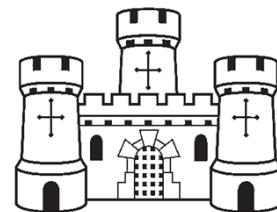


Public Document Pack

Date of meeting Tuesday, 6th December, 2016
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

PLEASE NOTE EARLIER START TIME

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 8)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - Site of former Woodshutts Inn, Lower Ash Road, Kidsgrove. Novus Property Solutions. 16/00724/FUL** (Pages 9 - 14)
- 5 **Application for Major Development - Former Maxims, Stanier Street, Newcastle. Prime UK Developments Ltd. 16/00877/FUL and 16/00876/LBC** (Pages 15 - 22)
- 6 **Application for Major Development - Land off Deans lane and Moss Grove, Red Street, Chesterton. Newcastle Borough Council. 16/00902/DEEM4** (Pages 23 - 34)
- 7 **Application for Other Development - Land adjacent 168 Knutton Lane, Knutton. Mr I Siddiqui. 16/00838/COU** (Pages 35 - 38)
- 8 **Application for Other Development - 29 Vale Street, Silverdale. Mr G & Mrs S Snell. 16/00859/FUL** (Pages 39 - 44)

- | | | |
|-----------|---|------------------------|
| 9 | Application for Other Development - 12 The Brackens, Westbury Park, Clayton. Mr D Copestake. 16/00904/FUL | (Pages 45 - 50) |
| 10 | Mid-Year Development Management Performance Report 2016/2017 | (Pages 51 - 62) |
| 11 | Affordable Housing - policy on application of off site financial contributions | (Pages 63 - 66) |
| 12 | Tree Preservation Order TPO 176. Land at Wrekin, Mucklestone Wood Lane, Loggerheads. | (Pages 67 - 70) |
| 13 | Quarterly Report on Progress on Enforcement Cases Where Enforcement Action Has Been Authorised. | (Pages 71 - 76) |
| 14 | Quarterly Report on Open Enforcement Cases | (Pages 77 - 78) |
| 15 | Appeal Decision - 134 Chatterley Drive, Kidsgrove. 16/00241/FUL | (Pages 79 - 80) |
| 16 | Appeal Decision - 133 Smithy Lane, Knighton. 16/00312/FUL | (Pages 81 - 82) |
| 17 | Application for Financial Assistance (Historic Buildings Grant) -Ebenezer House, Ryecroft, Newcastle. 16/17002/HBG | (Pages 83 - 84) |
| 18 | URGENT BUSINESS | |

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

Members: Councillors 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, 8th November, 2016
Time of Commencement: 7.00pm

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Panter, Reddish, Simpson, Snell, Sweeney, Turner, G Williams and J Williams

Officers Becky Allen, Nick Bromley, Geoff Durham, Elaine Moulton and Trevor Vernon

1. APOLOGIES

Apologies were received from Councillor Pickup.

2. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

3. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 11 October, 2016 be agreed as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT - UNIT 2 JAMAGE INDUSTRIAL ESTATE, PIT LANE, TALKE PITS. CTL ESTATES LTD. 16/00659/FUL

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

- (i) Time limit
- (ii) Approved plans and details
- (iii) Materials as per the submission
- (iv) Provision of parking servicing and turning areas prior to the extension being brought into use.
- (v) The vehicular one way system shall be signed and marked out prior to use.
- (vi) Submission and approval of secure weatherproof parking for a minimum of ten cycles.

5. APPLICATION FOR MAJOR DEVELOPMENT - NEW LOOK PIT HEAD CLOSE, NEWCASTLE. NEW LOOK. 16/00712/FUL

Resolved: (a) That, subject to the applicant first entering by 1st December 2016 into a section 106 obligation securing a contribution sum of £2,100 towards Travel Plan monitoring, the

application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development,
- (ii) Approved plans,
- (iii) Materials as per submitted plans/ match existing buildings,
- (iv) 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
- (v) Notwithstanding submitted site plan submission, approval and implementation of soft landscaping details within the development site,
- (vi) Provision of parking and manoeuvring areas prior to development being brought into use, subject to compliance with the above condition
- (vii) Travel Plan implementation,
- (viii) Submission and approval of an Air Quality Impact Assessment for heating system,
- (ix) Any external lighting to be as shown in the submitted Lighting Assessment Report 2860SBH and external lighting plan 2860SBH-24-01-0-1,
- (x) Mitigation as per submitted Ecological Constraints Assessment,
- (xi) Submission and approval of further surface water drainage details,

- (b) That, 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.

6. APPLICATION FOR MINOR DEVELOPMENT - THE OFFLEY ARMS, POOLSIDE, MADELEY. LONDON AND EDINBURGH PENSION SCHEME LLP. 16/00594/FUL

Proposed by Councillor B Panter and seconded by Councillor J Williams

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

- (i) The application has failed to demonstrate that the proposed development would maintain an acceptable level of car parking for the public house and that the loss of parking arising from the development would not result in the highway safety issues due to on street parking.
- (ii) The applicant has failed to demonstrate that the existing access is adequate for the proposed development in addition to its continued use in association with the public house and that highway safety issues would not arise.

7. **APPLICATION FOR MINOR DEVELOPMENT - LAND ADJACENT TO SHEET ANCHOR, NEWCASTLE ROAD, WHITMORE. G DONLON. 16/00609/FUL**

- Resolved:**
- (a) That, subject to the applicant entering into a S106 obligation by 25th November that secures:
- a financial contribution of £20,601 towards public open space provision and £19,399 as a payment towards off-site affordable housing provision within the Borough;
 - and the review of the financial assessment of the scheme, if there has been no substantial commencement within 1 year of the grant of planning permission and a greater contribution being made to the provision of affordable housing off-site (to a maximum of £219.795) if it has been evaluated at the time that the development can support

the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development.
- (ii) Approved plans.
- (iii) Materials.
- (iv) Detailed landscaping scheme.
- (v) Provision of access, parking and turning areas prior to occupation.
- (vi) Submission and approval of Surfacing, drainage and visibility details
- (vii) Garages to be retained for parking.
- (viii) External noise mitigation.
- (ix) Protection of the highway from mud and debris.
- (x) Unexpected land contamination.
- (xi) Construction hours.
- (xii) Drainage provision.
- (xiii) Details of appropriate vehicle safety protection measures along the boundary shared with the railway.

- (b) That, should the obligation not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision; unless he considers it appropriate to extend the period for completion of the obligation.

8. **APPLICATION FOR MINOR DEVELOPMENT - THE NURSERIES, 35 ALSAGER ROAD, AUDLEY. SMARTBUILD AND DESIGN LTD. 16/00747/FUL**

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

- (i) standard time limit
- (ii) approved plans

- (iii) provision of access road, parking and turning areas in accordance with plans prior to occupation
- (iv) provision of visibility splays prior to occupation of the development
- (v) prior approval of surface water drainage for the access road, parking and turning areas
- (vi) the access road to remain ungraded
- (vii) prior approval of a Construction Method Statement
- (viii) prior approval of details of design measures supported by a noise assessment to ensure satisfactory internal noise levels for the proposed dwellings
- (ix) full suite of contaminated land conditions
- (x) 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.
- (xi) Approval of finished floor levels prior to construction of the dwellings
- (xii) Approval of landscaping proposals, prior to construction of the dwellings
- (xiii) Removal of permitted development rights on all plots for extensions and dormer extensions covered by Classes A. and B
- (xiv) Prior approval of the design of the bin collection area prior to occupation of the dwellings.

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

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

(Note: Conditions (iii), (iv) and (ix) have been amended and therefore differ to the main agenda report)

- (i) Approved drawings
- (ii) Time Limit
- (iii) Prior approval of all external facing materials with the proposed cladding to be very close in colour to the brick.
- (iv) Prior approval and implementation of a Construction Method Statement which shall include provision of wheel washing facilities.
- (v) The works are completed in accordance with the arboricultural information required which shall include the wider drainage installation works.
- (vi) The prior approval and implementation of an Arboricultural Method Statement.
- (vii) Trees shown as retained shall be retained and protected throughout the construction period.
- (viii) Prior approval of details of mechanical ventilation.
- (ix) **In relation to the construction and demolition phases of the development no machinery shall be operated, no process shall**

be carried out and no construction traffic shall enter or leave the site between 18.00 hours and 07.00 hours Monday to Friday and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.

- (x) That no community use is granted (for the avoidance of any doubt).

10. HALF YEARLY REPORT ON PLANNING OBLIGATIONS

- Resolved:**
- (i) That the report be noted.
 - (ii) 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

11. REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2016 REVIEW

- Resolved:** That the proposed additions to the Register, as set out in the agenda report, be agreed.

12. TREE PRESERVATION ORDER- ELDS NOOK, WILLOUGHBRIDGE. TPO175

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

13. ARTICLE 4 DIRECTION FOR WHITMORE CONSERVATION AREA

- Resolved:** That the Article 4 Direction for Whitmore Conservation Area be confirmed.

14. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 8.50 pm

This page is intentionally left blank

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

16/00724/FUL

The Application seeks to vary condition 24 of planning permission 16/00326/FUL. Application 16/00326/FUL related to the variation of 15 (on odour abatement) of planning permission 14/00767/FUL for the construction of 22 affordable dwellings. The granting of the permission, reference 16/00326/FUL resulted in a fresh planning permission for the construction of 22 affordable dwellings and it is this later permission that is currently being implemented.

Condition 24 as worded in the decision notice is as follows:

No development shall commence until a scheme for the provision of affordable housing, in perpetuity, as part of the development has been secured. The affordable housing shall be provided in accordance with the approved scheme, the scheme shall include:

- *The provision of 7 of the dwellings as shared ownership tenure residential units and 15 of the dwellings as affordable rent tenure residential units.*
- *The timing of the construction of the affordable housing.*
- *The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and*
- *The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy will be enforced.*

The reason given for the condition within the decision notice was “*to ensure adequate provision is made for affordable housing within the development in accordance with policy*”

The varied wording of condition 24 is the removal of the words “in perpetuity.”.

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

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

RECOMMENDATION

PERMIT the variation of condition 24 of 16/00326/FUL so that it reads as follows:

No development shall commence until a scheme for the provision of affordable housing as part of the development has been secured. The affordable housing shall be provided in accordance with the approved scheme, the scheme shall include:

- **The provision of 7 of the dwellings as shared ownership tenure residential units and 15 of the dwellings as affordable rent tenure residential units.**
- **The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and**
- **The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy will be enforced.**

and subject to the imposition of all other conditions attached to planning permission 14/00767/FUL, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

Reason for Recommendation

As the developer, Aspire Housing, is not able to guarantee that the affordable housing permitted on this site will be retained in perpetuity, due to the Right to Acquire that exists, the condition should be varied by removal of the reference to in perpetuity. In addition it is considered that the requirement for the timing of the construction of the affordable housing is not required given the development is only for affordable housing.

There is no longer a requirement for a Section 106 planning obligation to secure a review of the viability of the scheme as the development has been substantially commenced in accordance with the S106s already entered into.

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

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

Key Issues

Full planning permission was granted earlier this year for the construction of 22 affordable dwellings, reference 14/00767/FUL. In October further permission was granted, under reference 16/00326/FUL, for the variation of condition 15 of planning permission 14/00767/FUL which granted a fresh permission for the development. The application seeks to vary condition 24 of that later permission.

The wording of Condition 24 is set out in the introduction. The applicant seeks to vary the condition by removal of the words 'in perpetuity'.

In deciding the application the Authority must only consider the condition in question and cannot reconsider the principle of the development already permitted.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such a permission should also make reference to the other conditions of the original planning permission. In addition if the planning permission was subject to a Section 106 planning obligation (S106) that obligation would need to be varied to ensure that it is triggered by the new permission if it is still required.

The applicant, Aspire Housing, indicate that they are unable to guarantee compliance with the condition as they are unable to ensure that the properties will remain affordable in perpetuity. Such a right comes from the Housing (Right to Acquire) Regulations 1997 which indicates that a tenant who satisfies the conditions of section 16(1)(a) and (b) of the Housing Act 1996 has the right to acquire property if the registered social landlord owns the freehold title of the house. Such a right to acquire arises when the tenant has occupied the property for 2 years under an assured tenancy (other than an assured shorthold tenancy or a long tenancy, or under a secure tenancy) and if the house was provided with public money since March 1997 and has remained in the social rented sector.

The registered social landlord can refuse an application for the right to acquire on certain grounds but such grounds do not relate to the means by which the affordable housing has been secured. Aspire Housing could not refuse on the basis that the affordable housing on this site was secured through a condition of a planning permission and the reference to such provision being in perpetuity within condition 25 has no bearing on this right.

It is clear that the developer, Aspire Housing, is unable to ensure that a breach of condition 25 requiring the affordable housing being required in perpetuity, as currently worded, is complied with. In recognition of such a right to acquire it is considered that the condition does not meet the relevant tests as it is not enforceable. The condition therefore should be varied through the omission of the reference to in perpetuity. It is important to note the circumstances of this case – that the affordable housing has not been secured by a planning obligation, and accordingly no precedent is set for the consideration of this issue where affordable housing is being secured by means of a planning obligation.

In retrospect, given that all the houses to be constructed are to be affordable, at least initially, it is also considered that the requirements of the second bullet point of the condition is not required and should also be omitted from the wording of the condition as varied. The request of Housing Strategy regarding that the varied condition should include additional nomination rights is not, however, considered appropriate as there has been no material change in planning circumstances since the condition was initially imposed to justify such an amendment.

Prior to the granting of planning permission for the development the applicant provided evidence that the development would be unviable if financial contributions to education and public open space to comply with policy were secured. This case was accepted, having been independently reviewed by the District Valuer and planning permission was granted without any requirement that the contributions are paid.

In recognition that market conditions and thus viability can change the applicant, however, was required to enter into a S106 that required the independent financial assessment of the scheme to be reviewed if the development had no substantially commenced within one year of the grant of planning permission.

In this case as the development has been substantially commenced, in accordance with the definition that is set out in the S106 within 12 months of the decision (which was 24th March 2016). It follows that a review mechanism is not now required prior to the granting of this application.

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 CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

None relevant

Other Material Considerations include:

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

Relevant Planning History

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

16/00326/FUL Permit - Variation of condition 15 (odour abatement system) of planning permission 14/00767/FUL

Views of Consultees

The **Housing Strategy Section** have no objection to the removal of the words “in perpetuity” from the condition as they agree with rationale provided by the applicant and recognise that the right to buy has been extended to the social housing sector and therefore it becomes difficult to guarantee that such housing remains affordable in perpetuity. A request has been made for an additional cause to ensure that the affordable housing is available for all those in housing need as follows:

“All the affordable housing units should be available and let for occupation to persons nominated from the Council’s Housing Register at the first let and thereafter 75% of the affordable housing units will be let for occupation to persons nominated from the Council’s Housing Register.”

Kidsgrove Town Council were consulted but as they have not responded by the due date it is assumed that they have no comment to make

Representations

None received.

