted whereby trees on the site may have been in the way of a proposed development. Consequently there was a risk that the trees may be felled in order to accommodate the development.

It is considered that the three Oak trees have a high amenity value and that their loss or disfigurement would have a negative impact upon the visual amenity, not only of the site but the locality.

Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations.

In order to protect the long-term wellbeing of these trees they should be protected by a Tree Preservation Order

#### **Representations**

Following the consultation period one representation welcoming the Tree Preservation; and also raising the following matter:

- The respondent questioned why a further Oak (on land owned by the writer) was not included in the order as its roots and branches extend into Elds Nook.

## Issues

Your officers response is that the reason that the further Oak tree (along other trees that overhang the site from adjacent properties) were not protected at the same time is because the Borough Council do not consider that these trees are under sufficient threat to warrant the serving of a TPO.

As is the case for all local authorities, in many situations where trees (or woodlands) may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management, and for which there is no reason to believe that there is a risk of them being felled, pruned or damaged in a way which would have a significant impact upon the amenity of the area.

Local authorities may only make a TPO where it appears to them to be 'expedient' to protect a tree, group of trees or woodland which makes a significant contribution to amenity.

The submitted planning application showed that the garage was likely to directly affect T2 and T3, and as these trees are owned by the people who are developing the site, there was a risk that they could be felled in order to make way for the new development.

The roots and partial canopy of the further Oak share the same (albeit smaller) area of ground as the protected T3. Therefore there would be no risk to the tree in the adjacent property if T3 is properly protected (i.e. T3 stands in front of the further Oak).

As the further Oak belongs to the neighbour (the respondent) the Borough Council believe that the likelihood that it will be cut down to make way for a development is low and a TPO on this tree would be unnecessary.

The making of the Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

Your officer recommends that the three mature Oak trees are permanently protected and that TPO175 be confirmed as made.

