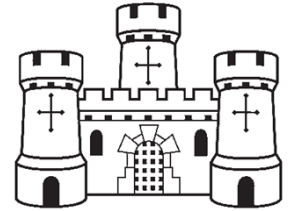


Public Document Pack

Date of meeting Thursday, 2nd February, 2017
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

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 3 - 6)
To consider the minutes of the previous meeting(s).
- 4 **Application for Major Development - 2 - 4 Marsh Parade, Newcastle. Westland Estates Ltd. 16/00630/FUL** (Pages 7 - 18)
- 5 **Application for Major Development - Land off Eccleshall Road, Loggerheads. Newcastle Borough council. 16/00866/DEEM4** (Pages 19 - 32)
- 6 **Application for Major Development - Land off Festival Way, Stoke on Trent. GT Energy UK Ltd. 16/00893/FUL** (Pages 33 - 38)
- 7 **Application for Major Development - Audley Working Mens Club, New Road, Bignall End. Sandycroft Construction Ltd. 16/01036/FUL** (Pages 39 - 46)
- 8 **Application for Major Development - Tagedale Quarry, Eccleshall Road, Loggerheads. Renew Land Developments Ltd. 15/00015/OUT** (Pages 47 - 50)
- 9 **Appeal Decision - Lower Mill House, Furnace lane, Madeley. 16/00489/FUL** (Pages 51 - 52)

**10 TREE PRESERVATION ORDER - 14 HAWTHORNE GARDENS,
TALKE. TPO177**

Report to follow.

11 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 (Vice-Chair), Heesom, Mancey, Northcott, Panter, Pickup, 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

Wednesday, 4th January, 2017
Time of Commencement: MeetingActualStartTime

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, S Hambleton,
T Hambleton, Heesom, Holland,
Northcott, Panter, Reddish, Spence,
Sweeney, G Williams and J Williams

Officers Nick Bromley, Geoff Durham, Elaine
Moulton, Peter Stepien and Darren
Walters

1. **APOLOGIES**

Apologies were received from Councillors Pickup, Simpson, Snell and Turner.

2. **DECLARATIONS OF INTEREST**

Councillor Sandra Hambleton declared an interest on applications 16/00874/FUL and 12/00127/OUT as a Board Member to Aspire Housing. Councillor Hambleton vacated the room during consideration of both items.

The Council's legal representative, Mr Trevor Vernon declared an interest on application 16/00958/FUL and vacated the room during its consideration.

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

Resolved: That the minutes of the meeting held on 6 December, 2016 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - 2-4 MARSH PARADE, NEWCASTLE. WESTLAND ESTATES LTD. 16/00630/FUL**

Proposed by Councillor Holland and seconded by Councillor Northcott.

Resolved: That the application be deferred to allow additional time to address the reasons for refusal as recommended in the agenda report.

5. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT BARRIE GARDENS, TALKE. ASPIRE HOUSING. 16/00874/FUL**

Councillor Mike Stubbs spoke on this application

Resolved: (a) That, subject to the applicant first entering into a Section 106 agreement by 3rd February 2017 (requiring that they first agree in writing to extend the statutory determination period to the 8th February 2017) to

secure a financial contribution of £24,352.80 for the enhancement and maintenance of the open space at Coalpit Hill,

the application be permitted, subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved plans
- (iii) Development to be occupied by those aged 55 and over
- (iv) Materials
- (v) Finished ground and floor levels and retaining wall design details
- (vi) Boundary treatments
- (vii) Tree protection
- (viii) Landscaping of the site and the surrounding open space
- (ix) Contaminated land conditions
- (x) Construction Method Statement (Highways and Environmental matters)
- (xi) Internal noise levels
- (xii) Construction hours
- (xiii) Approval of recyclable materials and refuse storage
- (xiv) Provision of access, parking, servicing and turning areas prior to occupation.
- (xv) Prior approval of surfacing materials and surface water drainage for the access road and parking areas, and the delineation of visitor parking bays; and implementation of approved details
- (xvi) Off-site highway works including the provision of a 2m wide footway linking the site with Lynn Avenue and provision and delineation of 5 parking spaces at the rear of 1 to 9 Barrie Gardens.
- (xvii) Proposed coal mining precautionary measures
- (xviii) Intrusive site investigations and remedial works implementation
- (xix) Prior approval of details for storage and collection arrangements for recycling and refuse and implementation of approved details
- (xx) Detailed drainage information for approval.

- (b) Should the matters referred to in (A) above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development fails to secure the provision/maintenance of off-site public open space or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

6. **APPLICATION FOR MAJOR DEVELOPMENT - MARKS AND SPENCER, WOLSTANTON RETAIL PARK, WOLSTANTON. MARKS AND SPENCER PLC. 16/00958/FUL**

Resolved: That, subject to the applicant entering into planning obligations by no later than 12th February 2017, that preserve the Newcastle Borough and Stoke City Councils' position in respect of obligations secured prior to the grant of permission 11/00611/FUL, the variation of condition 3 of 11/00611/FUL be permitted so that it reads as follows:

The permission hereby granted relates to a single storey retail unit of 13,010 m² gross internal floorspace with a sales area floorspace of no more than 8,962 m², of which no more than 7,973 m² shall be for the display of comparison goods and no more than 1,496 m² shall be for the display and sale of convenience goods only.

and subject to the imposition of all other conditions attached to planning permission 11/00611/FUL that remain relevant at this time.

7. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, BUTT LANE, KIDSGROVE. REVELAN DEVELOPMENTS LTD. 12/00127/OUT**

- Resolved:**
- (i) That the decision of the Chairman to agree to the variation of the existing Section 106 agreement to extend the period within which the Public Rights of Way Contribution can be spent be noted.
 - (ii) That the Head of Planning be given delegated authority to give appropriate instructions to the Council's solicitor so that the spirit of the Affordable Housing Supplementary Planning Document is maintained in any revision to the Agreement.

8. **APPLICATION FOR MAJOR DEVELOPMENT - BARNES HALL, LINDSAY HALL AND HORWOOD HALL, KEELE UNIVERSITY. UNIVERSITY OF KEELE. 16/00014/FUL, 16/00015/FUL AND 16/00016/FUL**

Proposed by Councillor Holland and seconded by Councillor Fear

Resolved: That a site visit take place on the Saturday before the Planning Committee meeting to which the applications will be reported.

9. **APPLICATION FOR MINOR DEVELOPMENT - 5 BOGGS COTTAGES, KEELE ROAD, KEELE. MR THOMAS. 16/00969/FUL**

Resolved: That the application be refused for the following reason:-

The proposed variation of condition 1 of planning permission reference N21428 would result in a dwelling on this site, which would constitute inappropriate development within the Green Belt. The arguments advanced for the retention of the mobile home without compliance with the current condition do not constitute the very special circumstances required to justify

inappropriate development in the Green Belt. The proposal is therefore contrary to Policy S3 of the Newcastle-under-Lyme Local Plan 2011 and the National Planning Policy Framework.

10. APPEAL DECISION - BUILDER'S YARD, PARK ROAD, SILVERDALE, NEWCASTLE

Resolved: That the decision be noted.

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

- Resolved:**
- (i) That the report be noted
 - (ii) Agreed that the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.

12. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 7.55 pm

2 – 4 MARSH PARADE, NEWCASTLE UNDER LYME
WESTLANDS ESTATES LIMITED (GAVIN DONLON)

16/00630/FUL

The application seeks full planning permission for the demolition of existing buildings and the replacement with a four storey apartment block containing 27 one bedroom apartments.

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk conservation area, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.10 hectares

A tree adjacent to the site is covered by Tree Preservation Order No.16.

A decision on the application was deferred at the Committee meeting held on the 4th January to enable the applicant to provide further details to address objections from consultees regarding the impact and loss of protected trees and amenity issues relating to noise.

The statutory 13 week determination period for the application expired on the 9th December 2016 and the applicant has agreed to extend the statutory determination period until the 10th February 2017.

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by 3rd March 2017 (provided that they first agree in writing, by the 8th February, to extend the statutory determination period to the 7th March) to secure a review mechanism of the scheme's ability to make a policy compliant contributions to public open space and the provision of policy-compliant on-site affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Submission of Materials**
- 4. Window reveal specification**
- 5. Roof Specification Plans**
- 6. Boundary Treatments**
- 7. Approval of Tree Protection Proposals**
- 8. Arboricultural Method Statement**
- 9. Landscaping Scheme (including replacement tree planting)**
- 10. Hard Surfacing**
- 11. Provision of Parking and Turning areas**
- 12. Construction Method Statement**
- 13. Visibility Splays**
- 14. Existing Access Permanently Closed**
- 15. Secure Cycle Storage**
- 16. Design Measures to Secure Noise Levels**
- 17. Ventilation Provision/ Arrangements**
- 18. Full Land Contamination**
- 19. Drainage Details**
- 20. Bat Mitigation Measures**

B. Should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstance, and, in such circumstances, the potential provision of policy compliant affordable housing and financial contribution towards public open space.

Reason for recommendation

The development is located on previously developed land within a highly sustainable urban area and given that 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 it is considered that the development is acceptable in principle. The design of the scheme, impact on heritage assets, tree, highway safety and noise impacts are considered acceptable subject to conditions. It is also accepted, following the obtaining of independent financial advice that the scheme is not viable with any affordable housing and contribution towards public open space, and whilst these policy compliant requirements are not sought, given the benefits of the scheme, a S106 agreement should be secured for a review mechanism.

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

Amended information submitted during the application has resolved matters of design, parking, impact on trees and noise. Independent advice from the District Valuer (DVS) has been received and the applicant has cooperated with the LPA in securing this advice.

KEY ISSUES

1.1 The application seeks full planning permission for the demolition of existing buildings and the replacement with a four storey apartment block containing 27 one bedroom apartments.

1.2 The site lies within the urban area close to Newcastle town centre and adjacent to but not within the Stubbs Walk Conservation Area, as indicated on the Local Development Framework Proposals Map. There are also two Grade II Listed Buildings opposite the site, 21 Marsh Parade and 23-25 Marsh Parade. A plan indicating these features will be available to be viewed at the Committee meeting.

1.3 There are visually significant trees within the highway verge and adjacent to the site, one of which is covered by a Tree Preservation Order.

1.4 The application has been supported by an ecology report and conditions to mitigate any impact on bats could be secured.