Applicant’s/Agent’s submission

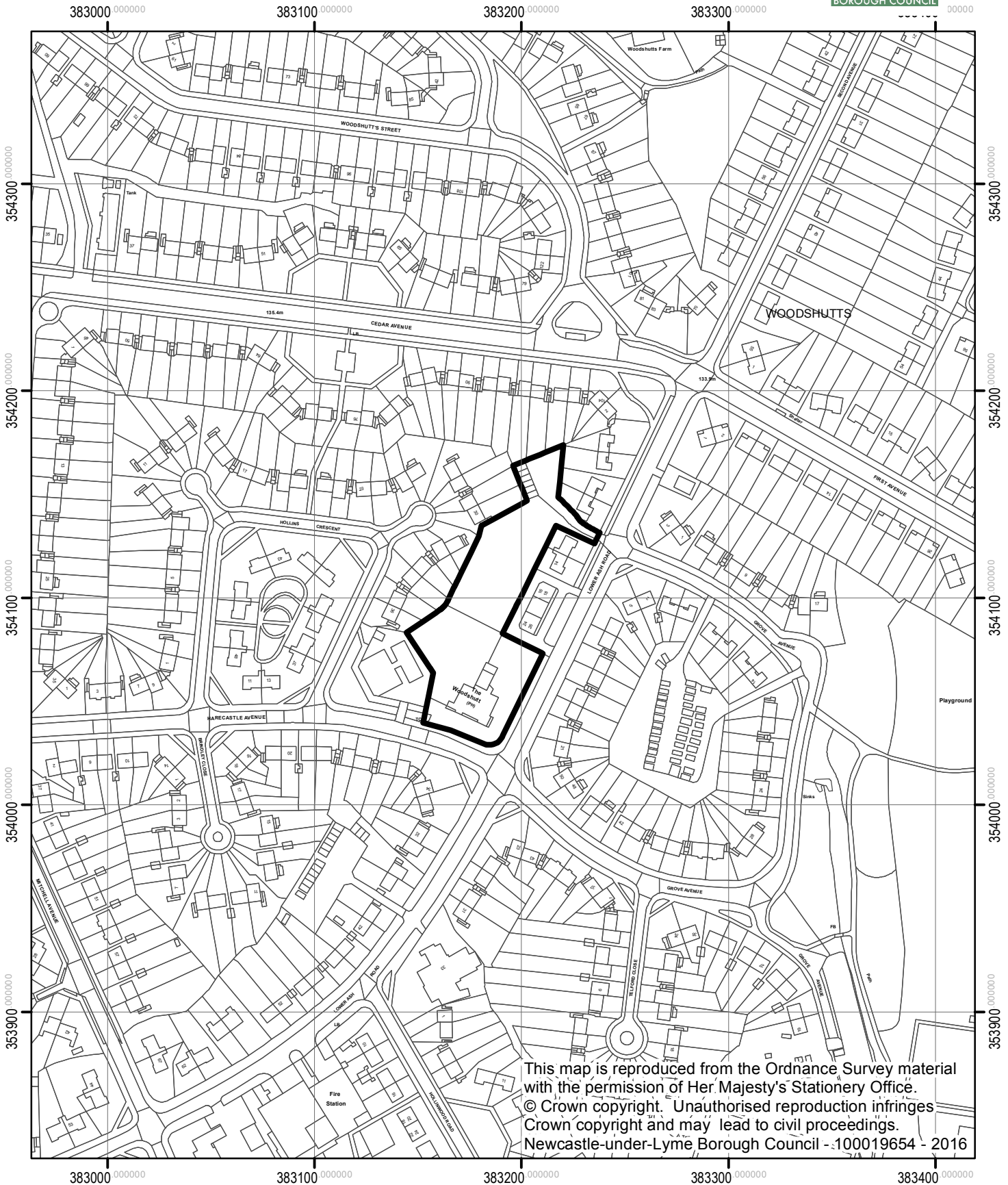
The application form and location plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00724/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

24th November 2016



This page is intentionally left blank

FORMER MAXIMS OF NEWCASTLE, STANIER STREET
PRIME UK DEVELOPMENTS LTD

16/00876/LBC & 16/00877/FUL

The report is to consider two applications – one being an application for listed building consent and the other an application to vary a condition of a planning permission.

The application for listed building consent (16/00876/LBC) seeks permission for additional demolition and reconstruction works.

The planning application (16/00877/FUL) is for a variation of condition 2 of planning permission 15/00498/FUL for the erection of a care village development for elderly people, so as to amend and replace previously approved plans to reflect such additional selective demolition and reconstruction.

The site lies beyond the boundary of the Newcastle Town Centre Conservation Area. Maxims is a Grade II Listed Building. It lies opposite the Grade II* St. Giles Church and the Grade II Unitarian Meeting House.

The statutory 13 week determination period for the planning application expires on 20th January 2017 whilst the statutory 8 week determination period for the listed building consent application expires on 16th December 2016.

RECOMMENDATIONS

A. With respect to the application for listed building consent 16/00876/LBC

PERMIT subject to conditions relating to the following:

- (i) Time limit for commencement of development
- (ii) Prior to commencement of the permitted reconstruction a sample of brickwork for the wall to be provided for approval
- (iii) Demolition and reconstruction to be implemented in accordance with the submitted method statement.
- (iv) Building recording of the structure prior to its demolition.

B. With respect to the application for planning permission 16/00877/FUL

PERMIT subject to conditions relating to the following:

- (i) New approved plans and supporting information.
- (ii) All other conditions of the previous permission, application no. 15/00498/FUL, that are still required and relevant.

Reason for Recommendation

The development that has been permitted secures the future of a significant “at risk “Grade II Listed Building in a sympathetic manner, whilst at the same time completing the development of a brownfield site close to the town centre and making provision for special housing needs. The proposed additional selective demolition and reconstruction has been identified as being necessary to ensure that unstable elements of the Listed Building are addressed so that the building can be converted safely and the development completed. Whilst the proposal would result in the loss of the original fabric of the building it would preserve the special character and appearance of the Grade II* Listed Building.

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

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

Key Issues

The application for listed building consent (16/00876/LBC) seeks permission for additional selective demolition and reconstruction works that have now been identified as being necessary following the undertaking of selective demolition works that have already been approved under listed building consent reference 15/00499/LBC). Such permitted works to the Listed Building are in connection with the erection of a care village development involving the alteration and reuse of the Listed Building. An associated planning application has also been submitted to vary condition 2 of the planning permission for that development (reference 15/00498/FUL) which lists the approved plans so as to include the amended plans detailing the additional selective demolition works and reconstruction now proposed.

The Authority, in the determination of the applications, cannot reconsider the principle of the care village development. It must assess, however, whether the proposal would preserve the special character and appearance of the Grade II* Listed Building.

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

Paragraph 132 of the NPPF indicates 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 and any harm or loss should require clear and convincing justification. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy B4 of the Local Plan indicates that the Council will resist the total or substantial demolition of a listed building, unless exceptionally, an applicant can convince the Council that it is not practicable to continue. Policy B6 of the Local Plan details that the Council will resist alterations and additions to a listed building that would adversely affect its character or its architectural or historic features. Policy CSP2 of the Core Spatial Strategy also seeks to preserve and enhance the character and appearance of the historic heritage of the Borough.

In granting planning permission and listed building consent for the development that is currently taking place, it was accepted that some demolition of the listed building, Maxims, was necessary. In reaching the planning decisions it was identified that the heritage value of the building lies predominantly in its external appearance to Lower Street and that in addition to the reuse of the building the removal of unsympathetic extensions at the rear would enhance its value, by reinstating the historic proportions and layout of the listed building.

The additional demolition that is now proposed is a rear projecting element, or outrigger, of the original building positioned adjoining 61-63 Lower Street. The applicants' agent anticipated that the extensions and alteration would have had an impact on the structural stability of this element but it was considered that this could be addressed through works to strengthen this section of the building, and the listed building consent granted is on that basis. However, now that the permitted demolition has been undertaken and the outrigger has been revealed it is now apparent that the intended retention and strengthening of this section of the building is no longer a viable option.

It is clear, from the supporting information and a visit to the site, that much of the outrigger's fabric has been lost and that there is very little structure left that would allow the necessary works to support the upper floor walls of the outrigger in question. It is quite possible that any attempts to strengthen the building could result in this element of the building collapsing which potentially could be damaging to the remaining building, and would pose a health and safety risk.

The submitted information shows that the outrigger will be rebuilt in a manner which is in keeping with the existing building using reclaimed brick and brick bonding to match the existing. Whilst no longer original the reinstated outrigger will be appropriate in appearance. Overall it is accepted that the

demolition of the rear outrigger and its rebuilding is the best way forward to ensure that the listed building can be brought back into use and the works undertaken safely.

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 CSP1: Design Quality
Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy B4 Demolition of Listed buildings
Policy B5 Control of development affecting the setting of a Listed Building
Policy B6 Extension or alteration of Listed Buildings

Other Material Considerations include:

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

Relevant Planning History

Planning permission was granted in 2015, reference 15/00498/FUL, for the erection of a care village development (Use Class C2) for elderly people comprising a new three and four storey building with a 74 bed care home and 28 care apartments, linked to the conversion of the former Maxims nightclub building for ancillary uses (offices, tea rooms, a hair salon, community heritage gallery and training space) including access, car parking, amenity areas, landscaping and associated works.

Listed building consent was also given for the repair, alteration and selective demolition (of rear extensions only) comprising internal and external works to the Listed Building, associated with the erection of a care village development, reference 15/00499/LBC.

Views of Consultees (on both applications)

Historic England has no objection in principle to the proposed demolition and rebuilding of the rear outrigger.

The Council's **Conservation Officer** has no objection indicating that the structural condition of this rear wall to the outrigger which will form part of the new rear wall of the development has raised concerns throughout the process. This elevation was concealed by other buildings initially and it was thought it could be retained and strengthened to avoid the need for an application such as this and to retain as much of the original fabric as possible.

Now the outriggers and other modern extensions have been removed to enable the development to start, it has been brought to our attention that strengthening is no longer an option and selective demolition of the rear outrigger and reinstatement is now necessary. There are serious defects in the walls and there is little support at ground floor and support for the first floor is missing, with the walls built off the timber floors. The first floor rear wall has also partially collapsed and there are other serious structural issues like no return wall to create a stable building envelope. There are serious concerns about the structural stability of this section and it is not a safe working environment.

It is proposed that the gable and chimney will be rebuilt as existing using a photographic survey and a method statement had been provided which includes any temporary propping and that it will be demolished by hand and bricks redressed for reuse. The dormer window will be renovated and the roof timbers reused. The sequence of reconstruction has also been submitted.

The visual impact of this proposal will be that there is little change and the elevation will be rebuilt 'like for like' in appearance albeit with safe foundations and new windows in accordance with the existing permission. Certainly previous remodelling has severely compromised the historical/architectural and also structural integrity of the building, and this section is no exception.

At present the building remains vulnerable as work on the building has stopped whilst this issue is dealt with – it being unsafe to work around.

A condition is recommended to require a sample of brickwork for the gable for inspection and that this permission and consent is implemented in accordance with the submitted method statement.

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

The **County Archaeologist** indicates that a record should be made of the structure in advance of demolition and that a condition should be imposed to secure this.

The views of the **Georgian Group**, **Ancient Monuments Society** the **Council for British Archaeology**, the **Victorian Society**, and the **Twentieth Century Society** have been consulted but as they have not responded by the due date it is assumed they have no comments.

Representations

None received

Applicant's/Agent's submission

The applicant has submitted the following

- Heritage Statement
- Method Statement
- Photographs of demolition
- Supporting letter setting out information on the reconstruction of the rear wall

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00877/FUL> and <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00876/LBC>

Background papers

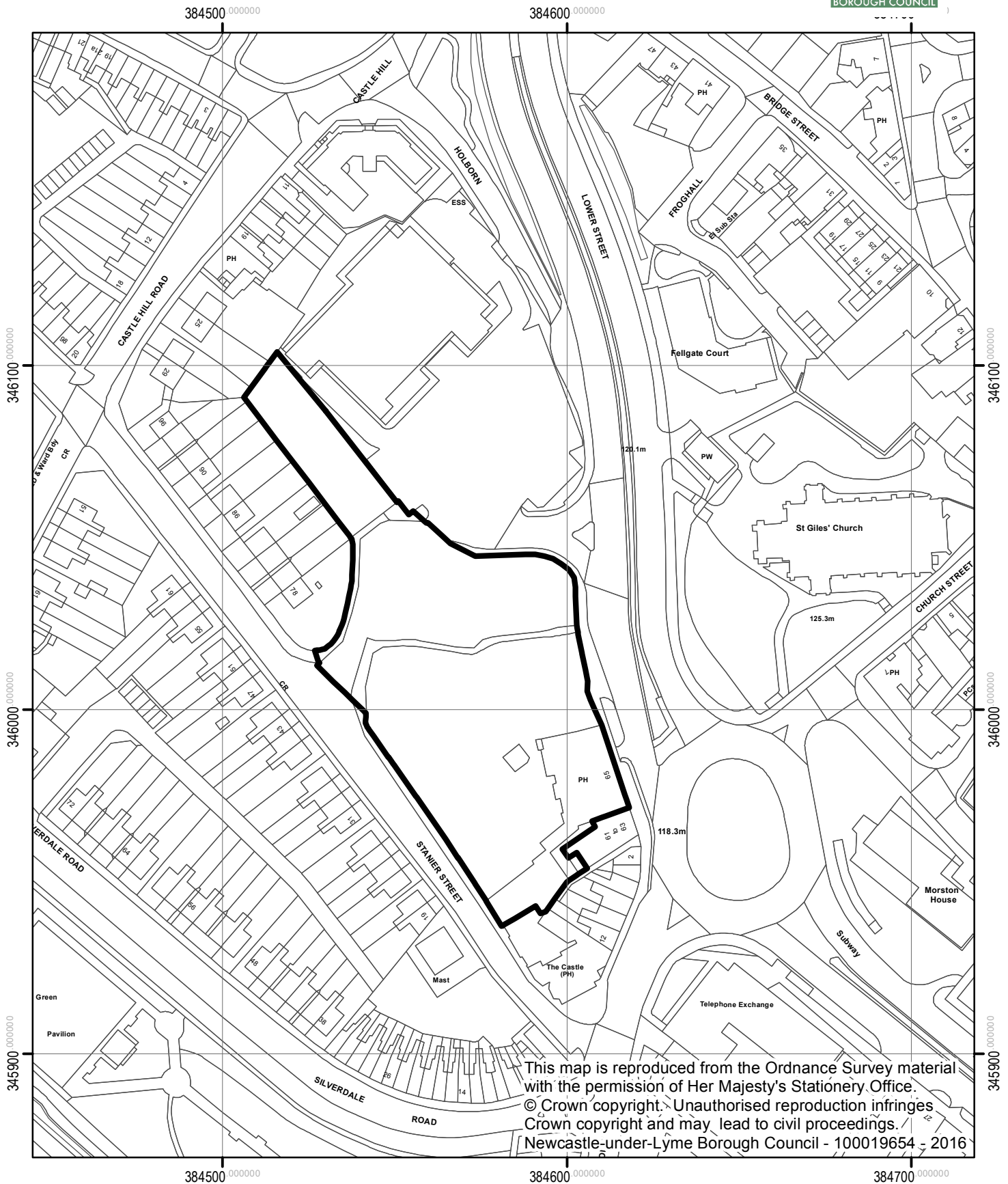
Planning and Listed Building consent files referred to
Planning Documents referred to

Date report prepared

21 November 2016

This page is intentionally left blank

**Former Maxims Of Newcastle
Stanier Street
Newcastle
16/00877/FUL and 16/00876/LBC**



This page is intentionally left blank

LAND OFF DEANS LANE AND MOSS GROVE, RED STREET
NEWCASTLE UNDER LYME BOROUGH COUNCIL

16/00902/DEEM4

The application is for outline planning permission for the erection of up to 50 dwellings at land off Deans Lane and Moss Grove, Red Street. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site lies on the edge but within the major urban area of all as indicated on the Local Development Framework Proposals Map. The site extends to approximately 1.47 hectares.

The 13 week period for the determination of this application expires on the 31st January 2017.