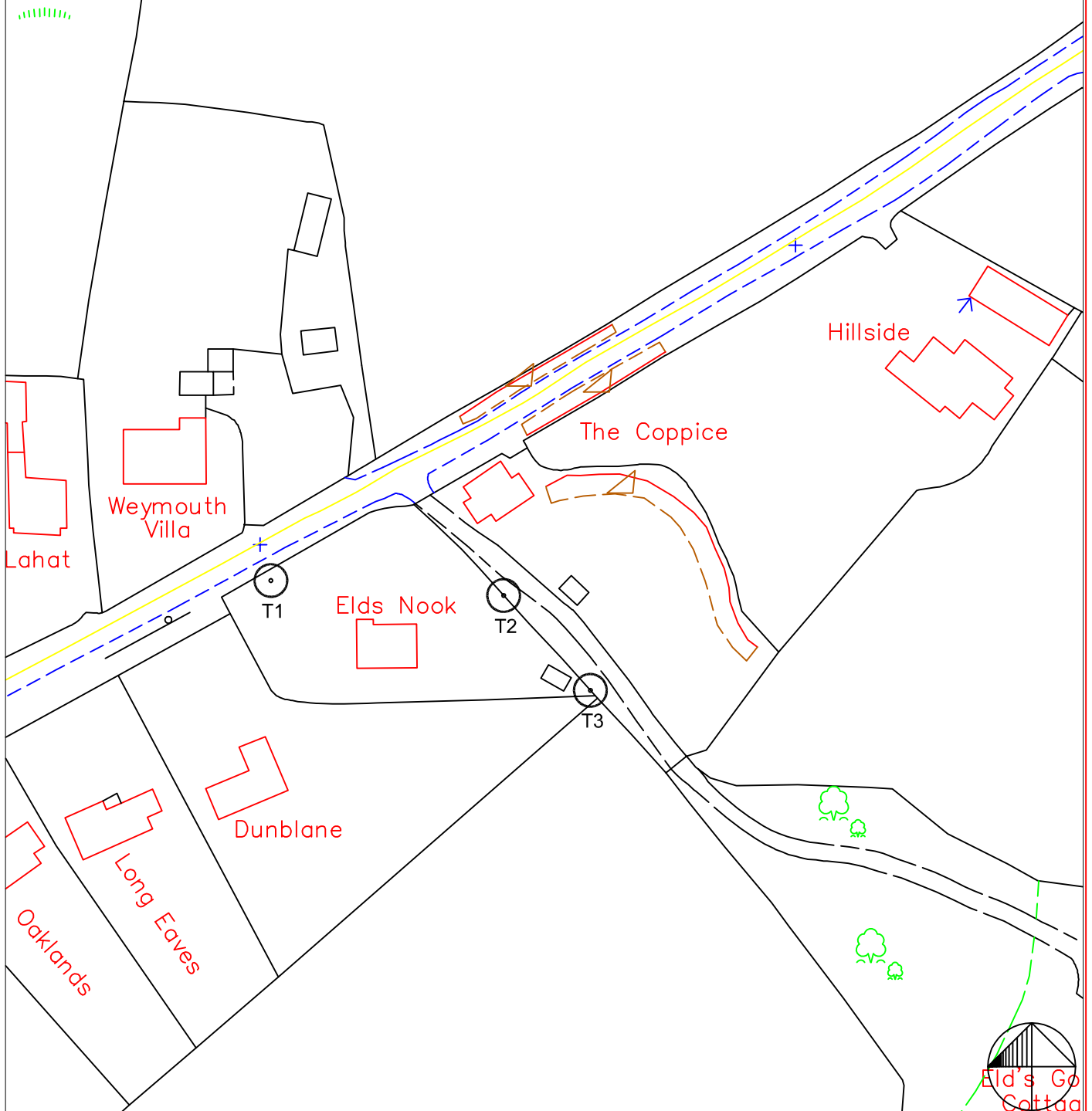
## Date report prepared

10<sup>th</sup> October 2016



SIGNED: .....

DATED: ....21st June 2016



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DAVE ADAMS  
EXECUTIVE DIRECTOR -  
OPERATIONAL SERVICES  
CIVIC OFFICES, MERRIAL  
STREET  
NEWCASTLE, STAFFORDSHIRE.  
ST5 2AG

TITLE:  
LAND AT ELDS NOOK, WILLOUGHBRIDGE, MARKET  
DRAYTON, SHROPSHIRE

DESCRIPTION:  
TREE PRESERVATION ORDER  
NUMBER 175 (2016)

SCALE:  
1:1000

DATE:  
JUNE 2016

DRAWN BY:  
**Page 73**

DRAWING NO.  
TPO 175

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## ARTICLE 4 DIRECTION FOR WHITMORE CONSERVATION AREA

Report to Planning Committee 8<sup>th</sup> November 2016

### **Purpose of the report**

To provide the Committee with the opportunity to consider any comments received on the Article 4 Direction for Whitmore Conservation Area and to decide whether to confirm the Direction.

### **Recommendation**

**That the Committee confirms the Article 4 Direction for Whitmore Conservation Area coming into force on 18<sup>th</sup> November, as set out in the Direction.**

### **Reasons**

The notification period is over and the Council must now decide if the Direction should be confirmed or not.

## **1.0 Background**

- 1.1 The Planning Committee, on 24<sup>th</sup> May resolved that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to certain residential properties within Whitmore Conservation Area including rights associated with works of improvement, extension and alteration of a dwelling, works to boundary walls and the demolition of such walls, the installation of micro-generation equipment, and the extension or alteration of a building on agricultural land. This Direction was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The purpose of this report is to enable the Planning Committee to consider whether the Article 4 Direction should be confirmed. The Direction was made and will come into force on 18<sup>th</sup> November if it is confirmed by the Local Planning Authority.
- 1.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and then confirmation, and immediate directions where permitted development rights are withdrawn straight away, but then must be confirmed following local consultation within 6 months. In the case of Whitmore a non-immediate Direction has been progressed which would come into effect if now confirmed. The Council in deciding whether or not to confirm the Direction is required to take into account any representations received during the consultation period.

## **2.0 Consultation**

- 2.1 Representations were invited between 19<sup>th</sup> September 2016 and 14<sup>th</sup> October 2016. In accordance with legislation, the relevant notifications were undertaken.
- 2.2 No representations have been received in respect of the proposed Article 4 Direction for Whitmore.

2.3 The Conservation Advisory Working Party fully supports the confirmation of this Direction.

### 3.0 **Conclusions**

3.1 It is considered that the Direction, as made, is justified and will hopefully help to retain the special architectural details which contribute to the character of the Conservation Area. An Article 4 Direction only means that a particular development cannot be carried out under permitted development rights 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 now confirm the Direction.