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

- The principle of residential development
- The design and impact on the adjacent conservation area and listed buildings?
- Car parking and highway safety
- Impact on protected and visually significant trees
- Impact on residential amenity levels of future occupiers
- Planning obligation considerations

2.0 The principle of 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 Newcastle Local Plan (NLP) 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 - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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 CSS 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 The land is located within the major urban area in close proximity to Newcastle town centre. The site is occupied by a two storey red brick building that has fallen into a state of disrepair. There is also a two storey and single storey outbuildings to the rear of the site which also appear to be in a state of disrepair.

2.5 The site meets the definition of previously developed land and is located within a highly sustainable area by virtue of its proximity to the town centre and the associated shops, public transport links, leisure facilities and entertainment facilities. The site is also designated within the Town Centre SPD as being within the 'Live Work Office Quarter' which is recognised as a mixed use area that will continue to develop in this manner with the SPD stating that "...where the main focus is offices, with any housing development likely to be marketed for those who wish to live within a bustling business community. Residential opportunities could be created by "living over the shop" and in new developments."

2.6 The proposed development complies with local and national planning policy guidance and it is considered suitable for residential development. The construction of 27 one bedroom dwellings would contribute to the area's housing supply and the principle of residential development on this site is considered acceptable.

3.0 The design and impact on the adjacent Conservation Area and Listed Buildings?

3.1 The application site is adjacent to the Stubbs Walk Conservation Area and NLP policy B14 states that "In determining applications for building in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. Because of this and to allow the impact of a proposal on the special architectural and historic character and appearance of the Conservation Area to be evaluated, outline planning permission will be resisted for proposals in a Conservation Area. Exceptionally, where proposed development immediately adjacent to the Conservation Area would be likely to affect the Conservation Area adversely, similar constraints may be applied."

3.2 The site is also adjacent to two Grade II Listed Buildings and NLP policy B5 states that "The Council will resist development proposals that would adversely affect the setting of a Listed Building."

3.3 The NPPF provides more general guidance on the design of development proposals. It indicates at paragraph 56 that great importance should be attached to design which is a key aspect of sustainable development that should contribute positively to making places better for people. It further states at paragraph 64 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.

3.4 In order to allow the proposed development to proceed the existing buildings on the site will have to be demolished. Whilst these buildings are not listed, and they have, over the years, fallen into a state of disrepair, they do have some visual merit within the street scene due to their striking red brick appearance and location on the site frontage. The demolition of these buildings would allow the site to be developed and the retention of the buildings is not justified by virtue of them having fallen into a state of disrepair and the negative impact that the site currently has on the character of the area due to its overgrown and derelict appearance. However, even if a different view was reached the applicant could demolish the buildings by exercising their permitted development rights with only the details of the means of demolition and details for the restoration of the site being the subject of the prior approval of the LPA.

3.5 The proposed development would bring the site back into use with the construction of a single four storey building to accommodate 27 one bedroom flats/ apartments. The Stubbs Walk CAAMP identifies that Stubbs Walk is relatively built-up on the periphery around the junction of West Street and North Street, Marsh Parade and Mount Pleasant. It further states that the landscape value of the trees and shrubs within Stubbs Walk is particularly high and provides a setting for the Conservation Area. Whilst Marsh Parade is not specifically referred to as being of high landscape value it acts as a gateway into Stubbs Walk and the mature trees are similarly of value to the streetscene.

3.6 The applicant indicates within their submission that the proposed development would complement the scale of the existing Georgian properties on Marsh Parade, with materials and fenestration being appropriate for the setting and locality. They consider that the development will create a building that will add value to the site and sit comfortably with the neighbouring buildings. The submitted Heritage Statement (HS) concludes that the harm to the Stubbs Walk Conservation Area and the setting of the adjacent listed buildings would be a neutral or slight adverse impact. The HS also identifies that cartographic maps show potential below-ground non-designated heritage assets in the form of a junction canal, a railway siding, a well, and a building. However, the impact would be neutral or slight adverse. A condition could be imposed which secures heritage site investigation and recording.

3.7 The Urban Vision Design Review Panel reviewed the scheme prior to the application submission and were generally supportive of the "the simple, contemporary, well-detailed, rhythmic approach to the new development". The scale and proportion of the block was also considered to be in keeping with the character of the local area. A number of points were raised by the Panel which were not

directly related to the design and appearance of the scheme but the applicant has sought to address these matters within the submission.

3.8 The Conservation Officer and the Conservation Advisory Working Party (CAWP) have also advised that the general massing and proportions of the proposal is acceptable. However, some concerns have been expressed about the materials and they consider that it is essential that the specification is of a high standard. This has resulted in slight amendments to the scheme and further information being submitted which provides clarification on the specification of design details. In particular the monopitch roof will have a simple parapet detail which will be capped with a string course and 50mm aluminium trim which will have a slight fall towards the roof to avoid staining the fenestration. The windows would have a 50mm reveal and the front wall will be constructed from the same brick as the main facing brick and have metal railings sat on the top of it between pillars set apart at intervals.

3.9 Window specification details have had to be altered during the application, along with the layout of the scheme, to address other concerns addressed within the report. Dummy windows are proposed in the side elevations of the proposed building to add interest to this prominent elevation. The changes are considered acceptable and the applicant has demonstrated that the design and appearance of the proposed building would be of a high standard, and conditions could secure the submission of sample materials for approval. The proposal would bring back into use a vacant and untidy site on the edge of the Conservation Area and any minimal harm caused to setting of the adjacent heritage assets would be outweighed by the benefits of the scheme.

3.10 There are however mature trees that align Marsh Parade which complement the character of the Georgian street scene. NLP Policies N12 and B15 seek to protect visually significant and protected trees, particularly in Conservation Areas and their setting. The impact of the development on trees will be discussed below.

4.0 Impact on protected and visually significant trees

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

4.2 As already indicated the site is adjacent to the Stubbs Walk Conservation Area and NLP policy B15 indicates that trees and landscape features which contribute to the character and appearance and are a part of the setting of a Conservation Area will be retained. Where consent is given to remove protected trees conditions will be imposed to require trees of the appropriate species and size to be planted and replaced if they die within 5 years.

4.3 The application is supported by a tree survey which identifies that there are two trees on or adjacent to the application site. The tree to the front of the site is outside of the application site and the applicant's control. This tree is a lime tree which is covered by tree preservation order T16 and is classified as a category A tree – "trees of high value including those that are particularly good examples of their species and/or those that have visual importance or significant conservation or other value." The tree towards the rear of the site is a sycamore tree which is a visually significant tree and was originally classified in the submitted tree survey as a category B tree – "trees of moderate value". It was stated within the submitted tree report that both trees would be retained as part of the development but the building works would be close to or within the root protection area of these trees.

4.4 The Council's Landscape Development Section (LDS) expressed concerns about the adverse impact and potential loss of both trees. This resulted in the applicant submitting amended/ additional information which sought to address the objections. In particular the sycamore tree was downgraded to a category C being unsuitable for long term retention due to structural defects. The LDS now accept this following their own more detailed inspection.

4.5 In terms of the impact on the protected Lime tree (T16) the applicant has submitted an amended layout plan which now removes a dwarf wall and three car parking spaces which were previously in the root protection area of this tree and were likely to have resulted in an adverse harm to and

potential loss of this important tree. A landscaped amenity area is now proposed in this location and the LDS have subsequently removed their objections to the application subject to conditions which secure tree protection proposals, Arboricultural Method Statement to cover proposals for the amenity space and full landscaping proposals (which should also include replacement tree planting along the rear boundary in particular). Subject to these conditions the proposed development is unlikely to result in the loss of T16 and is now considered acceptable and in accordance with NLP policy N12..

5.0 Impact on residential amenity levels of future occupiers

5.1 The Environmental Health Division (EHD) has indicated that the noise climate in this area is dominated by road traffic throughout the day and also entertainment and patron noise from the Rigger Public House which they say is directly opposite the application site. The Rigger operates as a live music venue up until 02.00hrs.

5.2 Members were advised at its meeting of the 4th January that EHD raised objections to the application on the grounds that future occupants of the flats were likely to be exposed to unacceptable levels of low frequency noise from musical entertainment at the Rigger Public House which is likely to place at risk the future operation of the venue and permission would be contrary to policy 123 of the NPPF. Since the meeting an amended acoustic assessment and amended elevation plans have been submitted. The amendments now show no glazing to side elevations and non-openable apertures to the front elevation. Acoustically treated mechanical ventilation will also be installed to all flats which would enable windows to be kept shut. The flat roof specification will be upgraded acoustically and a proprietary acoustic secondary glazing system will be installed, in addition to standard glazing on the Marsh Parade elevation.

5.3 EHD is now satisfied that the required acoustic performance of NR15 can be achieved – a level that reflects the particular nature of the external noise environment within which the properties would be located - and the appropriate mitigation against patron and entertainment noise from the nearby Rigger Public House has been addressed subject to conditions.

6.0 Car parking and highway safety

6.1 The access to the site would be taken off Marsh Parade via an access point that passes through the front elevation of building to the rear which provides off street car parking for 11 vehicles.

6.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets.

6.3 Based on the maximum parking standards in the Local Plan a development of 27 one bedroom flats/ apartments would require a maximum of 36 car parking spaces. Therefore the proposal would provide a shortfall of 25 spaces against that maximum.

6.4 The application is supported by a transport statement (TS) which identifies that car parking provision is below the standards of policy T16 but also concludes that the provision is acceptable for a development of the scale and location proposed. Cycle parking is also proposed. The TS also indicates that there are car parking restrictions on surrounding roads and there are public car parks in close proximity to the site and regular bus services that run along Brunswick Street. The site is also within walking distance of the town centre. Furthermore the TS submits that the higher the percentage of 1 bedroom units within a development the lower the parking demand becomes.

6.5 The Highways Authority has raised no objections subject to conditions and in consideration of the information and evidence provided within the TS and the highly sustainable location of the site, your officers accept that the level of car parking is satisfactory and would not exacerbate on street car parking problems within the immediate vicinity of the site.

7.0 Planning obligation considerations

7.1 The Landscape Development Section (LDS) have indicated that the proposed development would require a contribution of approximately £65,000 to be secured for Public Open Space (POS) improvement and maintenance. The sum, it is proposed would be spent on improvements to Stubbs Walk Open Space which is 110 meters from the site. An education contribution is not requested because the Education Authority has indicated that it is not their current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

7.2 There is a local policy requirement for 25% affordable housing to be provided on-site which would amount to 7 of the units.