RECOMMENDATIONS

A. Subject to the receipt of and consideration of further advice from the Council's legal adviser (a) the landowner first entering by 21st December 2016 into a section 106 obligation which would secure the provision and maintenance of acceptable visibility splays on third party land and (b) a mechanism being secured achieving 25% Affordable Housing onsite, a financial contribution of £147,150 (index linked) towards the improvement of the equipment on Red Street Open Space and/or Barbridge Road Play Area and £99,732 (index linked) towards secondary education places at Chesterton Community Sports College, or such amounts as reflect the eventual development,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Condition to reflect outline nature of application,**
- 2. Time limit for submission of any approval of reserved matters and for commencement**
- 3. Approved plans and documents,**
- 4. Restriction of the scale of the dwellings to two storeys in height,**
- 5. Reserved matters application to include a detailed surface water drainage scheme (SuDS),**
- 6. Reserved matters application to include a footpath link on the eastern boundary**
- 7. Visibility splays of 2.4mx56m from Moss Grove onto Dean Lane and kept free from obstruction,**
- 8. The means of construction of the roads/paths within the development**
- 9. Submission and approval of a Highways Construction Method Statement,**
- 10. Design measures to control internal noise levels,**
- 11. Construction hours,**
- 12. Submission and approval of a Construction Environmental Management Plan,**
- 13. Recyclable materials and refuse storage details,**
- 14. Tree protection for all category B trees,**
- 15. Submission and approval Method Statement for the treatment and future management of boundary hedgerows,**
- 16. Any reserved matter application should include biodiversity improvements,**
- 17. Recommendations of the ecological report should be adhered to,**
- 18. Site investigation works outlined in the Coal Mining Risk Assessment Report,**
- 19. Coal Mining remedial works as required.**

B. Should the matter referred to in A(a) above not be secured by the 21st December 2016 , then the Head of Planning be given delegated authority to refuse the application on the grounds that the development would not have satisfactory visibility splays at the Moss Grove/Deans Lane junction and accordingly would be contrary to the interests of highway safety, and (if the matters referred to in A(b) had not been secured by that date) the development would also fail to secure an acceptable provision of adequately maintained public open space, appropriate provision for required education facilities and an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to in A(a) above can be secured.

Reason for Recommendations

Whilst the development is not located on land that would meet the definition of previously developed land, it is located within a sustainable urban area and there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing. Subject to a Unilateral Undertaking being submitted to secure acceptability splays being maintained the applicant has successfully demonstrated that an acceptable access can be achieved. The proposed development would need to secure 25% affordable housing and financial contributions towards education places and public open space to be policy compliant. Furthermore the applicant has demonstrated that up to 50 dwellings can be accommodated within the site that would have an acceptable impact on the visual amenity of the area, existing residential properties, ecology, and trees and hedgerows. The proposed development therefore accords with the guidance and requirements of the National Planning Policy Framework 2012.

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

Following the withdrawal of the previous application the applicant has successfully addressed concerns which were raised by consultees and your officers at the time of that application. This is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

1.1 Outline planning permission is sought for a residential development of up to 50 dwellings. Access from the highway network is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning, Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 1.47 hectares in extent, is land that does not meet the definition of previously developed land but is located within the urban area of Newcastle which has no specific land use designations, as indicated on the Local Development Framework Proposals Map.

1.3 The site is currently used for the grazing of horses and the agricultural land classification in the vicinity, as published by Natural England, is Grade 4 (Poor).

1.4 The main issues for consideration in the determination of this application are accordingly:-

- Is this an appropriate location for residential development?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the proposed development have any material adverse impact upon highway safety?
- Would the development impinge unduly upon levels of residential amenity on adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- The impact on trees, hedgerows, ecology
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, and lawful?

2.0 Is this an appropriate location for residential development?

2.1 Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved local plan policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban Central (within which the site lies).

2.3 Policy SP1 of the CSS states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

2.4 Whilst the site does not meet the definition of previously developed land it is used for the grazing of horses and has an agricultural land classification of Grade 4 – which refers to poor land. The site is

within easy walking distance of St. Chads Primary School, a public house and community centre in Red Street, along with the adjacent areas of open space. There is a regular bus service (between Kidsgrove and Newcastle) on Liverpool Road which is close to the site. Therefore, it is considered that the site provides a sustainable location for additional residential development.

2.5 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that unless material considerations indicate otherwise where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

2.6 The Local Planning Authority is currently unable to demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities and promotes choice by reason of its proximity to modes of travel other than the private motor car.

2.7 On the basis of all of the above, it is considered that the principle of residential development in this sustainable location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

3.0 Would the proposed development either have a significant adverse impact on the character and form of the area?

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

3.2 Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

3.3 The only matter for approval as part of this application is access. Therefore the appearance, layout, scale and landscaping are reserved for subsequent approval. However, an illustrative layout plan has been submitted along with a planning, design and access statement which indicates at paragraph 3.1.3 that the proposed dwellings would be a mix of two storey terraced properties, three storey semi-detached town houses, and apartments. The three storey town houses would be located on the Deans Lane and Moss Grove sections adjacent to open space and elevated single storey bungalows. Officers are concerned about the dominant impact that three storey town houses would have on the visual amenity of the area by virtue of their scale and the fairly open landscape that lies to the north and west of the site. The details are only indicative but it is felt necessary to restrict these plots to two storey dwellings also.

3.4 In terms of housing density the application states that the proposed scheme represents a density of 34 dwellings per hectare with the existing housing density in the locality of the site having a density of 35 dwellings per hectare and so the proposed scheme is comparable.

3.5 The illustrative masterplan shows how a sustainable urban drainage scheme (SuDS) could be accommodated within the development incorporating pervious pavements, bio-retention systems and attenuation tanks into the scheme. The County Council's Flood Risk team have raised no objections

but have advised a condition which would secure a detailed surface water drainage scheme for the site. This information should be submitted as part of the reserved matters application.

3.6 Overall, subject to conditions regarding the scale of the dwellings being restricted to two storeys in height, it is not considered that the development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal.

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

4.1 Access is a matter for approval as part of this application and the proposed development would have its single point of access off Moss Grove via a continuation of that highway. Moss Grove is accessed via Deans Lane, a single lane carriageway subject to a speed limit of 30mph.

4.2 The application has been supported by a Transport Statement (TS) which identifies that the existing junction at Moss Grove and Deans Lane does not meet the visibility requirements as set out in Manual for Streets. The existing junction has visibility splays of 24m eastbound and 26m west bound along Deans Lane.

4.3 A speed survey forms part of the TS and indicates that traffic speeds exceed the 30mph speed limit and that visibility splays of 56 metres are required in both the eastern and western directions to meet Manual for Streets standards. In order to achieve the required visibility splays in the westbound direction it will be necessary to remove part of an existing hedgerow in the applicant's ownership. A new hedgerow could be planted behind the visibility splay. However, in order to achieve the required visibility in the eastern direction a set of railings that form part of the adjacent Aspire Housing bungalow site would need to be removed and the splay then kept permanently free from obstruction. This land (where the railings are located) is under Aspire Housing's ownership and the railings appear to serve a limited purpose i.e. the land enclosed by them is not private garden or public open space. The applicant has agreed with Aspire Housing that the existing railings will be removed and the visibility splay then preserved in the future. This will be secured by Aspire entering into a Unilateral Undertaking (UU).

4.4 A UU has not been submitted but the applicant has indicated that this will be submitted prior to the committee meeting. If this is so, and legal advice is received that the UU is acceptable, then the recommendation to the Committee will no longer need to refer to this aspect.

4.5 The Highways Authority (HA) has raised no objections subject to conditions including one regarding the above splay. The HA have requested a condition which requires further details to be submitted and approved for matters that would as a matter of course form part of any reserved matters application. The HA would be given a further opportunity to comment at reserved matters stage and so such a condition is not considered necessary. Conditions advised regarding visibility splays for the access and a construction method statement are considered appropriate however.

4.6 The NPPF at paragraph 32, "development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe".

4.7 A representation has been received that the development will exacerbate existing congestion in the area and on Red Street (Liverpool Road) in particular. It is acknowledged that the proposed development would undoubtedly increase the volume of traffic onto the highway but the applicant has demonstrated that this would not be a significant increase and is unlikely to cause a significant highway danger. The submitted Transport Statement models the anticipated additional traffic that might be associated with the development using an established methodology. It states that *...it is forecast that up to 28 two-way vehicle trips would be generated by the development in the AM and PM peak hours, respectively. The forecast trip generation for this site is low, and would not materially impact on the local highway network. Therefore, it has been agreed (with the Highway Authority) that junction capacity assessments are not required.*

4.8 Whilst the concerns are noted the applicant has demonstrated that the trips generated by the proposal would be low and the Highway Authority has accepted this. It also has to be acknowledged that the site is located within a sustainable urban area and acceptable car parking provision should be able to be achieved. Furthermore, the site has existing pedestrian links to Liverpool Road and there is

an existing public footpath (Newcastle 21) that could be accessed via the site. A footpath link from the site to the existing footpaths would enable easy access to the school and areas of open space. Details of a footpath link should form part of any reserved matters application and this can be achieved by condition.

4.9 In terms of traffic impact on Red Street being monitored in the future it is not considered that a mechanism to secure this is justified as part of this application by virtue of the conclusions of the TS and that of HA, or what steps would be able to be taken in the light of the results of such monitoring.

5.0 The impact on trees, hedgerows and ecology

5.1 The application has been supported by an arboricultural report and a phase 1 habitat survey with the site being characterised as semi-improved grassland fields bordered by hedgerows.

5.2 Local and National planning policy seeks to protect habitats and important hedgerows and trees and development proposals should seek to protect these natural assets or appropriate mitigation should be proposed in order to compensate any loss or damage.

5.3 As discussed a hedgerow which fronts Deans Lane would need to be removed at least in part to achieve appropriate visibility at the junction and whilst the applicant had not justified the removal under the Hedgerow Regulations the Council's Landscape Development Section are now satisfied with the level of information submitted to satisfy the removal of the hedgerow. They now raise no objections subject to conditions which seek to secure the protection and retention of trees and hedgerows. Appropriate new hedgerow planting could be secured in any future reserved matters submission.

5.4 Both the arboricultural report and habitat survey conclude that any loss of trees and hedgerows would not be harmful and appropriate mitigation could be proposed. A hedgerow crosses the northern part of the site and it is not anticipated that it would be practical to retain it given its location. The submitted tree report identifies this hedgerow as being of low quality and value within the landscape and your officers are satisfied that its removal would not raise any significant concerns from a visual perspective and the LDS have also raised no concerns with its removal. If this outline consent is granted landscaping is reserved for subsequent submission for approval and there would be a further opportunity to ensure that no significant harm or loss is caused to visually significant trees and hedgerows. A landscaping condition is not considered necessary with landscaping being reserved anyway for subsequent submission for approval. Replacement hedgerow planting could be encouraged at this stage.

6.0 What planning obligations are considered necessary, directly related to the development

6.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £99,732 towards education provision and a contribution of £147,150 towards public open space. All of the above figures assume a 50 unit development so any obligation or agreement would need to allow for the possibility that lower numbers of units are eventually built on the site.

6.2 Staffordshire County Council when calculating the education contribution indicated that the figure excluded the 7 RSL dwellings. However, a policy compliant development would require 8 RSL dwellings. This has been brought to the attention of the Education Authority who have indicated that this does not affect the figure requested.

6.3 The contributions are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

6.4 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5th April 2015. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations

providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

6.5 Staffordshire County Council has requested the education contribution goes towards the provision of spaces at Chesterton Community Sports College. A revised calculation of contribution maybe required if the number of proposed dwellings changes after outline permission is granted. This can be secured in the S106 agreement, as has been done in previous cases .There has been only one previous planning obligation entered into since April 2010 for a contribution towards Chesterton Community Sports College and on this basis, it is considered that that contribution would comply with CIL Regulation 123.

6.6 The Council's Landscape Development Section has requested a contribution towards the Red Street Open Space and/or Barbridge Road Play Area both of which are within close proximity to the site. It is understood that they wish to have the flexibility to apply the contribution towards the improvement of equipment and then maintenance of either or both of these open spaces. There have been no previous planning obligations entered into since April 2010 for a contribution towards these area of Public Open Space and on this basis, it is considered that the contributions comply with CIL Regulation 123.

6.7. At the time of writing discussions are ongoing with the Council's legal adviser as to how, given the land is owned by the Borough Council but is to be sold on for development, the above contributions can be secured. A further report on this will be provided.

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other material considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

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)

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016 – Version 1.7

Relevant Planning History

16/00634/DEEM4 Outline planning consent for the development of up to 50 dwellings - withdrawn

Views of Consultees

The application is a resubmission and consultation responses were received in relation to the original application in August from **Severn Trent Water, The Coal Authority, Housing Strategy and Natural England**. No significant concerns were raised by these consultees subject to conditions and the development has not changed to the extent that reconsultation would be justified. Therefore further

consultation comments were not sought. If members wish to view these previous consultation responses they can do so via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00634/DEEM4>

Likewise no comments were received during the previous application from the **Greater Chesterton Locality Action Partnership** and **United Utilities** and so their views similarly have not been sought again.

The **Education Authority** states that the proposed development falls within the catchments of St. Chad's Primary School and Chesterton Community Sports College. The development is scheduled to provide 50 dwellings. Excluding the 7 RSL dwellings from secondary only, a development of 50 dwellings could add 11 Primary School aged pupils and 7 High School aged pupils. St. Chad's Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. However, Chesterton Community Sports College is projected to be full for the foreseeable future. Therefore an Education Contribution for 6 secondary School places (6 x £16,622 = £99,732) is sought.

Staffordshire County Council Flood Risk Team states that the proposed development will only be acceptable if a condition which secures a detailed surface water drainage scheme is attached to any permission.

The **Highways Authority** raise no objections subject to conditions that secure the submission and approval of the disposition and layout of dwellings and roads, provision of parking, turning and servicing within the site curtilage, means of surface water drainage, surfacing materials and a construction method statement. A condition which secures acceptable visibility splays at the Deans Lane/ Moss Grove junction is also advised.

The **Landscape Development Section** raises no objections subject to conditions that ensure that all category B trees are retained, submission of a method statement and full landscaping details being submitted for approval. A financial contribution of £147,150 towards the improvement of the equipment on Red Street Open Space and/or Barbridge Road Play Area is also advised.

The **Environmental Health Division (EHD)** raises no objections to the application subject to conditions regarding the submission and approval of suitable acoustically treated ventilation measures, control of construction activity hours, refuse storage and collection arrangements; and the submission and approval of a Construction Environmental Management Plan. However, further clarity has been sought from EHD regarding "ventilation measures" they are seeking and for what purpose. Comments are expected prior to the committee meeting and these will be considered and reported accordingly.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objection to the principle of residential development at this location. They indicate that a development built along the lines of the illustrative masterplan would possess some sound crime prevention attributes. The positive aspects of the scheme are outlined in quite some detail. However, they note that one area that would benefit from some reworking would be the corner of the development closest to Water Street (which lies between the site and Liverpool Road). No formal pedestrian link is suggested although residents would undoubtedly use it as a route particularly to and from the adjacent St.Chad's Primary School. It would seem sensible to incorporate some formal footpath link. Finally they indicate that should outline permission be granted, any subsequent reserved matters application should clearly explain within the Design and Access Statement and demonstrate in the site layout how crime prevention and community safety measures have been considered in the design proposal.