7.3 The applicant has stated within their submission that the scheme cannot support the requested policy compliant contributions towards affordable housing and POS and the District Valuer's advice has been obtained by the Authority. This concludes that the scheme is not viable with policy compliant financial contributions, and when asked to confirm what, if any, financial contributions the scheme could support, the DV has confirmed that the scheme would be unviable if any level of contribution or affordable housing was secured.

7.4 Whilst this development cannot support policy compliant contributions there is the undoubted contribution that the development would make to housing availability which is acknowledged to be in short supply. The site has also been vacant for a number of years which does little to enhance the appearance of the area and its redevelopment will be beneficial to the area.

7.5 The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution/ provision of on site affordable housing, if the site were to found capable of financially supporting these features. It is suggested that in such an event any such residual land value should be proportionally allocated.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3	Sustainability and Climate Change
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 B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy B15:	Trees and Landscape in Conservation Area
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

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

Supplementary Planning Guidance/Documents

Developer Contributions Supplementary Planning Document (September 2007)

Affordable Housing Supplementary Planning Document (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)

Newcastle Town Centre Supplementary Planning Document (2009)

Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document (2016)

Relevant Planning History

N12592 (1983) Change of use to offices Permitted

08/00882/FUL Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking Refused

Views of Consultees

The **Environment Agency** raises no objections

The **Education Authority** indicates that this development falls within the catchments of Friarswood Primary School, Hassell Community Primary School, St. Giles and St. George's C of E Academy and Clayton Hall Academy. The development is scheduled to provide 27 apartments. However, no education contribution will be requested as it is not their current policy to request a contribution from developments purely consisting of 1 or 2 bed apartments.

The **Highway Authority** raises no objections to the amended site layout which proposes all parking to the rear of the building. Conditions regarding access, parking, servicing and turning being provided, submission and approval of a construction management statement, visibility splays and the existing access being permanently closed off are still advised.

The **Environmental Health Division** has now removed their objection to the application following the submission of an amended acoustic report and amended elevation plans. Conditions which secure the design measures and further appropriate noise assessment, as well as ventilation provision are advised.

The **Landscape Development Section** raises no objections following the submission of amended plans and information. Conditions which secure tree protection, an arboricultural method statement and landscaping are advised. A contribution of approximately £65,000 towards public open space maintenance and improvements of the Stubbs Walk Open Space is sought.

Severn Trent Water raises no objections subject to conditions regarding the submission and approval of drainage plans and their implementation prior to the development being brought into use.

Housing Strategy Section - the policy complaint position would be for 25% of the units as affordable housing of which 15% should be social rented and 10% should be shared ownership. However, there may be a reluctance for the Registered Provider to take on shared ownership units in the form of 1 bed flats, as usually the demand for shared ownership is from smaller starter families looking for 2 and 3 bed properties. A sensitivity test should be carried out in any viability appraisal which would show that if the scheme is not viable at the percentage set out, would it become viable with fewer affordable units.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objections but if the vehicle entrance is not to be gated it is recommended that clear signage is put in place indicating that the entrance is private in nature. He anticipates that the rear aspect of the premises will be adequately lit and receive a strong degree of informal social policing via the residents themselves. A wealth of good practise in terms of standards relevant to minimum security requirements can be found at www.securedbydesign.com.

CAWP thinks that the general massing and proportions of the proposal are acceptable. Given the context of this proposal, however the details and quality of the development are essential in terms of the specification including the brickwork. Concerns were expressed about materials, in particular timber boarding on ground floor openings. The applicant has accepted this point and indicated that whilst the material appears as timber it will not be. A corten steel panelling is proposed which the applicant indicates is a strong reinforced material to offer protection due to its location on the ground floor. The applicant has also submitted further information to satisfy concerns about the wall at the front

The **Conservation and Urban Design Officer** indicates that the proposed scheme lies adjacent and opposite to the Stubbs Walk Conservation Area, characterised by the 19th century mill and Georgian town houses with their rhythmic quality. The concerns raised by CAWP regarding the timber boarding to the ground floor windows has now been addressed by the applicant and suitable materials could be secured via condition. The streetscene plan submitted with the application shows a contemporary building with deep reveals with a minimum reveal of 50mm which will emphasise the quality and solidity of the walls. More details are required on materials especially finish and quality of the boundary wall, including height of the wall and railings as are more details on the shape of the roof proposed including the treatment and finish of the proposed parapet and how this will be dealt with.

The **Waste Management Section** raise no objections. They indicate that It will help that there is a management company on site to keep the site tidy and they would want to work with the company to implement recycling collections.

The **Staffordshire Wildlife Trust** and **The Newcastle South Locality Action Partnership (LAP)** have been consulted on this application and has not responded by the due date and so it is assumed that they have no comments to make on the application..

Representations

Five letters of support have been received and one letter of objection.

The letter of objection raises concerns about the level of proposed car parking and the adverse impact that this would have on existing on-street car parking problems on neighbouring streets. Focus is drawn to the development of student flats permitted on the former Jubilee Baths site and the lack of car parking proposed also. The scheme was originally granted for 244 rooms but a later application which increased the development to 273 rooms was refused by the Council. However, the applicant has appealed against the decision.

The letters of support outline that the site has been neglected for years and a quality development would improve the area. The redevelopment would also address anti-social behaviour issues.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning, Design and Access Statement
- Arboricultural Report
- Arboricultural Impact Assessment
- Phase 1 Geo-Environmental Report
- Acoustic Reports
- Heritage Report
- Affordable Housing position Statement
- Preliminary Ecology Appraisal

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/16/00630/FUL>

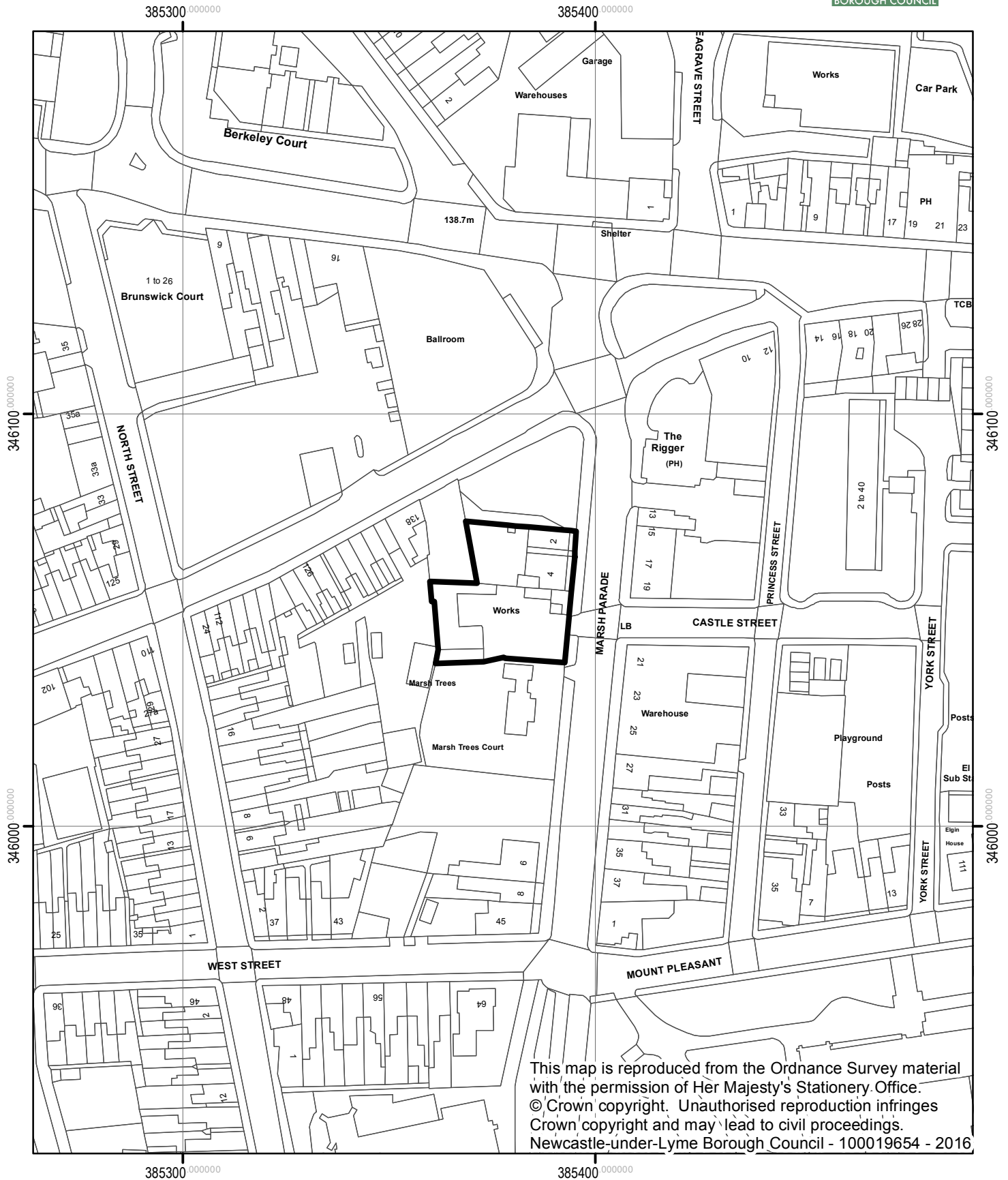
Background Papers

Planning File

Development Plan

Date report prepared

19th January 2017



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**KILKLAND OFF ECCLESHALL ROAD, LOGGERHEADS
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

16/00866/DEEM4

The application is for outline planning permission for the erection of up to 55 dwellings. Vehicular access from the highway network to the site is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and internal access details) reserved for subsequent approval.

The application site lies outside the village envelope of Loggerheads and within the open countryside and an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map. The site area is approximately 2.25 hectares.

The 13 week period for the determination of this application expired on the 17th January 2017 but the applicant has agreed to extend the statutory period until 3rd February 2017.

RECOMMENDATION

A) Subject to the applicant (providing they first agree in writing, by noon on the 3rd February, to extend the statutory determination period to the 7th March 2017) entering into a Section 106 obligation by 3rd March 2017 securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site**
- ii. A contribution of £99,732 (on the basis that the development as built is for the full 55 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy), towards the provision of education places at Madeley High School**
- iii. In perpetuity, provision of 25% of the dwellings on-site as affordable units**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development**
- 2. Reserved matters submissions**
- 3. Approved plans**
- 4. Construction hours**
- 5. Construction management plan**
- 6. Waste storage and collection arrangements**
- 7. Arboricultural Impact Assessment**
- 8. Arboricultural Method Statement**
- 9. Tree protection plan**
- 10. Full details of site access including footway along the site frontage**
- 11. Layout of site including disposition of buildings and provision of adequate parking and turning within the curtilage**
- 12. Visibility splays**
- 13. Foul and surface water drainage scheme**
- 14. Any reserved matters application to comply with the Design and Access Statement**
- 15. Recommendations of Phase 1 Habitat Survey to be complied with including buffer zone**
- 16. Provision of information signs and details to new residents regarding SSSIs**
- 17. Dwellings to be a maximum of 2½ storeys in height**

B) Should the matters referred to in (i), (ii) and (iii) above not be secured within the above period, that 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 the 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 period of time within which such obligations can be secured.

Reason for Recommendation

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised Rural Service Centre. The adverse impacts of the development do not significantly and demonstrably outweigh the key benefits of this sustainable development. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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

Additional information has been requested and provided where necessary to progress the determination of the application. This is now considered to be a sustainable form of development and complies with the provisions of the National Planning Policy Framework (NPPF).

Key Issues

1.1 Outline planning permission is sought for residential development of up to 55 dwellings. Access from the highway network (but not the internal access within the development itself) is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval.

1.2 The application site, of approximately 2.25 hectares in extent, is within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Loggerheads.

1.3 The site is surrounded to the north, south and west by Burnt Wood ancient woodland, parts of which are designated as a Site of Special Scientific Interest.

1.4 The site comprises agricultural land but an Agricultural Land Classification Survey based upon a field survey has been submitted with the application which concludes that it is Grade 3b or moderate quality which is not 'best and most versatile agricultural land' as referred to in the NPPF.

1.5 Loggerheads Parish Council has expressed concern about the position of the Borough Council in respect of the legality of it being both the landowner and determining the application. They state that *the Town and Country Planning General Regulations 1992, as amended in 2009, indicate quite clearly that there are a number of conflicts of interest within the Borough Council which should lead to this application being determined by the Secretary of State.* This statement is however factually incorrect and your Officer is satisfied that there is no reason why the Borough Council is unable to determine the application.

1.6 The main issues for consideration in the determination of this application are therefore:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would there be any significant impact upon any nature conservation interests?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any material adverse impact upon highway safety?
- What planning obligations are considered necessary and lawful?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is the principle of residential development on the site acceptable?

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Loggerheads, in the open countryside.

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

2.3 CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

2.4 Furthermore, NLP Policy H1 only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 As indicated above this site is not within a village envelope nor would the proposed dwellings serve an identified local need as defined in the CSS. As such its development for residential purposes is not supported by housing policies in the Development Plan.

2.6 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

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

2.8 The site lies very close to the village envelope of Loggerheads which is identified within the CSS as being one of the three Rural Service Centres which are detailed as providing the most comprehensive provision of essential local services. The Borough's Rural Services Survey (2008) which provided the evidence base for the designation, states that Loggerheads, one of the borough's larger rural settlements, "*has a wide range of local services and is located within a very sustainable and accessible location along the A53*". At that time it confirmed that within the village there was a post office, 2 food shops, a school, a pub, a cash point, a library and other local amenities. It went on to conclude that Loggerheads and the other settlements defined as Rural Service Centres were the best served with a wide range of local services and amenities that ensured the settlements were generally sufficiently equipped to meet the needs of the residents they served.

2.9 Loggerheads currently has a food store, a primary school, a public house, a pharmacy, a library, a cash point, a post office, a butcher, a restaurant, a takeaway, a hairdresser, a barbers, a veterinary surgery and a bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. Although this site lies just outside the village envelope, it is very close to existing facilities, and the village centre of Loggerheads, i.e. the food store, post office and library, is just 100m walking distance from the site, and the catchment primary school is also very close. The bus stops in Loggerheads which provide an hourly service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury, are located on the A53 in the vicinity of the double mini roundabouts, approximately 250m from the site. It is the case therefore that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. Given the limitations to the bus service, it is acknowledged that accessibility to employment is likely to be primarily by car. However there is the opportunity for the use of public transport for some work and/or leisure trips and given that this is not a remote, rural location, distances to higher order settlements and facilities are relatively short. In terms of sustainability therefore, it is considered that the site is in a sustainable location.

2.10 These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.11 The applicant's agent states that social benefits are the provision of new housing, especially the affordable housing element, and support for local shops and services. He states that economic benefits are the provision of construction jobs and training and additional tax revenues, and in terms of the environmental dimension, the agent states that the proposals include a comprehensive landscape scheme that retains the most valuable natural features and proposes significant new planting and open space enhancement.

2.12 It is the case that the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area and the issue of the environmental impact of the scheme will be considered fully below.

2.13 Paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. The footnote to paragraph 14 gives examples of such policies and includes those policies relating to sites designated as Sites of Special Scientific Interest.

3. Would there be any significant impact upon any nature conservation interests?

3.1 Burnt Wood comprises ancient woodland and part of it is designated as a Site of Special Scientific Interest (SSSI). As stated above, paragraph 14 of the NPPF refers to policies relating to sites designated as SSSIs and paragraph 118 states that proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted. Paragraph 118 goes on to state that planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

3.2 Whilst outside of both the ancient woodland and the SSSI, it is important to consider whether the proposed development would have any adverse impact on those designated assets. There are trees located on the site boundaries and on adjacent land. The application is accompanied by a Tree Survey Report which recommends that an arboricultural impact assessment and a tree protection plan are produced once the detailed design of the scheme is finalised. The Council's Landscape Development Section (LDS) has no objections subject to conditions.

3.3 The application is accompanied by an Extended Phase 1 Habitat Survey which recommends appropriate mitigation measures. In particular it recommends that a 5m buffer should be incorporated into the site layout to protect the integrity of the woodland. A buffer is indicated on the Indicative Masterplan.

3.4 The Woodland Trust objects to the application on the grounds that the potential for damage to ancient woodland is too great as further encroachment is likely to occur beyond the initial development which will lead to an increasing decline in this particular habitat. In response to these concerns the Applicant's Agent states that the proposals have been carefully designed so as not to risk harm to this important resource. He highlights that there is an ecology buffer proposed in the Indicative Masterplan and confirms that the extent of this site is clearly set out in the planning application and it does not encroach into the woodland.

3.5 It is the case that the Tree Survey and Habitat Survey submitted with the application conclude that subject to mitigation, there would be no significant adverse impact upon either the trees or the habitats within the woodland. Subject to careful consideration of the detailed layout at the reserved matters stage and subject to the imposition of conditions requiring appropriate mitigation, it is not considered that a refusal could be sustained on the grounds of adverse impact on Burnt Wood ancient woodland or SSSI.

3.6 Natural England states that they are seeking to raise awareness of the SSSI and its vulnerabilities rather than seeking to stop people using the woodland for recreation and they would like to encourage people to stay on the existing pathways through the woodland. They request that the developer funds new signs at the entrance points to the woodland and that they include information about the SSSI in the new homeowners pack. The applicant has agreed to these requests and it is considered that they can be required by conditions.

3.7 To achieve a footway along the frontage of the site as requested by the Highway Authority it is likely that the majority, if not all, of the hedgerow to the front boundary of the site will have to be removed. The Habitat Survey states that it is not classified as an 'Important Hedgerow' as defined by the Hedgerow Regulations 1997 and the LDS states that although the historical, archaeological and wildlife aspects have not been checked, the woody species content and listed associated features of the hedge are not sufficient to make the hedge important under the Hedgerow Regulations. Appropriate new hedgerow planting could be secured in any future reserved matters submission.

4. Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?

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

4.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality.

4.3 Paragraph 58 of the NPPF states that decisions should aim to ensure that developments optimise the potential of the site to accommodate development and respond to local character and reflect the identity of local surroundings.

4.4 Section 10.5 of the Urban Design SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality. It states that in doing so, designers should respond to the pattern of building forms that helps create the character of a settlement, for instance whether there is a consistency or variety.

4.5 The only matter for approval as part of this application is access. Therefore, layout, scale and appearance are all matters reserved for subsequent approval. An illustrative masterplan has been submitted which sets out the design principles that will inform the site layout, including establishing development blocks, frontages and articulating corners and points of interest.

4.6 Up to 55 dwellings are proposed which would equate to a density of approximately 24 dwellings per hectare. This relatively low density is considered appropriate in this edge of village, semi-rural location. There is a mix of dwelling size and style in the area and it is considered that the number of dwellings indicated could be accommodated within the site satisfactorily and subject to details, would not have any significant adverse impact upon the character and appearance of the village. The Design and Access Statement indicates that the site would comprise a mix of detached and semi-detached dwellings and the Planning Statement indicates that the properties would be predominantly 2-storey but potentially rising up to 2½ storeys to articulate key nodes. Given the location of this site on the edge of a village, it is considered necessary to restrict the height of the dwellings to a maximum of 2½ storeys.

4.7 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement. The content of that document is considered appropriate as a basis for the reserved matters submission and therefore should planning permission be granted, a condition is recommended requiring any subsequent reserved matters applications to be in accordance with the principles of the Design and Access Statement.

4.8 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area's distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should

contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.9 A Landscape and Visual Appraisal (LVA) has been submitted to accompany the application. It concludes that due to the enclosed nature of the site, views of the development would be limited to those in close proximity or where long distance views are available and the development would have limited effect on the wider landscape character.

4.10 The site is surrounded on 3 sides by Burnt Wood. It is a well-contained site and therefore views of the site are limited. Subject to a good quality layout and design therefore, it is not considered that the development would have such an adverse impact on the character or quality of either the village or the wider landscape to justify a refusal.

5. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

5.1 Vehicular access to the site would be via a new priority controlled junction off Eccleshall Road (the B5026). Details of the access have been submitted along with a Transport Statement (TS) which states that the access arrangements accord with Manual for Streets and that appropriate visibility splays can be provided. It also states that the proposed development will result in less than one additional vehicle every two minutes and concludes that there are no highways and transport related reasons why this development should not be granted planning permission.