Comments were also invited from **Waste Management** and **Staffordshire Wildlife Trust** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

One letter of representation has been received from Councillor Gardner raising concerns about the proposed development. She indicates that whilst the development is well planned and sympathetic to current buildings she and residents have concerns relating to the increase in traffic that will turn right from the development into Red Street due to the existing problems during peak times. Matters to address these highways concerns should be explored and monitored to see if further action is needed to help traffic flow in order to help alleviate residents' concerns.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Arboricultural Report
- Flood Risk Assessment
- Extended Phase 1 Ecology Report
- Transport Statement
- Coal Mining Risk Assessment
- Landscape Appraisal
- Noise Assessment

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00902/DEEM4>

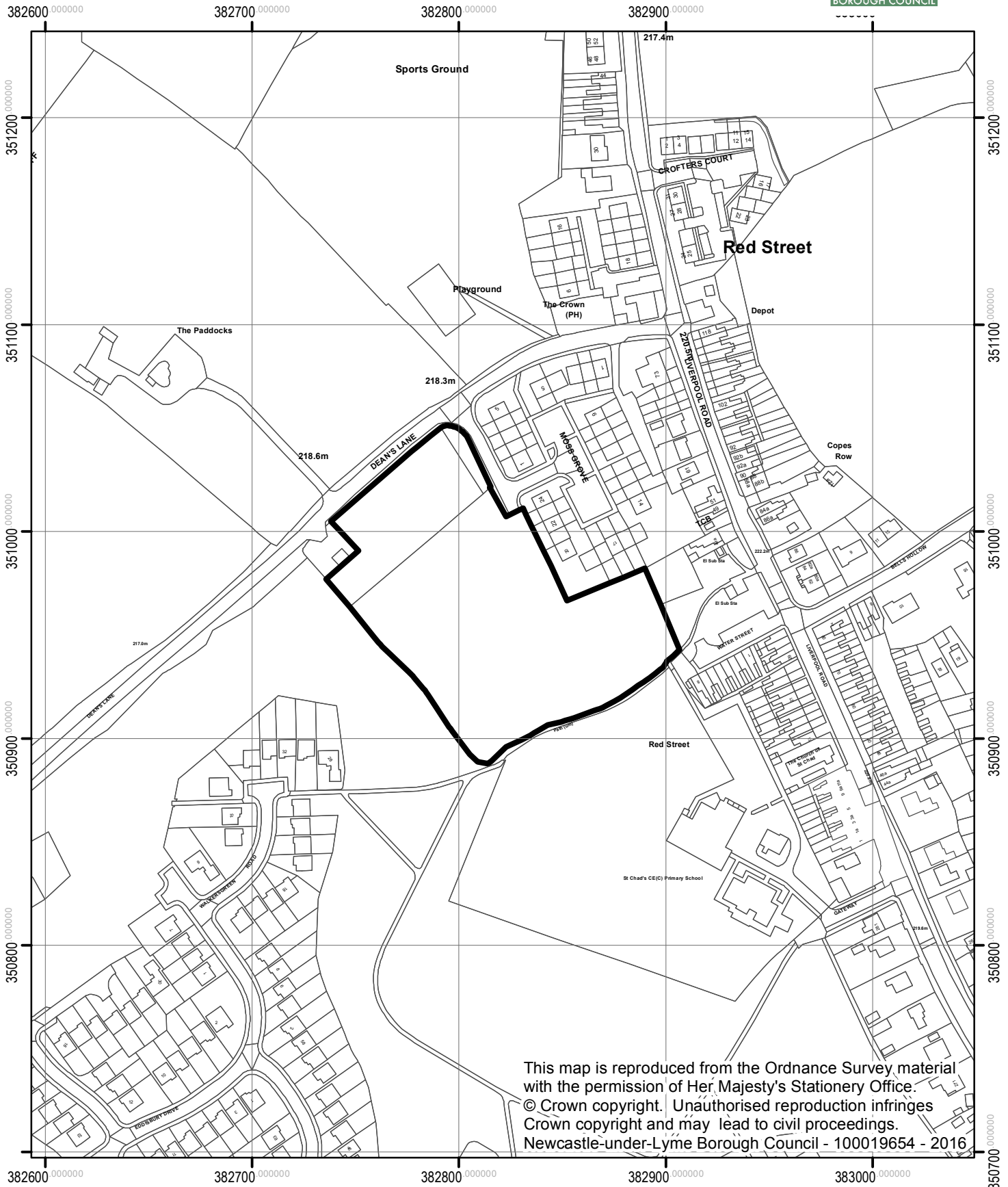
Background Papers

Planning file
Planning documents referred to

Date report prepared

23rd November 2016

**Land Off Deans Lane And Moss Grove
Red Street
Newcastle
16/00902/DEEM4**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2016

This page is intentionally left blank

LAND ADJACENT TO 168 KNOTTON LANE, KNOTTON
MR IMRAN SIDDIQUI

16/00838/COU

The application seeks retrospective planning permission for the change of use of land to form part of a garden.

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

The statutory 8 week determination period for the application expired on 28th November 2016 but the applicant has agreed to extend that period until 7th December 2016.

RECOMMENDATION

PERMIT subject to a condition relating to the following matter:

- i) **Landscaping to be carried to soften the appearance of the fence in accordance with an approved scheme and within 3 months of the date of the decision.**

Reason for recommendation

No loss of useable open space has arisen from the change of use to garden that has taken place and subject to the carrying out of landscaping along the site frontage to soften the appearance of the fence that has been erected it is considered that the development will be acceptable in appearance.

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

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

KEY ISSUES

Full planning permission is sought, retrospectively, for the change of use of an area of informal open space as garden involving the erection of a 2m high wooden fence to enclose the land.

The land is sited next to the bridge on Knutton Lane in a position elevated above the Greenway. Prior to the change of use to garden the land was visible behind an open highway barrier. It does not appear, however, that it was readily accessible and used for any purpose. The change of use to garden has not, therefore, resulted in the loss of any useable open space.

The fence that has been erected, at approximately 2m, is higher than is standard for a front boundary treatment. It is, however, set back by about 1m behind the existing highway barrier and combined with its proximity to the bridge and the retention of a hedge at the side of the area adjoining the house it is not as prominent in public views as would be expected for a front boundary. It is therefore considered that if suitable landscaping is carried out in front of the fence behind the barrier it can be made acceptable in appearance. Such landscaping can be secured through a condition.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

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

Relevant Planning History

10/00085/FUL	Construction of car parking bays for 94 To 98, 102 To 140, 146 To 168
Knutton Lane	Permitted 2010

Views of Consultees

The **Landscape Development Section** has no objections, but suggests that a lower boundary treatment on the Knutton Lane boundary may be more appropriate in terms of its visual impact than the existing fence.

Representations

None received.

Applicant/agent's submission

All of the application documents can be viewed at the Guildhall or using the following link.
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00838/COU>

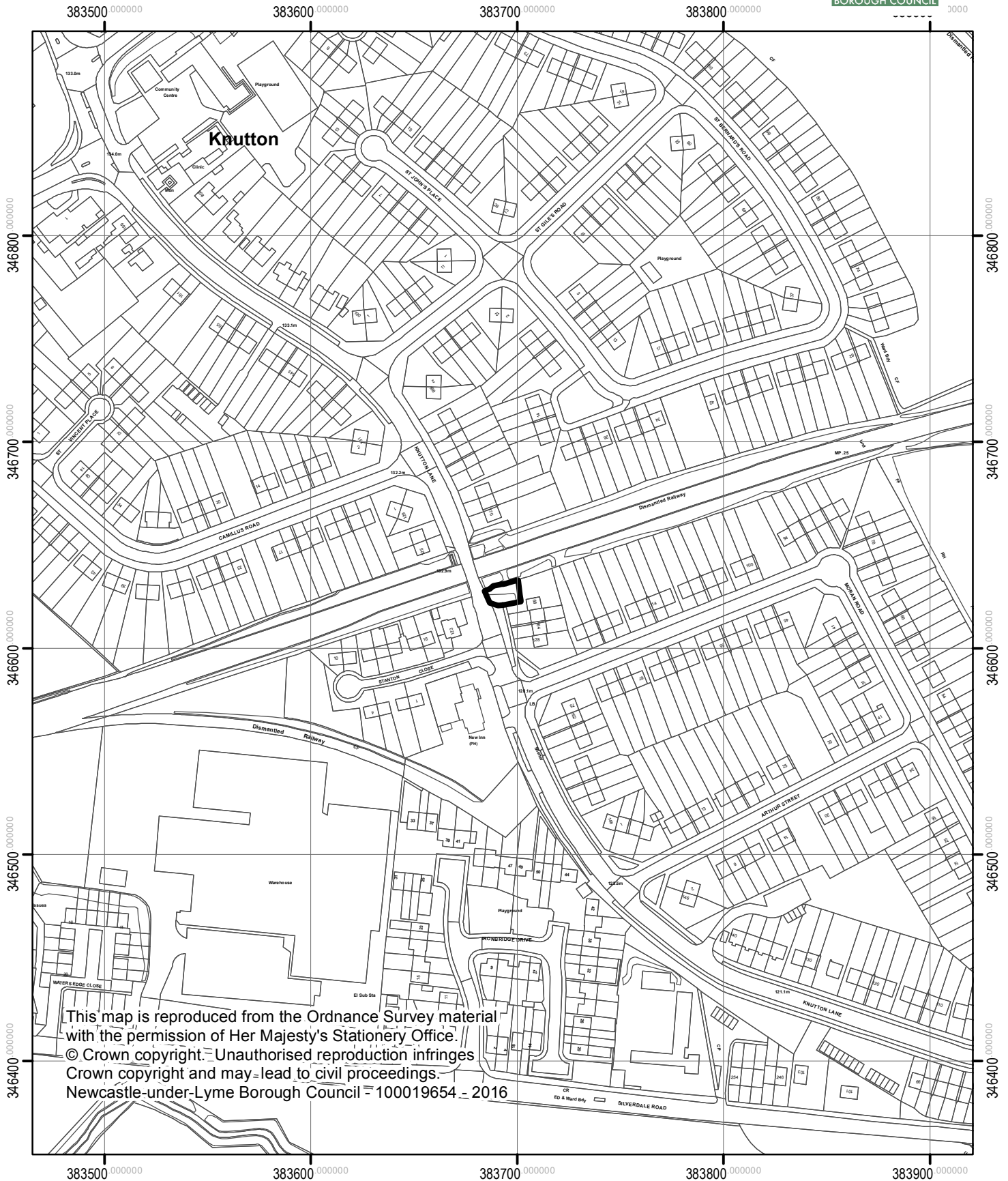
Background Papers

Planning File
Development Plan

Date report prepared

22nd November 2016.

Land adjacent
168 Knutton Lane
Knutton
16/00838/COU



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings. Newcastle-under-Lyme Borough Council 100019654 - 2016

This page is intentionally left blank

**29 VALE STREET, SILVERDALE
MRS SOPHIA SNELL**

16/00859/FUL

The application seeks planning permission for a two-storey side and rear extension at 29 Vale Street, Silverdale.

The application site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been brought to Planning Committee as the applicant is related to a Borough Councillor.

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

RECOMMENDATION

PERMIT subject to the following conditions;

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

Reason for recommendation

The proposed extensions would be of an acceptable design that would be compliant with Local and National Planning Policies, and would not give rise to any on street car parking problems or harm to residential amenity.

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

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

KEY ISSUES

The applicant seeks planning permission for a two storey side and rear extension at 29 Vale Street, Silverdale, which is a semi-detached dwelling located within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The key issues in the determination of the application are:

- The design of the proposed extension
- The impact upon residential amenity
- Car parking and highway safety

The design of the proposed extension

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy R23 of the urban design guidance indicates that extensions to dwellings should be well designed and contribute positively to the townscape character.

Policy H18 of the Local Plan is concerned with the design of residential extensions, and states that the form, size and location of extensions should be subordinate to the original dwelling, and that extensions should not detract from the character and appearance of the original dwelling, or from the character of the wider street scene.

The proposed side extension would be set back from the front elevation of the house by approximately 2.75 metres. This set back, coupled with the step down in the ridge height, would give the extension a subordinate appearance to the main dwelling. It is considered that the design and appearance of the two storey extension would be acceptable and in line with the requirements of Policy H18 of the Local Plan.

The proposed single storey rear extension would not be visible from the street scene, and would be of a subordinate size and acceptable design.

The extensions are all proposed to be rendered with plain clay tiles to match the existing property.

Overall, the proposed extensions are considered to be compliant with the requirements of Policy H18 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and with the aims and objectives of the National Planning Policy Framework.

The impact upon residential amenity

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

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

There is an existing high boundary wall between the application property and the adjoining semi and given that the single-storey element of the extension would not extend above the height of the wall, it is not considered that there would be any adverse impact on the amenity of the occupiers of that dwelling.

In terms of the impact on the neighbouring dwelling to the east, that property does not appear to have any principal windows at ground floor level as defined by the Council's Space Around Dwellings SPG. There are principal windows at first floor level, however there would be no conflict in the vertical plane when the 45 degree test is applied.

There would be a sufficient sized garden remaining for a three bedroom dwelling.

Overall, the proposed development would have an acceptable impact on the residential amenity of both the neighbouring residents and also the occupants of the application property, and as such the proposed development would comply with the Space Around Dwellings Supplementary Planning Guidance and with the aims and objectives of the National Planning Policy Framework.

Car parking and highway safety

The proposal would involve increasing the number of bedrooms from two to three. Policy T16 of the Local Plan requires that two off road parking spaces are provided for a two or three bedroom property.

As the property has no off road car parking currently, and there would be no increase in the number of parking spaces required, it is considered that the proposal is acceptable in terms of Policy T16 of the Local Plan. It is considered that the parking of up to two cars on the highway would not give rise to or exacerbate a local on street car parking problem and would therefore comply with the requirements of the National Planning Policy Framework.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H18: Design of Residential Extensions, where subject to planning control
Policy T16: Development: General Parking 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

None

Views of Consultees

Silverdale Parish Council – No comments

Representations

None received

Applicant/agent's submission

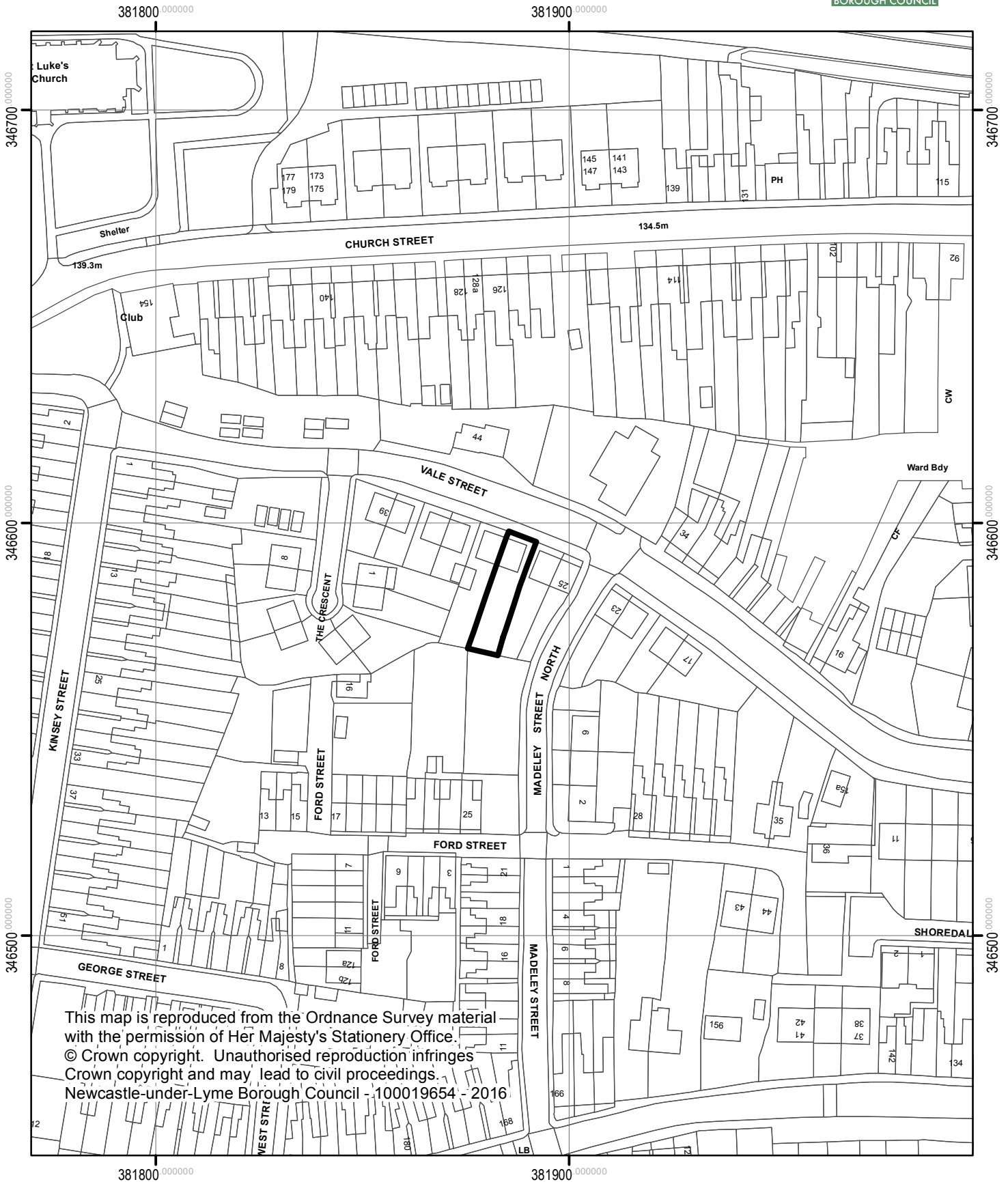
All of the application documents can be viewed at the Guildhall or using the following link:
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00859/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

21st November 2016



This page is intentionally left blank

12 THE BRACKENS, WESTBURY PARK, NEWCASTLE
MR D COPESTAKE

16/00904/FUL

The application seeks planning permission for a first floor side extension above an existing attached garage. Internally the extension is to serve as two additional bedrooms.