5.2 The Highway Authority (HA) has no objections to the application subject to the imposition of conditions.

5.3 Concerns have been raised by residents on the grounds that the development would have an impact on highway safety, particularly at school starting and finishing times when Eccleshall Road is very busy with traffic and parked cars. The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Given the relatively limited number of additional traffic movements that a development of up to 55 dwellings would create and noting that the Highway Authority does not raise objections to the application, your Officer's view is that subject to the imposition of conditions the impact of the proposed development on transport grounds would not be severe and therefore an objection on such grounds could not be sustained.

6. What planning obligations are considered necessary and lawful?

6.1 The applicant has confirmed their willingness to agree to the provision of 25% affordable housing and the making of a financial contribution towards education provision. Public open space is to be provided within the site and therefore no contribution to off-site provision is required. The open space would, it is proposed, be maintained by a management company which can also be secured by a Section 106 Agreement.

6.2 Such obligations are considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the Community Infrastructure Levy Regulations. 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.

6.3 Staffordshire County Council has requested an education contribution towards the provision of spaces at Madeley High School. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above. On this basis, it is considered that the contributions comply with CIL Regulation 123.

6.4 In its consultation response, Loggerheads Parish Council states that financial contributions from the developer should provide a children's play area, improve road infrastructure, improve safety at the school, provide community facilities, improve bus services and provide a doctor's surgery. In relation to the play area, LP Policy C4 only requires the provision of appropriate play equipment on sites with 100 or more dwellings and therefore there is no policy basis for such provision as part of this proposal. The Highway Authority has not requested financial contributions to road improvements, school safety or bus services and no contributions have been requested from either the Council's Leisure Strategy Manager in relation to community facilities or the County's Health and Wellbeing Development Section regarding a doctor's surgery. Therefore there is no evidence that any of these contributions are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development and as such it is not considered that the contributions requested by Loggerheads Parish Council would comply with Section 122 of the CIL Regulations.

6.5 In the Planning Statement submitted with the application, it is stated that because the site is Council-owned, a Section 106 is not a legal mechanism that can be applied to this application. Your Officer has recently received legal advice relating to another site owned by the Council and whilst the Borough Council cannot enter into a contract with itself (as a matter of law) a planning obligation can be entered into prior to a decision notice being issued which secures in a transparent and appropriate manner the affordable housing and education contribution. It is anticipated that the County Planning Authority would act as the Local Planning Authority for the planning obligations at least until the site has been disposed of.

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

7.1 In consideration of the above points, the proposal represents sustainable development and would make a significant contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal complies with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural 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 \(NLP\) 2011](#)

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 N17	Landscape Character – General Considerations
Policy N18	Areas of Active Landscape Conservation
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 \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[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 \(2010\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

Relevant Planning History

15/00927/DEEM4	Residential development for up to 55 dwellings with associated landscaping and infrastructure	Withdrawn
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Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding noise levels, hours of construction, construction method statement and waste storage and collection arrangements.

The **Landscape Development Section** has no objections subject to conditions requiring provision of an Arboricultural Method Statement, Tree Protection Plan, landscaping scheme and management proposals for the open space.

The **Education Authority** states that the development falls within the catchments of Hugo Meynell CE (VC) Primary School and Madeley High School. A development of 55 dwellings could add 12 primary-aged pupils and 7 of secondary age. Hugo Meynell CE (VC) Primary School is currently projected to have sufficient space to accommodate the likely demand from pupils generated by the development and therefore no request is made towards Primary School provision. Madeley High School is projected to have limited places available in one year group only and this has been taken into account when calculating the necessary education contribution. A contribution of £99,732 (6 x £16,622) is requested towards Secondary provision, assuming policy compliant affordable housing is provided on site.

The **Crime Prevention Design Advisor** states that based on the illustrative masterplan, the only aspect of the layout that would be of concern would be the housing that abuts the woodland at the north-eastern edge of the development. Given the track just inside the woodland, accessibility to this track off Eccleshall Road and the thin woodland boundary, the properties here could be potentially vulnerable to burglary and rear garden boundaries would need a commensurate level of protection.

The **Lead Local Flood Authority** states that the Flood Risk and Foul Drainage Assessment concludes that an acceptable drainage design could be achieved. The Strategy relies on infiltration and whilst data suggests that the subsurface is likely to be suitable for free draining SuDS, this has not been confirmed by on-site infiltration testing and in the event that infiltration did not prove feasible a suitable alternative has not been proven. Infiltration testing is recommended prior to determination of the application but if the LPA is sufficiently confident to approve the application on the basis of the strategy presented, then a condition is recommended securing an acceptable drainage design.

Severn Trent Water has no objections subject to conditions requiring drainage plans for the disposal of foul and surface water flows.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions regarding submission of details of layout, parking, turning and servicing, surface water drainage and surfacing materials, submission of full details of the access including a Stage 2 Road Safety Audit and provision of a 2m wide footpath along the length of the development along the B5026, details of 2.4m x 56m visibility splays at the access and submission of a Construction Method Statement.

The **Woodland Trust** objects on the grounds that the potential for damage to ancient woodland is too great as further encroachment is likely to occur beyond the initial development which will lead to an increasing decline in this particular habitat. The buffer zone shown on the plan is no larger than 8-10m and this is insufficient and should be at least 30m wide. The Woodland Trust is concerned about the following:

- Intensification of recreational activity of humans causing disturbance to habitats and wildlife
- Noise and light pollution
- Felling of branches and trees adjacent to gardens due to light impact, a desire to extend gardens and safety threat
- Likelihood of garden waste being dumped into the woodland
- Impacts on local hydrology
- Introduction of invasive and non-native garden and ornamental species

Natural England states that they are seeking to raise awareness of the Burntwood SSSI and its vulnerabilities rather than seeking to stop people using the woodland for recreation and they would like to encourage people to stay on the existing pathways through the woodland. It is believed that

there are signs at the main entrance points of Burnt Wood and it is requested that the developer fund new signs in relation to the SSSI as well as including information about the SSSI in the new homeowners pack.

Loggerheads Parish Council objects on the following grounds:

- Concerned about conflict of interests and the legality of the Borough Council dealing with its own application
- A Housing Needs Assessment for Loggerheads was published in June 2016 which demonstrates there is a 9.8 year supply of houses to meet the need of the area
- The site is close to a major aquifer and it is queried whether the 'sustainable drainage system' proposed is acceptable
- The proposal will have a significant impact on the ancient woodland that borders the site on 3 sides and the buffer zone must be extended to comply with Natural England's letter of 9th November
- While the bus stop is 5 minutes from the site the time-table precludes the use of bus transport for journeys to and from work in the Potteries or Shrewsbury
- The masterplan is not informative
- The site is outside the village envelope and is a greenfield site that does not comply with the Development Plan
- The Statement of Community Involvement is misleading. Consultation was limited to only a handful of residents living in close proximity to the site. The Parish Council conducted a parish wide consultation and almost 75% of respondents do not support the use of the site for housing, mainly due to lack of infrastructure and facilities in Loggerheads. A number of people did support housing on the site but that is conditional on the provision of social and affordable housing and further investment in infrastructure.
- Financial contributions from the developer should provide a children's play area, improve road infrastructure, improve safety at the school, provide community facilities, improve bus services and provide a doctor's surgery
- The Flood Risk and Foul Drainage Assessment is incomplete
- In the Framework Travel Plan, distances to named facilities are under-estimated
- The nearest doctor's surgery in Ashley is over-subscribed and at 3km away, accessibility is generally by unsustainable car journeys
- The proposed access is inadequate and does not comply with current policy. The proposed access is close to the school entrance on a busy road and substantial improvements are required for the safety of children and pedestrians
- Two major developments have secured planning permission in Loggerheads since April 2015 and a further one is at appeal but there has been no co-ordinated consideration of the need to improve infrastructure and community facilities for this significant increase in residents.

The **Staffordshire Wildlife Trust**, the Borough Council's **Leisure Strategy Manager**, the County's **Health and Wellbeing Development Section**, the **Waste Management Section**, the **Environment Agency**, **Housing Strategy**, and the **National Grid** were consulted upon the application, the date by which their comments were requested has passed without comments being received from them and they must be assumed to have no observations to make

Representations

Three letters of objection have been received. A summary of the objections made is as follows:

- Lack of housing need
- Highway safety concerns, particularly at school starting and finishing times
- Inadequate bus service
- Impact on the Burnt Wood SSSI
- Sewage problems
- Potential flooding

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk and Foul Drainage Assessment
- Tree Survey Report
- Landscape and Visual Appraisal
- Extended Phase 1 Habitat Survey
- Transport Statement
- Framework Travel Plan
- Agricultural Land Classification
- Phase 1 Environmental Assessment

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00866/OUT>

Background papers

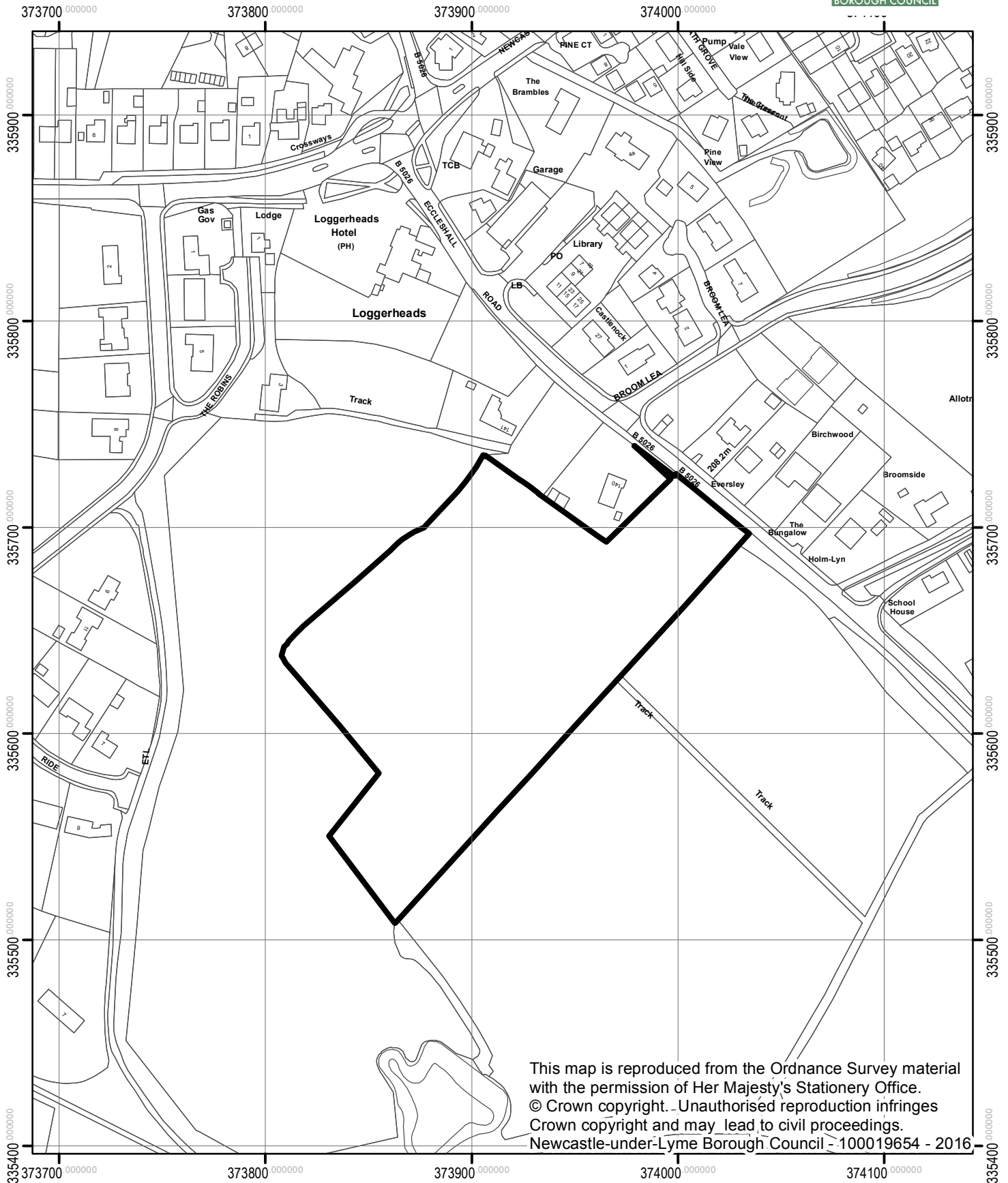
Planning files referred to
Planning Documents referred to

Date report prepared

24th January 2017

Land off Eccleshall Road, Loggerheads.

16/00866/DEEM4



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LAND UNDER WOLSTANTON, PORTHILL, DIMSDALE AND BASFORD

GT ENERGY UK LTD

16/00893/FUL

The application seeks full planning permission for boreholes beneath land within the Borough. The boreholes are to be drilled in connection with a proposed geothermal heat plant (or energy centre) that is proposed at Festival Way, Stoke and an associated planning application is currently being considered by the City Council (SOTCC reference [60407/FUL](#))

The boreholes as proposed are to have a diameter of between about 76cm reducing to about 13cm as follows:

Borehole 1 – to be initially drilled to a depth of 1,850 m after which it deviates out and under land within the Borough to a maximum depth of 4,000m. The horizontal distance of this borehole is 1.4km with approximately 40% of its length being within the Borough. Geothermal water will be extracted from this borehole prior to being passed through heat exchangers on Festival Way.

Borehole 2 – to be initially drilled to a depth of 1,350m after which it deviates out and under land within the Borough to a maximum depth of 3,750m. The horizontal distance of this borehole is 2.3km with approximately 73% of its length being within the Borough. The water will be reinjected via this borehole once the heat has been extracted.

The application is supported by an Environmental Statement.

The 16 week period for this application expires on 13th February 2017.

RECOMMENDATION

PERMIT subject to the following conditions:

- **No extraction of geothermal water to commence until the specific details of the protocol and the threshold levels for the implementation of the threshold-based traffic light system associated with the monitoring of seismic activity have been submitted and approved by the Local Planning Authority. Operation of the energy centre and extraction of geothermal water to proceed in accordance with the approved protocol and threshold levels unless otherwise agreed by the Local Planning Authority.**
- **Development to be carried out in all other respects in accordance with the submitted information including the identified mitigation measures.**
- **Any other conditions that are reasonable and appropriate to this development that ensures consistency with the decision of the City Council in respect of application reference 60407/FUL**

Reason for Recommendation

The proposed development involves the development of a renewable energy source which is promoted and supported by local and national policy and addresses climate change aims for reducing carbon dioxide emissions and ensuring secure, clean and affordable energy. The part of the development that lies within the Borough of Newcastle raises limited issues and it has been demonstrated, subject to approval of further details, that no adverse impacts would arise from the development as a result of induced seismic activity, impact on underground aquifers and contaminated land.

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

This is a cross border application. The development involves the drilling of two deep boreholes and the construction of an energy centre to house both boreholes. The energy centre is located on Festival Way as are the first sections of the boreholes, and as such these elements are the subject of a separate application to Stoke City Council. The application for consideration by Newcastle Borough Council is for two boreholes.

Geothermal water is to be abstracted via one of the boreholes which would subsequently be passed through heat exchangers in the geothermal heat plant at the proposed energy centre before it is reinjected via the second borehole. The heat from the geothermal water is harnessed at the heat exchanger located at the energy centre which will then be distributed via a District Heat Network (DHN) to all connected end users for heat and hot water purposes. The programme to install the DHN is to be developed by Stoke City Council within the City boundary.

The proposal is therefore to develop a renewable energy source.

The project as a whole raises a number of issues. Issues relating to air quality; noise; traffic and transport; and ecology are associated with the construction of the energy centre and its operation located on Festival Way, and as such are not material to the determination of this application. The energy centre will have a visual impact and has the potential to affect heritage, however these impacts will only be within the City Council's area and again are not material to the determination of this application. The depth of the boreholes beneath the Borough is such that it will not have an adverse impact on any underground archaeology. Any potential issues arising from contamination and impacts on underground aquifers are addressed through the borehole been lined by a casing which is to be set in concrete. Given the depth of the boreholes within the Borough it is not anticipated that any other issues that could affect residential amenity will arise.

In light of the above key issues for further consideration in the determination of this application are therefore:

- The principle of the proposed geo thermal heat energy centre
- Seismicity (the occurrence or frequency of earthquakes)

Principle of the proposed geo thermal heat energy centre

Strategic Aim 17 of the CSS is to minimise the adverse impacts of climate change in the move towards zero carbon growth through energy efficiency, promoting the use of renewable energy sources and green construction methods in accordance with best practice. CSS Policy CSP3 states that development which positively addresses the impacts of climate change and delivers a sustainable approach will be encouraged.

The NPPF, at paragraph 17, sets out core principles which, amongst others, include the need to support the transition to a low carbon future in a changing climate and to encourage the use of renewable resources. At paragraph 97 it directs local authorities to consider within their policies how they can actively:

- Support infrastructure relating to renewable and low carbon energy sources.
- Support opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The proposal for determination by the Borough Council is therefore promoted and supported by local and national policy and as such the proposal is acceptable in principle.

Seismicity (the occurrence or frequency of earthquakes)

The area is already affected by historic seismic activity and as such it is necessary to consider whether such activity can be induced by the proposed development.

The submission addresses this, indicating that seismic monitoring will be undertaken for a month prior to the commencement of the construction of the energy centre and for a minimum of three months in advance of the commencement of drilling. This is referred to as the phase 1 monitoring period and will provide baseline data against which seismic activity occurring when the energy centre is operational and geothermal water is being extracted can be compared. Network sensors will be installed in the boreholes which will monitor seismic activity during the operation of the geothermal energy centre.

In accordance with systems introduced for similar geothermal systems in densely populated sensitive areas a threshold based traffic light system will be implemented whereby extracted geothermal water will only be reinjected where it can be done without the potential that seismic activity is induced (green = injection proceeds as planned; amber = injection proceeds with caution, possibly at reduced rates with monitoring intensified; red = injection is suspended immediately). The specific details of the protocol and the thresholds levels to be set for its implementation will only be available once baseline data from the phase 1 monitoring period is recorded and analysed.

Subject to a condition which secures the details of the protocol and thresholds and their subsequent implementation it is considered that any potential for the development to induce seismic activity is appropriately mitigated against.

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](#)

Strategic Aim 17 (referred to in the key issues section above)
Policy CSP3: Sustainability and Climate Change

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)
[Planning Practice Guidance \(PPG\) \(2014\)](#)
[White Paper - Meeting the Energy Challenge \(2007\)](#)
[The Climate Change Act 2008](#)
[UK Low Carbon Transition Plan \(2009\)](#)

Relevant Planning History

None relevant

Views of Consultees

The **Coal Authority** comments that the application site does not fall within the defined Development High Risk Area and there is therefore no requirement for a Coal Mining Risk Assessment.

East Newcastle Locality Action Partnership has not provided any comments by the due date and so are assumed to have no observations upon the application.

Representations

An objection has been received due to concerns about the future value and resale issues of properties under which the boreholes are to be sited and any environmental impacts that arise from the development.

Applicant's/Agent's submission

The application is supported by an Environmental Statement, Flood Risk Assessment and a supporting statement specific to the Borough.