The application site lies within the urban area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been brought to the Planning Committee as the applicant is related to a Borough Council employee.

The statutory 8 week determination period for the application expires on 27th December 2016.

RECOMMENDATION

PERMIT subject to conditions relating to:-

- 1. Time Limit**
- 2. Plans**
- 3. Materials**

Reason for recommendation

The extension is not considered harmful in visual design terms and has an acceptable impact on neighbouring living conditions.

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

No amendments are considered necessary as this is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought for a first floor side extension above an existing attached garage. The extension would measure 2.8m by 7.9m in plan with an overall height of 7m to match the existing house. Internally the extension is to serve as two additional bedrooms. The key issues are:-

- Would the impact of the development on the character and appearance of the area be acceptable?
- Would the impact to neighbouring living conditions be acceptable?
- Would sufficient car parking be provided within the curtilage of the dwelling?

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

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

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

Whilst the proposed extension would not be set back from the front elevation and the ridge height would equal that of the main house, overall the extension is relatively limited in scale and its proportions would be in keeping with the scale and design of this detached property. Subject to the use of matching external facing materials as proposed, there would be no significant adverse harm to the character of the dwelling or the integrity of the street scene.

Would the impact to neighbouring living conditions be acceptable?

The Council's Space Around Dwellings SPG provides guidance on privacy, daylight standards and environmental considerations. The relationship between the proposed development and neighbouring dwellings is compliant with the advice of the SPG and there would be no adverse impact on neighbouring living conditions.

Would sufficient car parking be provided within the curtilage of the dwelling?

The proposal would involve increasing the number of bedrooms from three to five. The maximum car parking standards in the Local Plan require the provision of two off road parking spaces for a three bedroom property and three spaces for a property with more than three bedrooms.

Whilst the property has parking within its curtilage for just two vehicles, all properties in the vicinity have parking available within their curtilage and there are no current problems in the area associated with on-street car parking. Therefore it is not considered that the proposal would give rise to or exacerbate a local on-street car parking problem and would therefore comply with the requirements of the National Planning Policy Framework.

APPENDIX

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

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

Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H18: The Design of Residential Extensions, Where Subject to Planning Control

Policy T16: Development: General Parking 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

None considered relevant

Views of Consultees

None

Representations

None received to date.

The period for comment expires on 28th November and therefore any representations received by that date will be reported in a Supplementary Report.

Applicant/agent's submission

All of the application documents can be viewed at the Guildhall or using the following link.
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00904/FUL>

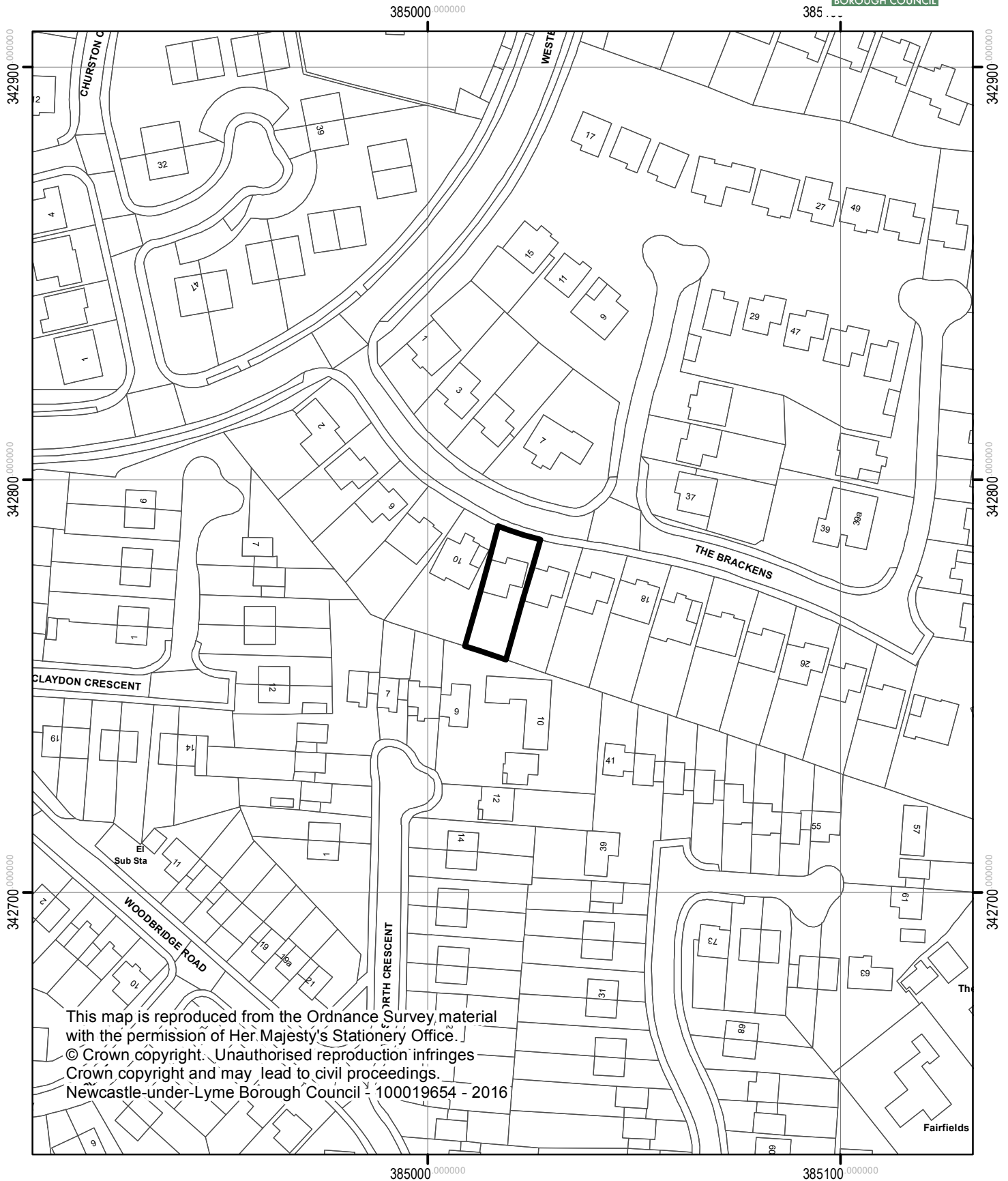
Background Papers

Planning File
Development Plan

Date report prepared

17th November 2016.

This page is intentionally left blank



This page is intentionally left blank

REPORT TO PLANNING COMMITTEE

MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2016/2017

Purpose of the report

To provide members with a mid-year report on the performance recorded for Development Management between 1st April 2016 and 30th September 2016. Figures for 2014/15 and 2015/16 are also provided for comparison as are targets set within the Planning Service Plans for 2014/15 and 2015/16.

Recommendations

(a) That the report be received.

(b) That the Head of Planning with the Development Management Team Leader seeks to maintain performance of the Development Management team where satisfactory and improve the service provided where our level of performance falls significantly below the targets set out in the Planning Service Plan for 2016/17.

(c) That the next 'Development Management Performance Report' be submitted to Committee around May 2017 reporting on performance for the complete year 2016/17.

Reasons for recommendations

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of the Development Management. These include both "National Indicators" and those devised by this Council – "local indicators". These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a *balanced* end to end development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT , 2014/15, 2015/16 and 2016/17: Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2016/17 (comparative figures for 2014/15 & 2015/16 are also shown).

This report is a commentary on the national and local performance indicators as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 24th June 2016 which reported on the performance achieved in 2014/15, and discussed appropriate targets.

3. The performance achieved:

7 indicators are included in the Planning and Development Service Plan for 2016/17. These are referred to in the commentaries below. It is currently predicted that the target set is likely to be met for five of the performance indicators. This is a significant improvement on the position that the Service was in this time last year when it was predicted that only three of the six indicators in place at that time would be met.

INDICATOR - Percentage of applications determined within timescales:-

- (1) 70% of 'Major' applications determined 'in time'**
- (2) 70% of 'Minor' applications determined within 8 weeks**
- (3) 85% of 'Other' applications determined within 8 weeks**
- (4) 80% of 'Non-major' applications determined 'in time'**

The above challenging targets for 2016/17 are local ones – the former comparable 'national' targets for this indicator as set by the Government prior to May 2010 were 65% and 80% respectively for Minors and Others. The Government has brought in a system of designation of poorly performing planning authorities – which includes the setting of a threshold relating to the speed of determination of both Major and Non-Major applications, below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council. The Chancellor in his Autumn 2014 Statement announced that the Government would be keeping the speed of decisions on major applications under review, with the minimum performance threshold increasing to 50% of Major decisions on time as performance continues to improve. Parliamentary approval for this change was obtained in September 2015.

The other designation criteria relate to appeal performance and the Council's performance with respect to Major applications was considered in the Annual Appeals Performance report presented to the 21st June 2016 Planning Committee.

The Government in January 2016 consulted as part of the so-called ' Planning Technical Consultation' upon details of its proposals to extend its performance regime including to Non-Major applications - both with respect to speed of determination and quality. This consultation was reported to the Planning Committee in February and the Council submitted comments on the proposals. With respect to 'speed of determination' the Government suggested that where authorities fail to determine 60-70 per cent of applications for non-major development in time, over a two year assessment period, they will be at risk of designation. The Council's targets for 2016/17 have taken into account these and other proposals by introducing a further performance indicator relating the percentage of 'non-major' applications that are determined in time. Performance against this target is being reported here for the first time.

On the 22nd November the Government announced their response to this part of the Planning Technical Consultation. The next assessment will take place in the first quarter of 2017. They will be considering performance in respect of the speed of determination of applications for Major and Non-Major development separately. As far as the thresholds for designation are concerned they will be as follows

For speed of decisions

For applications for Major development : less than **50%** of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to **60%** in 2018.

For applications for Non-Major development : less than **65%** of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the applicant. The threshold will rise to **70%** in 2018

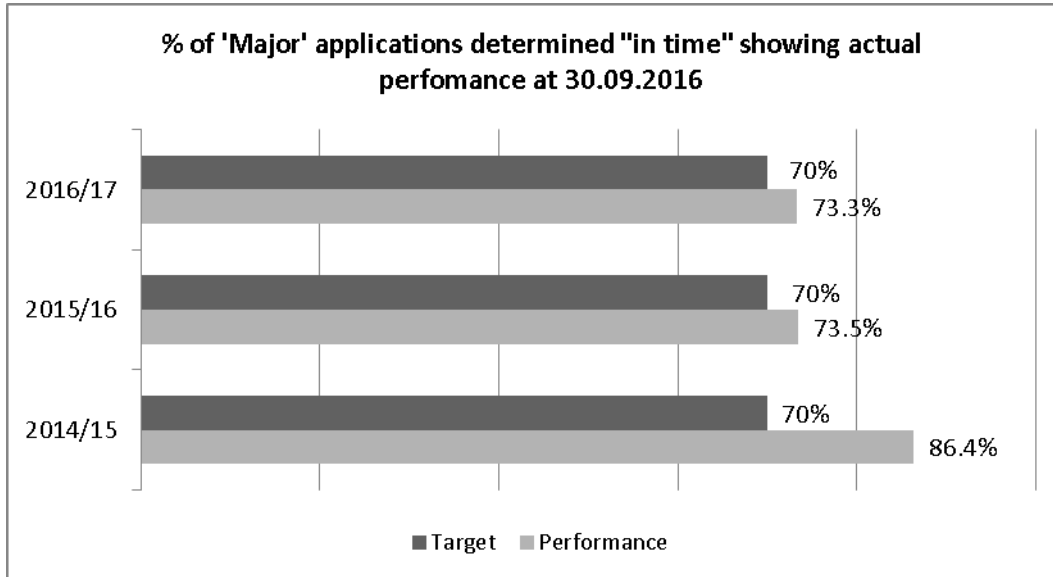
For quality of decisions

They will not be assessing local authorities performance on the quality of their decisions on either Major or Non-Major developments but for application for both Major and Non-Major development in the 2018 designation round : **10%** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal

It is important that members note that because of the way performance is measured current performance and current decisions will be taken into account in these future assessments.

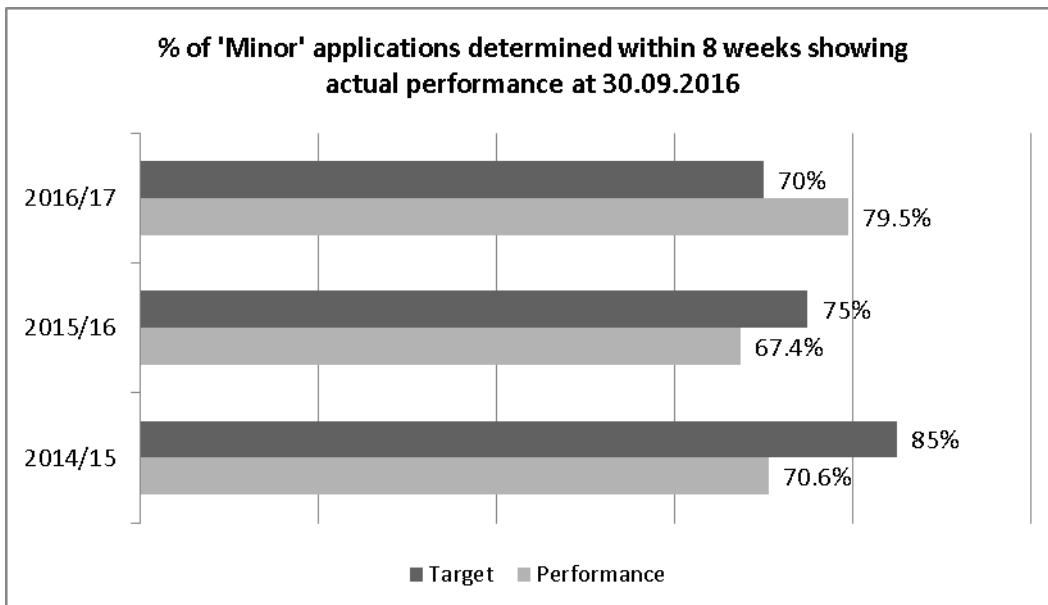
The Council is required in any case to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are often quoted by various stakeholders as a symptom of a poor planning system, and the applicant's interests are not the only ones that need to be considered. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded against the Council.