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/16/00893/FUL>

Background papers

Planning files referred to
Planning Documents referred to

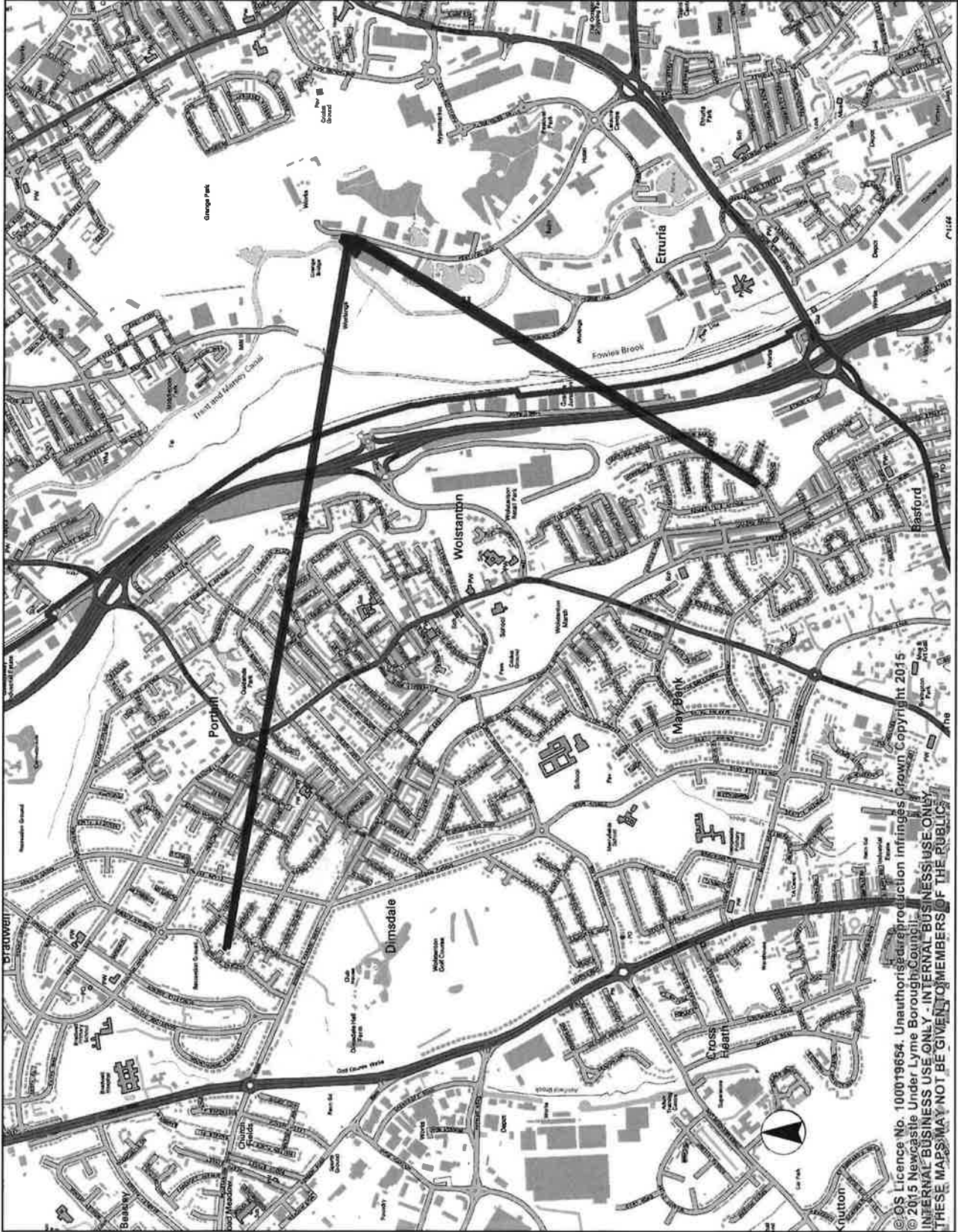
Date report prepared

17th January 2017



Newcastle Under Lyme Borough
 Council
 Civic Offices
 Merial Street
 Newcastle Under Lyme
 ST5 2AG

16/000893/FUL
 Land Off
 Festival Way
 Stoke On Trent
 Staffordshire



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AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END
SANDYCROFT CONSTRUCTION LTD

16/01036/FUL

The application is for the variation of condition 2 of planning permission 15/00692/FUL to replace the approved plans listed within the condition with new plans which seek amendments to the site layout, plot size and elevations of the proposed 12 houses.

The application site, of approximately 0.33 hectares, is within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II Listed milepost is sited located on New Road opposite and in close proximity to the site.

The 13 week period for the determination of this application expires on the 7th March 2017.

RECOMMENDATION

(A) Subject to further consideration of the design of the side elevation of plot 1 which faces New Road; the applicant first entering into a S106 obligation, by 3rd March 2017, to preserve the Council's position in respect to obligations entered into in respect of 15/00692/FUL which secured a review mechanism of financial contributions if the development is not substantially commenced within 12 months from the date of the decision, PERMIT the variation of condition 2 of 15/00692/FUL as applied for subject to the imposition of all other the other conditions attached to planning permission 15/00692/FUL as they remain relevant. Such conditions relate to the following matters:

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Submission and approval of external materials**
- 4. Boundary treatments**
- 5. Prior submission and approval of a landscaping scheme**
- 6. Removal of permitted development rights for hardstandings within all front gardens**
- 7. Removal of permitted development rights for extensions, roof alterations and outbuildings for all plots**
- 8. Provision of access prior to occupation**
- 9. Provision of parking and turning areas**
- 10. Surfacing details**
- 11. Access road shall remain un-gated**
- 12. A surface water interceptor**
- 13. Construction Method Statement as approved**
- 14. Tree Protection (overhanging trees)**
- 15. Tree pruning (overhanging trees)**
- 16. Design measures to secure noise levels**
- 17. Construction/ Demolition Hours**
- 18. Drainage – foul and surface water**
- 19. Full contaminated land**

B. Should the matters referred to in (A) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without a review mechanism there would be no up to date justification for a development with no policy compliant financial contributions towards public open space and education.

Reason for Recommendation

The proposed changes to the site layout, plot sizes and elevations would not result in a development that would raise any significant concerns compared to the scheme permitted under 15/00692/FUL and so it continues to accord with policies of the development plan and the guidance and requirements of the NPPF subject to conditions and a Deed of Variation to the S106 agreement to reflect the new planning permission.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

KEY ISSUES

This is an application can be made under section 73 of the Town and Country Planning Act 1990 to vary condition 2 of planning permission 15/00692/FUL, which granted full planning permission in May 2016 for the construction of 12 houses on the former Audley Workingmens Club. Condition 2 lists the approved plans - to change the site layout, plot size and elevations.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

The layout fundamentally remains as was previously permitted but an area of landscaping would be replaced with hard surfacing in front of plots 11 and 12 which achieves parking on those plots. The plot sizes would be increased and all plots would now be three bedroom properties. The elevations would also fundamentally remain the same but a design feature of the previously approved scheme on the side gable of plot one, a narrow two storey box 'bay' feature with ground and first floor windows, is now no longer proposed.

The design feature added visual interest to this elevation which faces New Road. This would have avoided a blank gable in a prominent position within the street scene. Whilst the reasons given for the removal of the feature is acknowledged, the removal of this design feature is disappointing and as such alternative design are being explored with the applicant to avoid a large expanse of brick being presented as a key feature of the street scene.

The replacement of the soft landscaping with hard standing is also disappointing but the harm would be limited with very minimal views from outside of the site and would secure on plot parking for all of the dwellings within the development.

The applicant for the previous application had demonstrated that the scheme for 12 dwellings on the site was not financially viable with policy compliant financial contributions of £33,093 towards education places and £41,202 towards off site public open space. However, a S106 agreement secured a review mechanism should the development have not been substantially commenced within 12 months of the decision – 16 May 2017. A new S106 agreement will need to be secured to reflect the new permission and this can be done by a deed of variation of the original agreement. The applicant has not indicated that a substantial commencement cannot be made by the 16 May 2017 and this date should still apply.

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

In summary the development, with the changes proposed, continues to accord with policies of the development plan and the guidance and requirements of the NPPF.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy C22: Protection of Community Facilities
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

National Planning Policy

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

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

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

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

RICS Guidance Note 'Financial Viability in Planning' 1st Edition

HCA Good Practice Note Investment and Planning Obligations – responding to the downturn

Relevant Planning History

15/00279/FUL	Proposed Re-development at Audley Workingmens Club for the erection of 14 houses	Refused
15/00692/FUL	Erection of 12 houses	Permitted

Views of Consultees

The **Environmental Health Division** indicates that they have no comments to make on the application.

The **Highway Authority** raises no objections subject to conditions which secure the access prior to the occupation of any of the dwellings; ensure surfacing, parking and turning are provided; ensure the access remains un-gated; provision of a surface water drainage intercepto;r and the submission and approval of a Construction Method Statement.

The **Landscape Section** have concerns that the revised scheme will have less visual appeal than the previous approved application, as the planted landscaped area between the site and the adjacent open space will be exchanged for paving, and the remaining space for meaningful tree and shrub planting will be much reduced. Conditions regarding tree protection and a landscaping scheme are advised and S106 contribution requests would remain the same as the previous application.

The **Education Authority** has advised that as there is no change to the dwelling number or dwelling breakdown, our response remains as previously submitted on 7 October 2015 under application 15/00692/FUL. The comments were that the development falls within the catchments of Sir Thomas Boughy High School and Ravensmead Primary School. A development of this size could add 3 primary aged pupils and 2 secondary aged pupils. Sir Thomas Boughy High School is projected to have sufficient space to accommodate the likely demand. Ravensmead Primary School is projected to be full for the foreseeable future and an education contribution for 3 Primary School places (3 x £11,031) = £33,093 is therefore required.

Comments were also invited from **Waste Management** and **Audley Parish Council** 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

None received

Applicant/agent's submission

The applicant has indicated the following points;

- The gable end windows were removed because at ground floor it was felt that there would be a lack of privacy in the dining space, with it being located adjacent to the pavement.
- At first floor the previously shown window would sit exactly where a wardrobe would be located following the redesign.
- Changes to the parking arrangement on the site can now result in cars parking in front of plots 11 & 12.
- Paved access all the way round to Plot 7 is now achieved.
- The new car parking arrangement now results in the size of the garden of plot 6 being increased in size.