(1) In dealing with **'Major' applications** during 2015/16 we determined 73.5% "in time" ² against the 'local' target of 70% (25 out of 34). Members will note that the local "target" is set currently 20% above the designation level, although unless it is changed that gap will narrow to 10% in 2018. Performance for the first half of 2016/17 was 73.3% reflecting a continued focus by the Service on the obtaining of agreements by applicants to extend the determination period (11 out of 15) by the provision of a satisfactory service to them. 73.3% is significantly above the 2017 designation threshold of 50%. Because of the limited numbers of applications involved each represents a significant percentage.. Based on performance up to the end of September, the major applications currently "in hand", and the applications that are expected to be submitted it is predicted that the target will be met, although it will be challenging.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

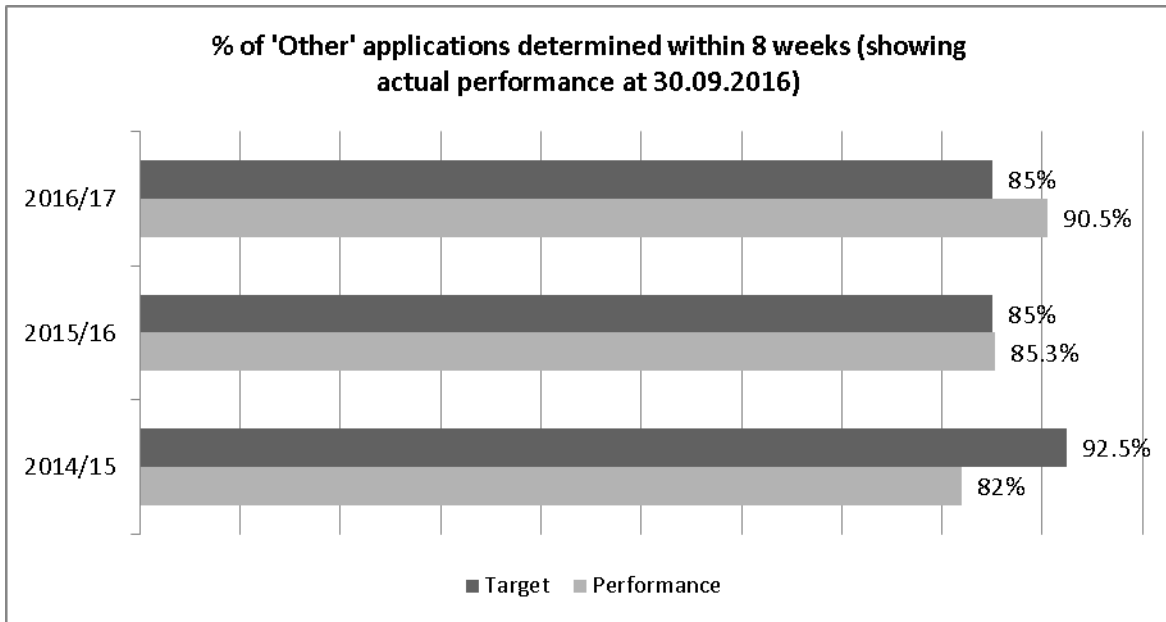
(2) During 2015/16 67.4% of **'Minor' applications** were determined within 8 weeks against the 'local' target of 75% (180 out of 267). Performance for the first half of 2016/17 has been significantly better at 79.5% (93 out of 117) against the 'local' target of 70%.



There is a certain level of backlog of undetermined applications and this has started to have an impact on performance against this indicator. Notwithstanding this, based upon the performance up to the end of September it is currently predicted that the new 70% target will be met.

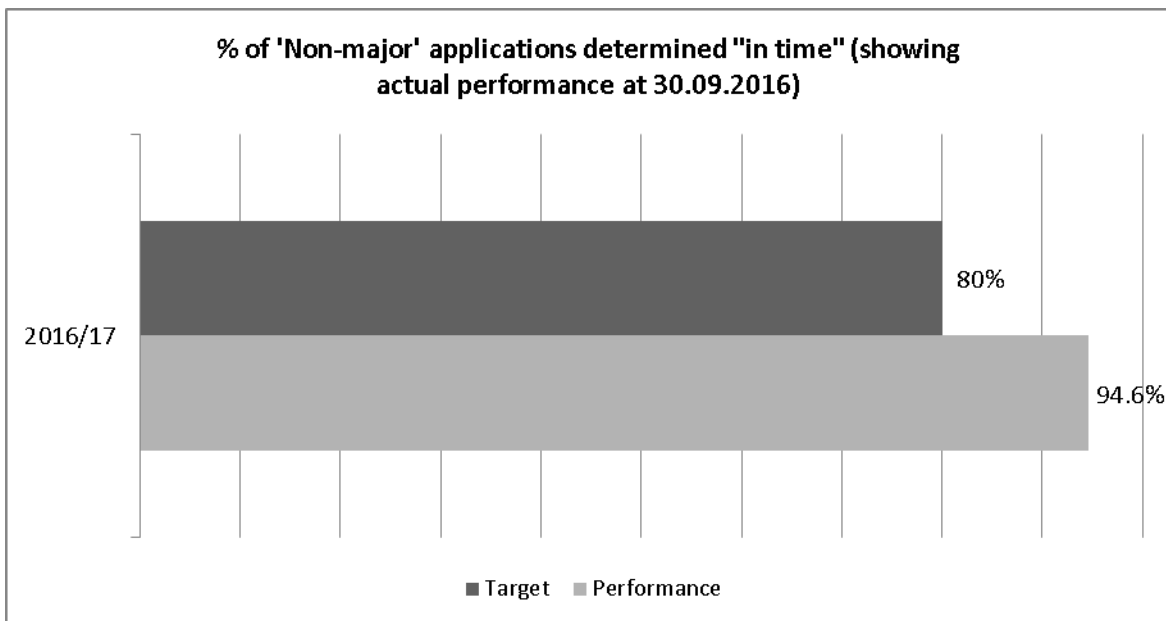
TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

(3) During 2015/16 85.3% of 'Other' applications were determined within 8 weeks (319 out of 374). Performance for the first half of 2016/17 was 90.5% (182 out of 201) compared with the 'local' target of 85%. The prediction for the year is that the target will be achieved.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

(4) As indicated above a new target has been introduced this year relating to 'non-major' applications¹ determined 'in-time'². Performance for the first half of 2016/17 was 94.6% (282 out of 298) against the 'local' target of 80%. Members will note that the local 'target' is currently set some 15% above the 65% designation threshold that has now been introduced and actual performance currently is significantly above that threshold. This is commendable performance in the determination of the types of applications covered by this target and reflects that requests for extensions to the period for the determination of planning applications are being sought and that applicants are generally willing to agree to such requests to ensure that sufficient time is allowed for issues to be addressed. On the basis of the performance to date the prediction for the year is that the target will be achieved.



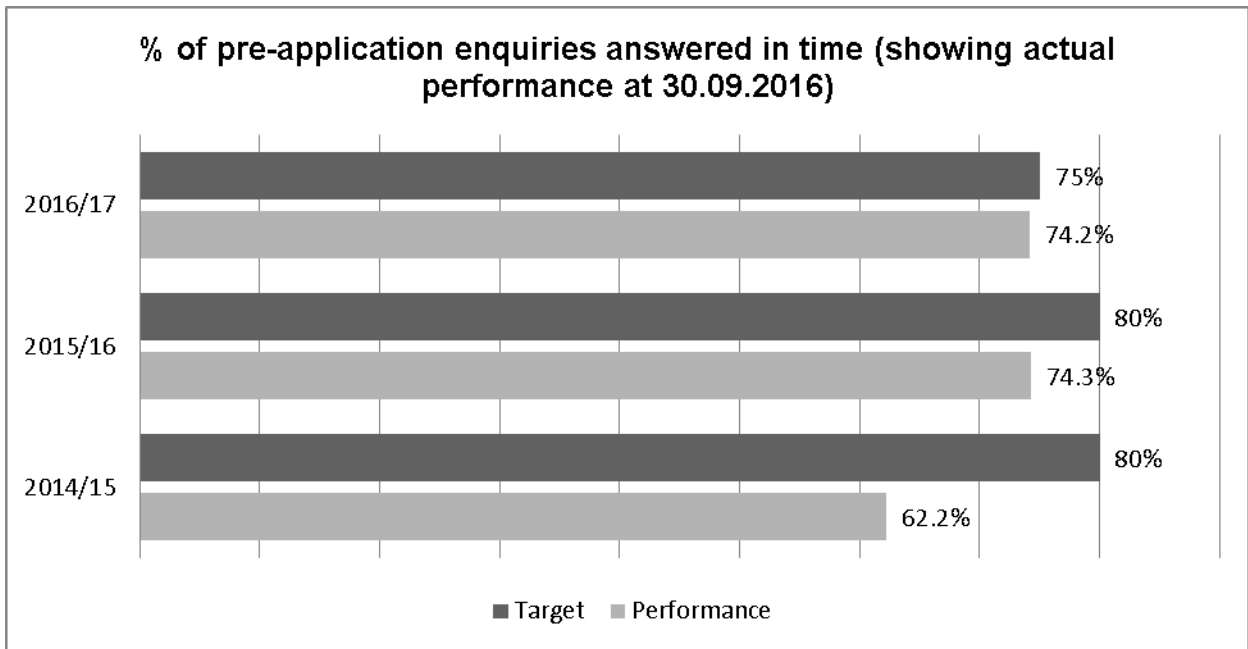
TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

In conclusion the current prediction is that all of the four targets relating to speed of determination of applications are likely to be met.

(5) INDICATOR - Percentage of pre-application enquiries answered in time

This indicator, introduced in 2013/14, allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 21 calendar days, and for 'Other' pre-application enquiries the target response time is 14 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective.

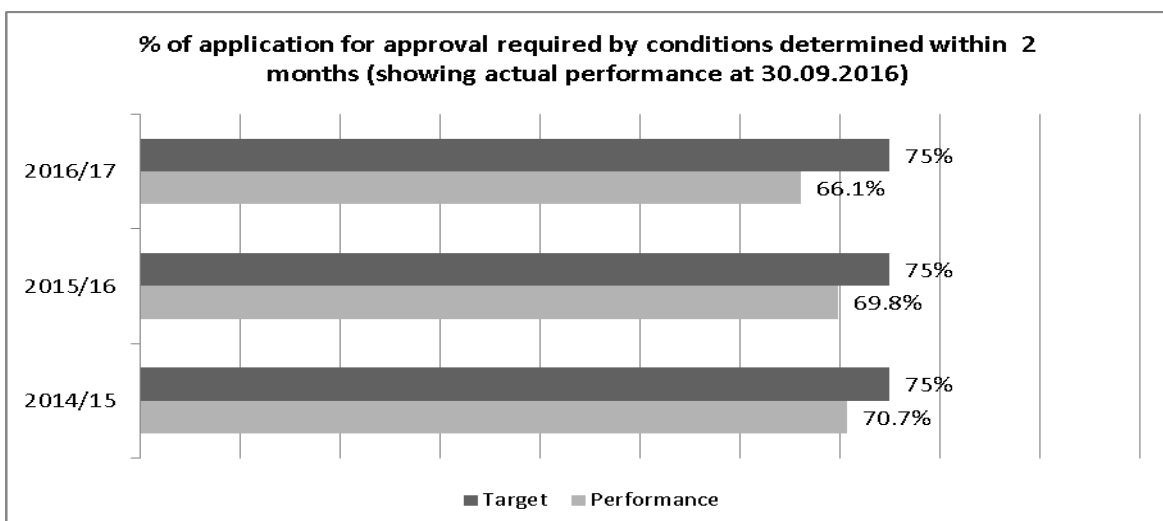
The performance to date is 74.2% against a target of 75% and therefore at this mid-point in the year performance is only marginally below the target. Notwithstanding that such a limited shortfall could be 'clawed back' given that the performance for the first quarter of the year was 72.6% a conservative approach is adopted to the prediction for this indicator.



TARGET FOR 2016/17 UNLIKELY TO BE ACHIEVED

(6) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

The figure for 2015/16 was 69.8%. The figure so far this year is 66.1%. The target for 2016/17 is 75%. The Service received some 160 such applications in the first 6 months of 2015/16 compared to 238 for the same period in the previous year.



The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions require the approval of detail can mean that development is not able to be completed as quickly as it should. Whilst they have produced guidance on the use of planning conditions and introduced a deemed discharge procedure that a developer can invoke if they do not receive a decision in time, the Government remain concerned and have recently undertaken a consultation seeking views on proposals to prohibit the use of pre-commencement conditions without the written agreement of the applicant, and the potential for a wider application of primary legislation to prohibit conditions in targeted circumstances.

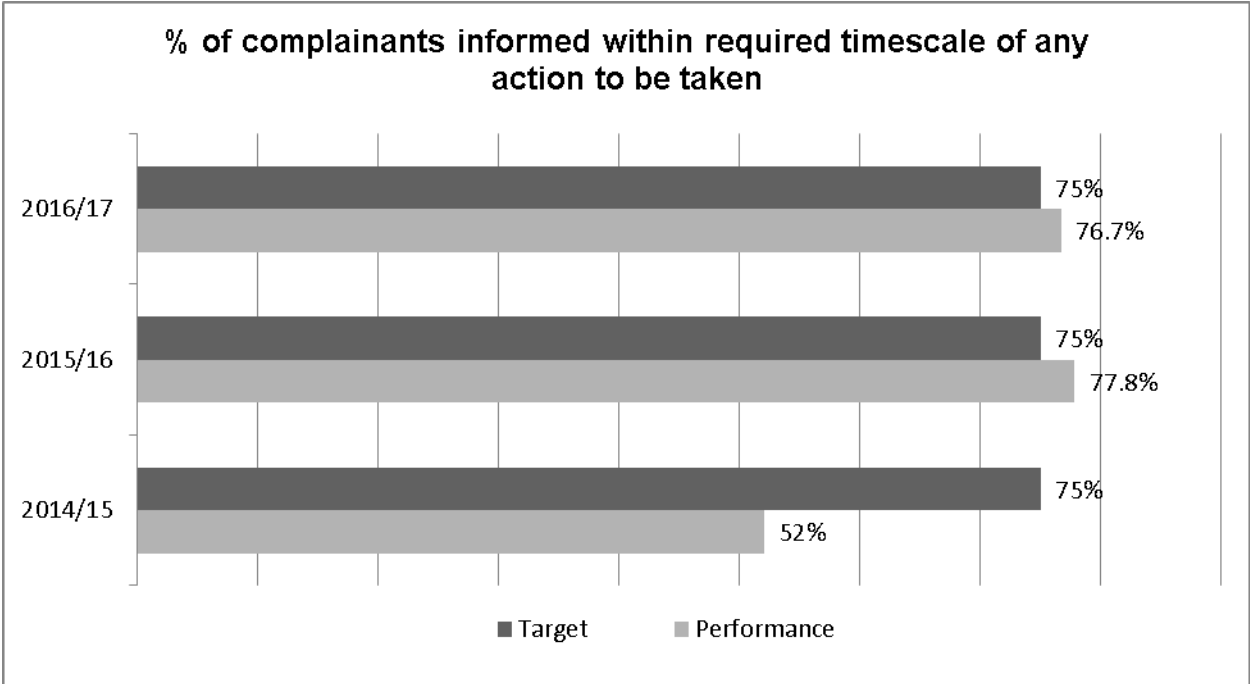
As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target is not being achieved. This is disappointing, but it should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need then for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are satisfied. Officers are routinely seeking formal agreement to extend the time period for the determination of conditions applications and applicants are happy to provide such agreement as the only alternative available is to refuse the application because the condition has not been satisfied.

In light of performance to date and the need on occasion to allow additional time for the determination of such applications it is predicted that this target will not be met, given the performance achieved to date.

TARGET FOR 2016/17 UNLIKELY TO BE ACHIEVED

(7) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

The performance to date is 76.7% against a target of 75%. The much improved performance achieved in 2015/16 compared to the previous year has therefore been maintained so far this year.



TARGET FOR 2016/17 LIKELY TO BE ACHIEVED

Source of information/background papers

1. General Development Control Returns PS1 and PS2 for 2014/15 – 2016/17

2. Planning Services own internal records, produced manually and from its uniForm modules.

¹ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

² 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

This page is intentionally left blank

APPENDIX 1: 'NATIONAL' AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2014/15, 2015/16 and 2016/17.

Indicator	Year	Target for year	←-----Actuals-----→					Actual Performance (at 30.9.16)
			April - June	July - Sept	Oct - Dec	Jan - Mar		
% of 'Major' applications determined "in time"	2016/17	70%	62.5%	85.7%				73.3%
Replaced in 14/15 former indicator of percentage of applications determined within 13 weeks	2015/16	70%	88.9%	90%	71.4%	37.5%		73.5%
	2014/15	70%	100%	80%	100%	50%		86.4%
% of 'Minor' applications determined within 8 weeks	2016/17	70%	90.6%	66%				79.5%
	2015/16	75%	56.9%	73.1%	68.9%	72.2%		67.4%
	2014/15	85%	86%	64%	66.7%	64.7%		70.6%
% of 'other' applications determined within 8 weeks	2016/17	85%	90.7%	90.4%				90.5%
	2015/16	85%	81.9%	87.3%	81.6%	90.1%		85.3%
	2014/15	92.5%	95.2%	74%	82.1%	73.2%		82%
% of "Non-Major" applications determined "in time" <i>New target for 2016/17</i>	2016/17	80%	94.5%	94.7%				94.6%
% of pre-application enquiries answered in time	2016/17	75%	72.6%	76.2%				74.2%
	2015/16	80%	84.1%	67.4%	75.9%	72.6%		74.3%
	2014/15	80%	48.0%	55.5%	70.2%	75.3%		62.2%
% of applications for approval required by conditions determined within 2 months	2016/17	75%	66.3%	65.9%				66.1%
	2015/16	75%	62.7%	67.9%	74.7%	75.2%		69.8%
	2014/15	75%	67%	62.1%	78.9%	73.5%		70.7%
% of complainants informed within required timescale of any action to be taken	2016/17	75%	78.1%	75%				76.7%
	2015/16	75%	75%	77%	79.1%	80.7%		77.8%
	2014/15	75%	44.1%	30.9%	63.9%	81.8%		52%

Target achieved for complete year

Compatibility Report for Mid-Year DC Perf Report 2014-15 Appendix 1
DRAFT SJ.xls
Run on 03/10/2014 10:14

The following features in this workbook are not supported by earlier versions of Excel. These features may be lost or degraded when opening this workbook in an earlier version of Excel or if you save this workbook in an earlier file format.

Minor loss of fidelity

of occurrences

Some cells or styles in this workbook contain formatting that is not supported by the selected file format. These formats will be converted to the closest format available.	1
--	---

Version

Excel 97-2003

REPORT TO PLANNING COMMITTEE

WHERE FINANCIAL CONTRIBUTIONS IN LIEU OF ON-SITE PROVISION OF AFFORDABLE HOUSING MAY BE SPENT

Purpose of the Report

In August 2016, while considering a planning application, the Planning Committee requested that a report be produced on the policy that is within the affordable housing Supplementary Planning Document as to where within the district financial contributions from developments towards affordable housing can be spent. The purpose of this report is to address that issue.

Recommendations

- 1. That the Committee do not resolve that such commuted sums should have to be spent in areas where they have been generated from**
- 2. That officers do, upon the receipt of such sums, consult with the relevant Parish Council or Councils on whether or not there are opportunities to expend such sums within the areas of those Councils**

Background

The Affordable Housing SPD was adopted in 2009. It states “in accordance with Government guidance, the Council will seek to ensure that affordable housing is provided on site in the first instance. Only in very particular, agreed circumstances will either another site or payment in lieu of on site provision be considered as an acceptable alternative.”

This report is concerned with the location where payments in lieu are to be spent.

The SPD refers to such payments being held by the Council in a ring-fenced Affordable Housing Fund and that they will be used for capital funding to enable the provision of affordable housing. A number of examples of the possible uses of commuted sums generated from affordable housing are given

- Purchase of land by the Council for development by an RSL partner
- Grant contribution to RSL partners towards site development and/or construction costs
- Bringing private sector empty properties back to use for affordable housing
- Purchase of existing satisfactory dwellings (ESD's) for transfer to a RSL partner
- Grant contributions to other local housing initiatives

The SPD goes on to indicate that as the use of commuted sums is to enable the provision of affordable housing it will be inappropriate to spend the commuted sums in the following ways

- For repair or refurbishment of existing RSL housing stock
- To bring RSL Housing stock to the Decent Homes Standard
- To fund development work by the Council/RSL partners unless they are specifically directed to the provision of additional affordable units

It also indicates that an element of the commuted sum may be used to contribute towards the Council's revenue and associated administrative costs in facilitating or developing a strategic approach to affordable housing.

To date there have been a very limited number of planning applications where Developers have entered into planning obligations which potentially may result in the payment of financial contributions towards the provision of affordable housing elsewhere other than on the application site. Such obligations have been entered into unilaterally in one case and by agreement in the others

- 15/01004/FUL - The Hawthorns Keele Village (agreement)
- 13/00426/OUT - Land At End Of Gateway Avenue Baldwins Gate (unilateral)
- 15/00759/FUL - Former Blue Bell Inn New Road Wrinehill (agreement).
- 14/00968/FUL – Former T G Holdcroft, Knutton Road, Wolstanton (agreement)

Members may recall that the Planning Committee at its meeting on the 8th November agreed with respect to an application for a housing development on land adjacent to the Sheet Anchor Public House in Baldwin's Gate (application 16/00609/FUL) to require the developer to enter into a planning obligation securing inter alia the payment of sum towards off site affordable housing. That planning obligation has at the time of writing not yet been secured

The Council has received a payment in connection with the development at the former Former Blue Bell Inn New Road Wrinehill, which has been placed in an account identified as affordable housing contributions.

Planning obligations are the subject of discussion and negotiation between the Local Planning Authority and normally the applicant and landowners. Obligations are either secured by agreement or by means of what are termed unilateral undertakings where the agreement of the Local Planning Authority is not sought.

Of the three planning obligations referred to above they have identified the geographical areas in which the affordable housing contribution should be spent in the following way

- In the case of the Hawthorns Keele development – the Borough Council has entered into an obligation to use such contribution as it may receive “within the Borough”, for any of the following purposes -
 - capital funding including the purchasing of land by the Council for development by a registered provider, grant contribution to a Registered Provider towards site development and/or construction costs, bringing private sector empty properties back into use for affordable housing, purchase of existing satisfactory dwellings for transfer to a Registered Provider and grant contributions to other local housing initiatives
 - meeting the Council's revenue and associated administrative costs in facilitating and developing a strategic approach to affordable housing

The Council has also accepted a requirement that should the contribution not be expended for the above purposes within 5 years from receipt of the sum then it shall then refund the unexpended part with interest, to the party who has paid the original sum

- In the case of the Gateway Avenue development, where some onsite provision of affordable housing is to be made, no obligation has been imposed upon the Council as to where within the Borough and by when it should spend the affordable housing contribution – the purpose of which is not expressly specified in the unilateral undertaking

- In the case of the Blue Bell development no obligations have been entered into by the Council as to where within the Borough the affordable housing “commuted” sum will be spent, or on exactly what, and there is no repayment requirement should it not be spent within a certain period of time
- In the case of the McCarthy & Stone development on the former TG Holdcroft site on Knutton Road, Wolstanton the Council has entered an obligation to use the money for the provision of Affordable housing (as defined in the agreement), and to pay back any of that money, with interest, that is not spent for that purpose within 5 years

Issues

When negotiating S106 Agreements or advising the Committee on offers received, the starting position for officers is to follow the guidance in the Supplementary Planning Document. This states that “the commuted sums will not be spent exclusively in the geographical areas where the financial obligation has been generated, an inclusive approach will be taken and the commuted payments will be spent within Newcastle-under-Lyme on schemes that are considered appropriate. The decision of allocating the commuted sums will be delegated to the Head of Service”.

The rationale for the Council to adopt a borough wide approach as opposed to an area based one, is that housing markets areas can encompass ward boundaries and housing need that arises in one of the part of the Borough is often met by provision which exists in another ward of the Borough and as such this approach allows the Council the flexibility to designate funding for suitable projects within the Borough

The Affordable Housing SPD, dating as it does from 2009, is undoubtedly out of date in a number of respects (in that subsequent national policy changes have occurred since then). However a formal review of the SPD, involving the full requirement of consultation on a new draft revised SPD, and the associated adoption procedures, is not considered at this point in time an appropriate use of the Council’s plan-making resources – which are currently focussed on the Joint Local Plan and support for Neighbourhood Planning. Furthermore any review should be undertaken in the context of the new Joint Local Plan, as supplementary planning documents are not intended to make new policy, but to be based upon existing and up to date statutory development plans – which the Core Strategy cannot be considered to be as it predates the NPPF.

Accordingly all members are being invited to consider is whether to indicate that they wish officers to adopt a different approach to the issue of where such sums should be spent.

By reason of Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended planning obligations may only constitute a reason for granting planning permission if they are

- (a) Necessary to make the development acceptable in planning terms
- (b) Directly related to the development
- (c) Fairly and reasonably related in scale and kind to the development

At the time when the Affordable Housing SPD was drawn up the statutory tests of relevance when considering whether to grant planning permission were previously set out as policy tests in the now cancelled Circular 05/2005 Planning Obligations and now reflected in both the NPPF and the national Planning Practice Guidance.

There is no reason to consider that the approach set out in the Affordable housing SPD – “that the commuted sums will not be spent exclusively in the geographical areas where the

financial obligation has been generated” i.e. they may be spent throughout the borough – is contrary to the above statutory tests.

A further rationale for adopting this position, in addition to that indicated above, is that it affords greater flexibility to the Council and does not ‘tie our hands’, particularly as it is usual, when an agreement rather than a unilateral undertaking, is being negotiated, for the applicant to insist upon obligations upon the Council to refund any unexpended sum within a certain period. The NPPG advises that LPAs are expected to use all of the funding received by way of planning obligations in order to make development acceptable in planning terms and that agreements should normally include clauses stating when and how the funds will be used by and allow for their return, after an agreed period of time, where they are not. Within the Borough that period is usually 5 years from receipt of the sum but it can be more, or less depending upon the circumstances of the case.

The borough wide approach allows the Council the ability to designate commuted sums that may be received, to projects that are deemed appropriate anywhere within the borough; be this within the urban or the rural areas.

Alternatively, it could be argued, and this may be the view of some Parish Councils and some ward councillors, that as the off-site contributions are as a result of development within particular areas then they should be spent in such locations, particularly if there is an acute need for affordable housing within that Parish.

Therefore, there appears to be a difference in views on the designation of geographical areas for the spending of commuted sums; a view that this should be borough wide and another view that the designation of areas should be specific and local.

Officers are of the view that when and where it is justifiable that commuted sums should be directed to specific areas then this can be achieved by the current SPD position and does not require changes to be made to the document. The current wording of the SPD is general and inclusive. In any case as already indicated the option of currently formally amending the SPD document is not available to the Council.

It is the views of Officers, that the decision making process about how commuted sums should be spent and to which areas they should be directed is an important mechanism and this should involve the Parish Councils, who should be consulted prior to any decisions being made subsequent to the completion of the planning obligation.

If the Committee was to resolve, either in relation to specific applications or more generally, that commuted sums should be spent in areas where they have been generated then this will become restrictive and will not allow the Council the flexibility to direct the commuted sums to other areas of the Borough, and it could well lead to the situation where it does not prove possible to spend money in a particular area and the sum has to be returned to the party who originally paid it. That in turn could lead to a situation where the Council as Local Planning Authority could in effect stimulate the submission of planning applications for development of affordable homes on sites that had been selected more for their location within a parish than for their sustainability. Furthermore, there would have to be clarification provided on the term ‘area’, which could range from being the immediate vicinity of the development, or within a particular radius or being as wide as the parish boundary.

Date report prepared : 25th November 2016

Confirmation of Tree Preservation Order

LAND AT WREKIN, MUCKLESTONE WOOD LANE, LOGGERHEADS

Tree Preservation Order No.176 (2016)

Town & Country Planning Act 1990

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

The Order protects a tree situated on land to the north of Mucklestone Wood Lane, Loggerheads. The Order was made to safeguard the longer term visual amenity that the tree provides arising from uncertainty as to the future of the site and that the tree could be felled as an obstacle to development.

The Order was made using delegated powers on 29th June 2016. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 29th December 2016

RECOMMENDATION

That Tree Preservation Order No 176 (2016), land at Wrekin, Mucklestone Wood Lane, Loggerheads, be confirmed as made and that the owner of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is generally healthy at present and is of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and provide public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree nor progressing plans to develop the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage and wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely manage it.

Representations

No representations have been received.

Issues

The tree is situated in the grounds of Wrekin, which lies on the northern side of Mucklestone Wood Lane. It is a large mature oak tree and is clearly visible from Mucklestone Wood Lane. There are several other trees on the land that are included in TPO number 171 (2015). The tree is a key feature to the locality and provides an important contribution to the area. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

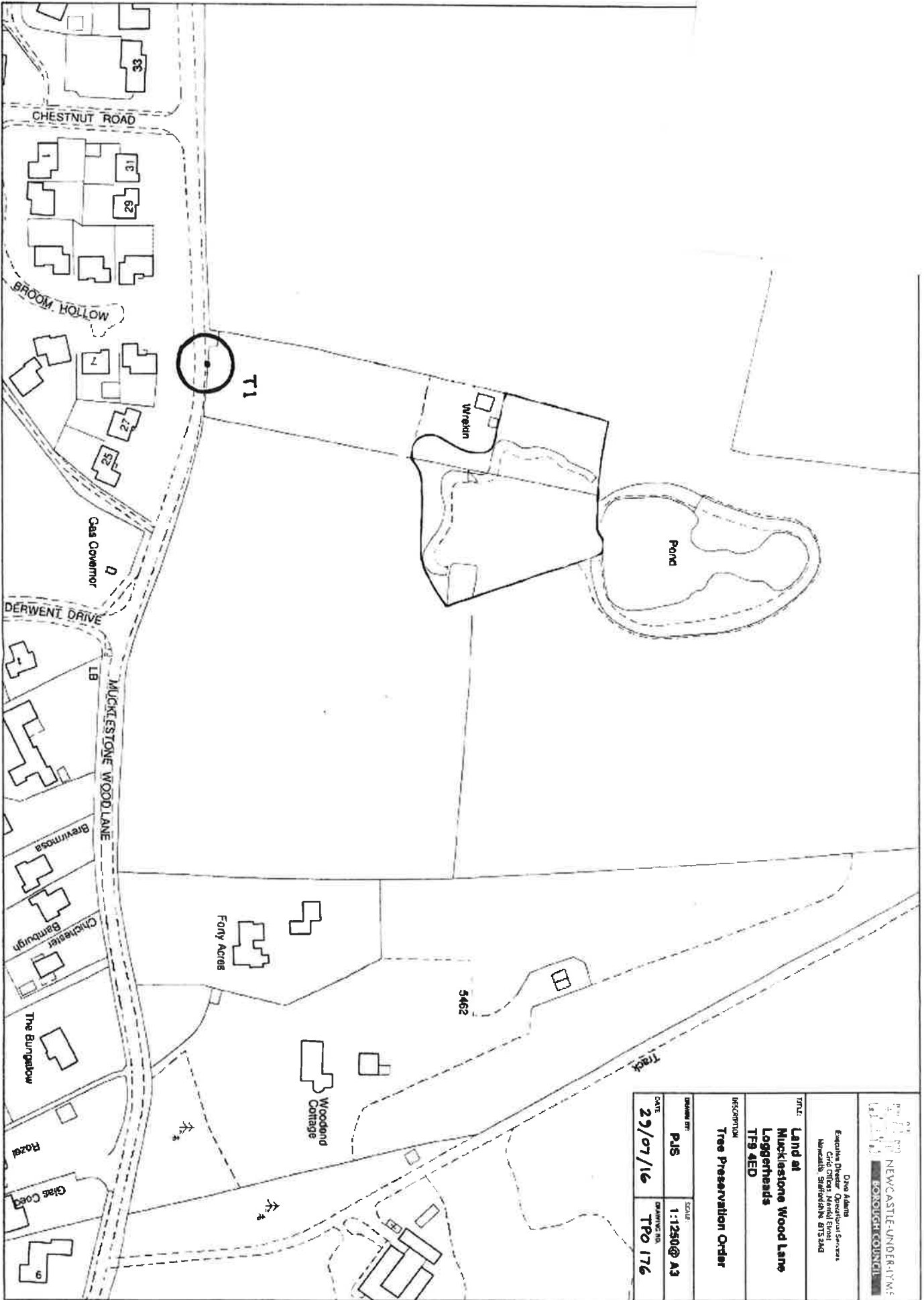
Planning applications received to develop the site for residential use, numbers 14/00828/OUT, 15/00404/OUT and 15/00671/OUT, lead to concern that important trees could be lost. The applications failed to adequately address issues necessary to prevent

harm to the trees, giving rise to concern that trees could be felled to remove them as an obstacle to development, and the other important trees on the site were protected by TPO number 171 in 2015. It had been thought that the oak tree was included in TPO number 5 which was made in 1967 however since TPO 171 was made it has become clear that this is not the case.