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/16/01036/FUL>

Background Papers

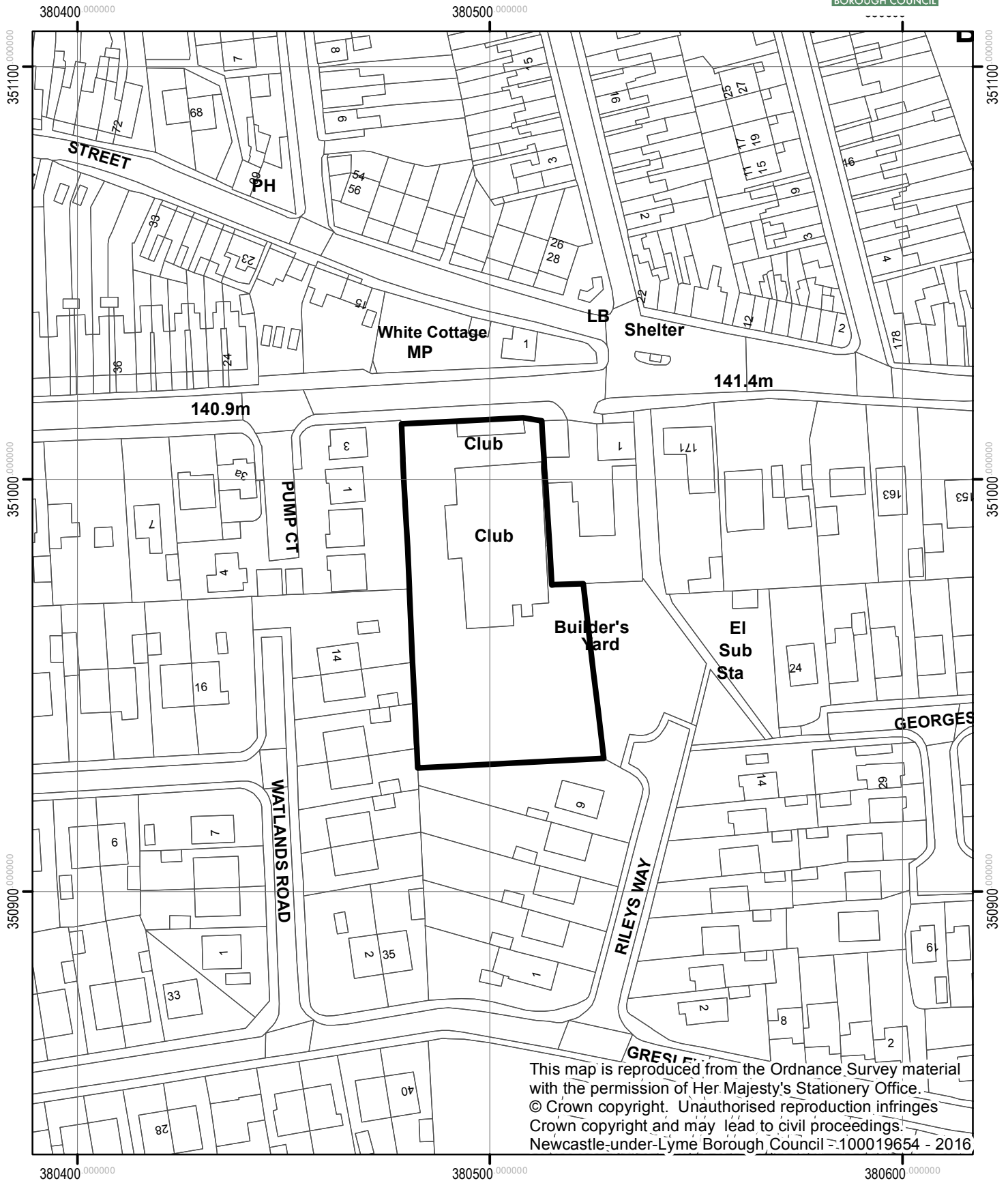
Planning files referred to

Planning Documents referred to

Date report prepared

16th January 2017

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TADGEDALE QUARRY, ECCLESHALL ROAD, LOGGERHEADS
RENEW LAND DEVELOPMENTS LTD

15/00015/OUT

The application was for outline planning permission for the erection of up to 128 dwellings at Tadgedale Quarry, Loggerheads. The application was refused by the Planning Authority on the 12th January 2016 and that decision is now the subject of an appeal which will be determined following the holding of a Public Local Inquiry, the opening day of which is on the 24th January and is expected to conclude on the 28th January.

RECOMMENDATION

That the decision of your Officer, following consultation with the Chair, that the Council as the Local Planning Authority should not pursue the obtaining of a planning obligation requiring the payment of a financial contribution towards primary school places, be noted

Reason for Recommendation

The matter was urgent, in the light of the very recently received notification of a change in the position of the County Council as Education Authority, and an immediate decision was required to avoid given the imminence of the Public Local Inquiry that opened on the 24th January.

KEY ISSUES

As Members may perhaps recall, officers brought a report to the Planning Committee on the 19th July 2016 regarding the appeal against the Tadgedale Quarry decision

One of the resolutions of the Planning Committee on the 19th July was that officers should write to the appellant to confirm that the obligations in the recommendation that was provided to the Planning Committee on the 5th January 2016 are required with an amendment to the education contribution referred to in point (ii) of that recommendation to be for both primary and secondary education. The primary school contribution requirement was indicated to be £297,837.

The County Education Authority have very recently sent the attached letter dated 17th January 2017 to the Planning Inspectorate which self-explanatory. Members will note that that the County Council no longer consider that a financial contribution towards primary school places is required (but one, of £216,086, is still necessary for the provision of additional secondary places at Madeley High School).

The County have therefore significantly changed their position from that which the Borough Council considered in January 2016 and July 2016 and have explained the basis for that change.

Given the new position of the County Council (as the Education Authority), the Borough Council as the Local Planning Authority in the opinion of your officer now had no alternative in these appeal proceedings but to withdraw its request that an obligation be entered into to provide a financial contribution towards the provision of primary school places. If the Borough Council had continued to pursue such a requirement in the appeal proceeding, it would have been unable to bring any substantive evidence in support of that requirement, and therefore almost certainly not only would it be unsuccessful (in the light of the policy guidance on planning obligations, and the legal tests as well) but that would also have lead to an award of costs against the Local Planning Authority on the grounds of it being considered to be requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the [National Planning Policy Framework](#).

In that such a position is contrary to the terms of the resolution of the 19th July Planning Committee and there was no scheduled meeting of the Planning Committee where the matter could be considered by that Committee, your Officer having consulted with the Chair of the Planning Committee had delegated authority to take such action, under the matter of urgency provisions contained within Appendix 4 of the Council's Constitution.

The action taken is reported to the Planning Committee as required.

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 CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy IM1: Planning obligations

Other material considerations include:

National Planning Policy Framework (on planning obligations)

National Planning Practice Guidance (on planning obligations, on appeals and the award of costs in appeal proceedings)

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Background Papers

Planning file

Planning documents referred to

Date report prepared

24th January 2017

Please ask for: Andrew Marsden

My ref: SOAT/AM/KR

Your ref: 3149399

Date: 17 January 2017

Dear Mr Salter

Re: APP/P3420/W/16/3149399

During the period between the submission of my Proof of Evidence and now, county council officers have continued to develop the scheme to enlarge St Mary's CE (VA) Primary School, Muckleston to ensure sufficient school places, in accordance with our statutory duties.

Continued discussions have resulted in a school expansion scheme that can be delivered for a significantly lower cost than that originally estimated. Furthermore, the scheme could be delivered without the £297,837 contribution for primary school places sought from this development. A contribution is still necessary towards the provision of additional secondary school places at Madeley High School.

The appellant has been advised and the Section 106 will, therefore, be finalised with a contribution only towards secondary school places.

As a result, I will by no later than Friday 20 January provide a supplementary proof of evidence to replace the proof that is in your possession.

Yours sincerely



Andrew Marsden
County Commissioner for Access to Learning

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APPEAL BY MR P CARNALL AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF AN EXTENSION AND REFURBISHMENT TO EXISTING DWELLING INCLUDING THE DEMOLITION OF EXISTING GARAGE AND ERECTION OF THE PROPOSED NEW CARPORT AT LOWER MILL HOUSE, FURNACE LANE, MADELEY.

Application Number 16/00489/FUL

LPA's Decision Refused by delegated powers on 15 August 2016

Appeal Decision Dismissed

Date of Appeal Decision 11 January 2017

The Inspector found that the main issues were;

- whether the proposal is inappropriate development in the Green Belt;
- the effect of the development sought on the openness of the Green Belt and the purposes for including land within it; and
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

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

- The Council has queried whether the basement of the building should be included in the calculations of the volume of the original building because it is subterranean and thus has little effect on the openness of the Green Belt. However, the Framework and the development plan policies make no such distinction and therefore the basement should be included as part of the building for the purpose of assessing its size.
- Adding both the existing and proposed extensions would, according to the appellant, amount to an increase of 68% in the volume of the original building based on the appeal evidence. An increase of this magnitude would significantly and disproportionately enlarge the original building.
- The appellant considers that other considerations should be taken into account in the assessment such as design and the effect of development on openness, visual amenity and Green Belt purposes. However, the test of proportionality, as it is expressed in national policy, is confined to whether or not the sum total of any existing and proposed extensions to the original building would be disproportionate. It is therefore essentially a numerical exercise that compares the size of the completed building, as proposed, with the original building.
- The detached garage situated towards the site's main entrance is also proposed to be demolished and removed with a new carport with a storage room above introduced closer to the main house. Based on the appellant's figures, the carport would be more than double the height of the garage to be replaced and occupy a significantly enlarged footprint. On that basis, the new carport would be materially larger than the garage to be replaced.
- On the first issue therefore, it is concluded that the appeal scheme is inappropriate development that is, by definition, harmful to the Green Belt.
- Openness is one of the essential characteristics of the Green Belt which generally means the absence of buildings or development and is epitomised by a lack of buildings. By introducing additional built form, as proposed, the openness of the Green Belt would be reduced. That reduction would be significant in this case as the finished dwelling would be much larger than the existing building, as would be the new carport compared to the garage to be replaced. Although the proposed carport would be partly open at ground floor level, it would be a permanent structure and would present a largely solid feature even if a vehicle did not occupy part of it. Consequently, the proposed design would not fully compensate for the loss of openness that would result from the introduction of a larger building than the one to be replaced.
- The proposal would materially erode the openness of the Green Belt, in conflict with the Framework.

- The Framework makes clear that substantial weight is given to any harm to the Green Belt and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- The appellant has referred to a potential fallback option in which various built additions could be made to the existing dwelling as permitted development (PD), which he states would not require planning permission.
- However, the Inspector was not persuaded on the evidence before him that there is a realistic prospect of all of the elements of the PD scheme outlined by the appellant being implemented. Specifically, there is insufficient evidence to clearly demonstrate that all of the works indicated by the appellant would be covered by PD rights. The Council raises concern that elements of the scheme may not qualify as PD and the Inspector shared that opinion. A lawful development certificate for those works could provide greater certainty as it is a legally binding decision, on application or appeal.
- The development would result in a larger house with additional living accommodation and a new carport with storage that would enhance the living conditions of the appellant and his family and relatives. The finished dwelling would better suit the needs of the appellant, who is the Managing Director of a local business employing a significant number of people with plans for further expansion. However, there is nothing to demonstrate that these benefits and needs could only be met in the manner proposed. Therefore, only modest weight is attached to this consideration.
- Overall, the harm caused by the inappropriateness of the development, its effect on openness, and the conflict with the Framework and a development plan policy, carry substantial weight. The development would not conflict with the purposes for including land within the Green Belt, which neither weighs for or against the scheme. The other considerations carry only up to moderate weight in support of the appeal.
- On balance, there are no considerations sufficient to clearly outweigh the harm to the Green Belt and so there are no very special circumstances to justify the development. Accordingly, the appeal is dismissed.

Recommendation

That the decision be noted.