Your officers inspected the tree in June 2016 and carried out a TPO assessment, and found it worthy of an Order. It is considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 29th June 2016 in order to protect the long term well-being of the tree.

Date report prepared

19th August 2016





 NEWCASTLE-UNDER-LYME

 BOROUGH COUNCIL

Dina Adams

 Executive Director, Operational Services

 City Offices, Market Street

 Newcastle, Staffordshire, ST15 5AG

TITLE: Land at

 Muckleston Wood Lane

 Loggerheads

 TFG 4ED

DESCRIPTION:

 Tree Preservation Order

DRAWING NO:	PJS	SCALE:	1:1250@ A3
DATE:	29/07/16	DRAWING NO:	TPO 176

This page is intentionally left blank

Planning Committee 6th December 2016

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

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

Since the last report to the Planning Committee at its meeting on the 16th August 2016 one new case has been added to this list and two cases have been able to be closed. Some 7 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

That the information be received.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24th April 2015. The SN took effect on 30th April 2015. The EN took effect on 27th May 2015.</p> <p>In the last quarterly report it was indicated that a breach of the EN was to be taken to Court for prosecution for a second time on 14th September. The owner pleaded not guilty at the hearing and therefore it was deferred for trial which took place on 16th November. The owner was found guilty, again, and a further fine imposed.</p> <p>Following the court case a letter has been sent to the owner giving a further period (until 15th December 2016) for the portacabin and commercial trailer to be removed as required by the terms of the Enforcement Notice.</p> <p>Members have previously been advised that used tyres have been imported and deposited on the site which are being utilised in the construction of a fodder beat store and TB testing facility. Your officers previously concluded that expert advice is required on the key questions of whether such a structure is reasonably necessary for the purposes of agriculture within the unit and whether it is designed for the purposes of agriculture – in order to determine whether this is permitted development. Such advice is expected to be received in the next few weeks.</p> <p>Since the previous report it has been established that waste has been imported onto the site in the form of covered bails. This matter is being addressed by the County Council, as Waste Authority, in conjunction with the Environment Agency.</p>	<p>Visit the site after 15th December 2016 to establish whether the portacabin and commercial trailer/cabin has been removed from the site.</p> <p>Determine, on the basis of expert advice, whether the partially constructed fodder beat store and TB testing facility requires planning permission and if it does whether it is expedient to take enforcement action.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An Enforcement Notice has been served which would have taken effect on 28th February 2016 had an appeal not been lodged. The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia: and the removal of any fencing erected on the perimeter of the land.</p> <p>The appeal against the notice is on three grounds; that the use of the land for residential purposes does not constitute a breach of planning control; that at the date at which the notice was issued no enforcement action could be taken; and the period for compliance as specified in the notice falls short of what should reasonably be allowed. No appeal that planning permission should be granted has been made.</p> <p>The appeal is proceeding by way of an Inquiry on 14th February 2017. Evidence is to be submitted to the Planning Inspectorate no later than 4 weeks before that date. In the meantime the Notice does not come into effect</p>	Preparation and submission of the Council's proof of evidence in accordance with the Planning Inspectorate's timetable.
14/00048/207C2	<p>Dairy House forming part of Hungerford House Farm, Hungerford Lane, Madeley</p> <p>Unauthorised subdivision into two dwellings</p>	13.7.15	<p>A retrospective planning application was received for the sub-division of Dairy House into two dwellings. The application was refused on the grounds that this is an unsustainable location for the creation of new residential dwellings and the subsequent appeal was dismissed.</p> <p>An EN was served requiring that Dairy House is reinstated to its previous condition prior to the subdivision, within six months of the notice taking effect. The EN took effect on 21st December 2015 as an appeal was not lodged.- the six month period finishing on the 21st June.</p> <p>Discussions have been taking place with the applicant's agent. The indication is that once the existing tenant vacates the premises, which is expected to take place soon, the notice will be complied with.</p>	Establish whether the Notice has been complied with, and either close the case or take further action as appropriate.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Planning Committee at its meeting on 5th January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. The Notice was subsequently served and in the absence of any appeal has come into force on the 13th July 2016. Compliance due by 13th January 2017.</p> <p>A planning application has been now been received for the variation of condition 1 of planning permission Nn21428 in order to allow the occupation of the mobile home by Thomas Maughan, Eileen McDonagh and their resident dependent.</p> <p>The application can be viewed by following this link http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00969/FUL</p> <p>The 8 week target date for the determination of that application is 5th January 2017.</p>	<p>Establish whether the Notice has been complied with, and, dependent upon the outcome of the planning application, either close the case or take further action as appropriate.</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00173/207C2	<p>Monkey Tree Cottage, Heighley Lane, Knowle Bank</p> <p>Unauthorised change of use of land from to land used in association with a dog kennel business and ancillary operation development including the regrading of agricultural land to facilitate the construction of a new building to house kennels, office and kitchen.</p>	23.2.16	<p>A retrospective planning application (14/00842/FUL) was refused in July 2015 under delegated powers on the grounds that the new building was materially larger than that which it replaced and was inappropriate development in Green Belt terms, as was the change of use of land, there were not the required very special circumstances to justify approval and the development had eroded the character and quality of the landscape.</p> <p>An Enforcement Notice was served dated 16th March 2016 The notice required the removal of a partially constructed building within two months; and removal of a retaining wall, reinstatement/regrading of land; and putting up a boundary treatment to separate the residential curtilage from the adjoining land within six months.</p> <p>An appeal was lodged both against the decision on the planning application and against the Enforcement Notice (preventing the Notice from coming into force). The appeal against the Enforcement Notice was made on the ground that insufficient time had been given to comply with the steps set out in the Enforcement Notice. The Authority confirmed on 16th May that it was willing to extend the period for compliance.</p> <p>The parallel planning appeal was allowed on the 22nd June, and in the circumstances the decision was then made to withdraw the Enforcement Notice, the appellant informed and his attention drawn to the conditions subject to which the planning appeal had been allowed. As the conditions have now been complied with the case has been closed.</p>	CASE CLOSED
07/00064/207	<p>18 Market Street, Kidsgrove</p> <p>Non-compliance with conditions of planning permission 06/00551/COU for change of use to restaurant</p>	21.3.16	<p>The conditions of the planning permission that were being breached have been complied with and as such it the serving of an Enforcement Notice was not required.</p>	CASE CLOSED

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Progress/Action particularly that within last Quarter	Target for Next Quarter
08/00204/207	<p>Land off Keele Road, Newcastle</p> <p>Non-compliance with condition 9 of planning permission 11/00430/FUL for the erection of 61 dwellings (amended layout to that already approved including an addition 13 dwellings)</p>	20.10.16	<p>Various planning permissions have been granted for residential development on land off Keele Road, Newcastle (known as Milliner's Green). Due to the proximity of the site to the existing Scrap Yard (Hampton's) and landfill site (Walleys Quarry) certain of the planning permissions granted were subject to a requirement that an acoustic barrier should be installed along the western boundary of the site. A fence was erected and due to concerns about the standard of the fence when planning permission was granted in 2012 for the erection 61 dwellings (ref. 11/00430/FUL) a similar requirement was imposed.</p> <p>As the developer has not addressed the concerns expressed regarding the suitability of the fence, despite being approached by officers on a number of occasions and the developer offering assurances that works to the fence would start, it was decided that appropriate enforcement action was necessary. The action required is the replacement of the existing fence with an acoustic fence of a suitable standard.</p> <p>Following the decision to take action, Legal Services have been instructed to prepare the appropriate Notice.</p>	Serve the required Notice.

Report on Open Enforcement Cases

Purpose of the Report

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

Recommendations

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

Background

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

In the last quarter (July – September 2016) a further 62 new cases have been reported, lower than the previous quarter (65). The current number of open cases is 268 (16 more than at the end of the last quarter). The number of open cases this quarter has therefore increased slightly.

Officers are seeking to continue to make progress in tackling the backlog. A number of the cases indicate in the Table below have associated pending planning applications awaiting determination (9 as at 22 November 2016).

Conclusions

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

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

Current Outstanding Enforcement Cases

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

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2016	238	73	1	49	23	-	-	-	-
2015	238	37	1	23	12	1	-	-	-
2014	212	45	-	34	11	-	-	-	-
2013	219	28	5	18	5	-	-	-	-
2012	229	25	8	11	6	-	-	-	-
2011	204	11	2	7	2	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	10	-	6	1	1	-	1	1
2008	276	10	-	-	-	-	3	7	-
2007	353	5	-	-	-	-	1	3	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2

2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

Open Cases **268**
(inc Backlog)

Previous Quarter 252

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

Date report prepared

22 November 2016

APPEAL BY MRS P DALEY AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE THE GRANT OF PLANNING PERMISSION FOR A TWO STOREY SIDE AND SINGLE STOREY FRONT EXTENSION AT 134 CHATTERLEY DRIVE, KIDSGROVE

<u>Application Number</u>	16/00241/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 10th June 2016
<u>Appeal Decision</u>	Appeal dismissed
<u>Date of Appeal Decision</u>	3rd November 2016

The Inspector considered the main issue to be the effect of the proposed extensions on the character and appearance of the host property and surrounding area.

In dismissing the appeal the Inspector made the following key points:

- As the building is set behind the adjoining building line the works would not be prominently visible on the approach from the south. Nevertheless, in views on the approach from the north, and from the front of the building, the excessive width of the proposal, which would almost double the width of the original dwelling, would unbalance the appearance of the pair. This effect would be exacerbated by the proposed alterations to fenestration which would increase the proportion of brickwork in relation to windows on the front elevation in stark contrast with that on the adjoining dwelling. These changes, taken together, would radically alter the appearance of the host property to the extent that it would appear incongruous and fail to assimilate comfortably in the streetscene.
- It was noted that in the wider area there is some variation in appearance of dwellings and that other properties have been extended. However, alterations are generally proportionate in form and do not detract from the wider streetscene. In contrast, due to its scale and form the proposal would have an intrusive and discordant appearance which would be harmful to both the appearance of the host dwelling, and the character of the area. Therefore, whilst the Council may have approved larger extensions elsewhere in the Borough, such instances do not justify the harm that would arise in this case.
- The proposal would fail to comply with Policy H18 of the Newcastle under Lyme Local Plan and Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy which together seek to ensure that the design of extensions contributes positively to the character of the original dwelling and surrounding area. It would also conflict with guidance within the National Planning Policy Framework which advises that permission should be refused for development of poor design, which fails to take the opportunities available for improving the character and quality of an area.
- Whilst the Inspector had some sympathy for the applicant's requirement for family accommodation, it was not considered that the harm that would arise from an extension of the form proposed would be outweighed by this benefit in this case.

Recommendation

That the decision be noted.

This page is intentionally left blank

APPEAL BY MR PAUL WALKER AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED DWELLING AT 133 SMITHY LANE, KNIGHTON

Application Number **16/00312/FUL**

LPA's Decision **Refused by delegated powers on 13th June 2016**

Appeal Decision **Allowed**

Date of Appeal Decision **10th November 2016**

The Inspector found the main issue to be whether the proposal represents sustainable development in terms of its accessibility to facilities including community facilities, employment opportunities and other services.

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

- The Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites. Accordingly, the policies in the CS and LP relating to the supply of housing are therefore not up-to-date when considered in relation to paragraph 49 of the Framework. Therefore limited weight is attached to these policies in the determination of the appeal. Paragraph 14 of the Framework further advises 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 considered against the policies in the Framework.
- The appeal site is located within the existing built form of Knighton. Either side of the site and on the opposite side of the lane there is well-established residential development. The proposed dwelling would be a logical infill development that would be read in the context of the existing built form. Accordingly, the proposal would not be a new isolated home for the purposes of paragraph 55 of the Framework.
- Due to the relatively small size of Knighton, community services and facilities within the village are limited to a village hall and a public house. Beyond the confines of the village there are a number of employment opportunities within 6km of the site including large employers such as Muller Yoghurt. The village of Woore is approximately 1.5 miles away, which provides a wider range of facilities and services, including a primary school, small food store, post office, shops, church and public houses. Although there is no longer a public bus service serving Knighton, there are buses that provide a pick-up/drop-off service for local schools and Muller also provides a service four times a day.
- Based on the limited facilities and services within Knighton, it is reasonable to conclude that the occupants of the proposed dwelling would likely be heavily reliant on the use of a private vehicle. Nevertheless, due to the proximity of a number of services, facilities and employment opportunities, the duration of journeys to these would be relatively short and therefore moderate weight is attributed to this harm.
- Whilst the proposal is for only one dwelling its occupants would make a positive contribution towards the community. It is reasonable to conclude that they would utilise its facilities and services not only in Knighton but Woore too, thereby helping to maintain the vitality of the rural community. Therefore it would follow the example set out in paragraph 55 of the framework which states that development in one village may support services in a village nearby.
- In addition to the social benefits of the proposal, the dwelling would also provide economic benefits by way of creating jobs during its construction and through its demand for building materials. Furthermore, the occupants of the dwelling would also make some economic contribution towards local services. Although these benefits would be limited, they do weigh in favour of the proposal.
- It is accepted that the proposal would likely result in an increase in traffic movements. However, this increase would be limited and, in this instance, it would be a moderate harm which would be outweighed by the social and economic benefits. The dwelling would be firmly located within an existing built form, would support local services within the community and would make a positive contribution, albeit limited, towards

the supply of housing. In the balance, the proposal would be in a sustainable location and represent a sustainable form of development in accordance with the Framework.

- As it is concluded that the proposal would be sustainable development and there is no identifiable harm that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole, in accordance with paragraph 14 of the Framework, planning permission should be granted and the appeal is allowed.

Recommendation

That the decision be noted.

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

Ebenezer House, Ryecroft, Newcastle (Ref: 16/17002/HBG)

RECOMMENDATION:

That the following grant is approved:-

£725 for the replacement window at Ebenezer House, Ryecroft, Newcastle, subject to the appropriate standard conditions

Purpose of report

To enable members to consider this application for financial assistance.

The building which is now used as an office was originally a Methodist Chapel. Now converted to an office, the statutory listing of the building as a Grade II Listed Building of special architectural or historic interest describes the interior as mostly altered. The windows are massive, none of them stay open and they are currently propped open with bricks and wood to allow some fresh air in, which is not considered satisfactory.

The company are considering replacing all 14 large windows in the main body of the former chapel 'like for like' including glazing bar and rail details, single glazed with sash cords. However, this proposal is to replace one side (rear) window which is suffering from decay with a 'like for like' replacement.

The total cost of the works is estimated at £3,624.00 including VAT. The works are eligible for grant up to 20% of the total cost.

The Conservation Advisory Working Party has considered this request and recommend to the Planning Committee that this grant is approved.

Financial Implications

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

This page is intentionally left blank