

# Public Document Pack

**Date of meeting** Tuesday, 10th October, 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

PLEASE NOTE EARLIER START TIME

## Planning Committee

### AGENDA

#### PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**  
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING** (Pages 5 - 10)  
To consider the minutes of the previous meeting.
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, WEST AVENUE. TAYLOR WIMPEY NORTH MIDLANDS. 17/00553/FUL** (Pages 11 - 18)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF BRADWELL HOSPITAL, TALKE ROAD, BRADWELL. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 17/00515/DEEM4** (Pages 19 - 30)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - CORNER OF HEATHCOTE STREET AND KINNERSLEY STREET, KIDSGROVE. HAMILTON HOUSE HOMES LTD. 17/00552/FUL** (Pages 31 - 42)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - VARIATION OF CONDITION - THE HAWTHORNS, KEELE VILLAGE. KEELE SEDDON LTD. 17/00646/FUL** (Pages 43 - 50)

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|----|---|-------------------|
| 8  | APPLICATION FOR MAJOR DEVELOPMENT - LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LTD. STOKE ON TRENT CITY COUNCIL. 348/243  | (Pages 51 - 54)   |
| 9  | APPLICATION FOR MINOR DEVELOPMENT - PLOT 37 BIRCH TREE LANE, WHITMORE. MR S MASON. 17/00445/FUL   | (Pages 55 - 62)   |
| 10 | APPLICATION FOR MINOR DEVELOPMENT - CARTREF, RYE HILLS, AUDLEY. MR & MRS COTTERILL. 17/00503/FUL  | (Pages 63 - 70)   |
| 11 | APPLICATION FOR MINOR DEVELOPMENT - JOLLIES FIELD PLAYING FIELD TO THE NORTH OF NEWCASTLE STREET, SILVERDALE. IBSTOCK BRICK LTD. 17/00550/FUL | (Pages 71 - 76)   |
| 12 | APPLICATION FOR MINOR DEVELOPMENT - OLD WOOD,, BETLEY HALL GARDENS, BETLEY. MR D MANSFIELD. 17/00652/FUL                                      | (Pages 77 - 84)   |
| 13 | APPLICATION FOR OTHER DEVELOPMENT - LAND BETWEEN 33-47 HIGH STREET, NEWCHAPEL. TELEFONICA UK LTD. 17/00772/TDET                               | (Pages 85 - 90)   |
| 14 | QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED  | (Pages 91 - 96)   |
| 15 | OPEN ENFORCEMENT CASES  | (Pages 97 - 98)   |
| 16 | APPEAL DECISION - 2 PINWOOD ROAD, ASHLEY. 16/01033/OUT  | (Pages 99 - 100)  |
| 17 | APPEAL DECISION - 11 WOODSIDE, MADELEY. 17/00186/FUL  | (Pages 101 - 102) |
| 18 | URGENT BUSINESS   |                   |

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

**Members:** Councillors Burgess, Fear, S Hambleton, Heesom, Northcott, Panter, Proctor (Chair), Reddish, Simpson, Spence (Vice-Chair), Sweeney, S Tagg, G White, G Williams, J Williams and Wright

**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.

**NOTE:** THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY FOLLOWING THE FIRE EXIT SIGNS. PLEASE **DO NOT** USE THE LIFTS.

COUNCIL CHAMBER: FIRE EXITS ARE AT THE REAR OF THE CHAMBER AT BOTH SIDES AND THIS IS THE SAME FOR OCCUPANTS OF THE PUBLIC GALLERY.

COMMITTEE ROOMS: EXIT VIA THE WAY YOU ARRIVED AT THE MEETING OR AT THE FAR END OF THE COUNCIL CHAMBER.

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**PLANNING COMMITTEE**

Tuesday, 12th September, 2017  
Time of Commencement: 6.30 pm

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

Councillors Burgess, Heesom, Holland, Loades, Naylor, Northcott, Pickup, Reddish, Simpson, Sweeney, S Tagg, G Williams, J Williams and Winfield

Officers Geoff Durham, Jennet Hough, Debbie Jones, Elaine Moulton and Darren Walters

Apologies Councillor(s) Fear, S Hambleton, Panter, Spence, G White and Wright

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

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

**Resolved:** That the minutes of the meeting held on 15 August, 2017 be agreed as a correct record.

4. **MATTERS ARISING FROM THE MINUTES**

Councillor Loades commented on the error which had occurred at the previous meeting with regard to application 16/01101/FUL – the omission of The National Planning Policy Framework paragraph 118 from the refusal notice. Councillor Loades was confident that the matter had been dealt with internally and stated that a better way of recording future meetings should be investigated.

5. **APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE. GAVIN DONLON. 17/00162/FUL**

**Resolved:** (A) That, subject to

- (a) your Officer having delegated authority to determine, on the basis of a new financial assessment by the DVS, that the development still cannot finance all or part of any policy compliant contributions to offsite affordable housing provision and public open space; and
- (b) the applicant entering into a Section 106 obligation by agreement by 30<sup>th</sup> October, to provide such policy compliant contributions as can be afforded and requiring in the event of substantial commencement of the development (as defined in the previously entered into Section 106 agreement) not being achieved within 18 months of the date of the permission, a financial reappraisal of the scheme to assess its ability at that time to fund full policy compliant contributions to offsite affordable housing provision and public open space, and the making of such contributions as are financially viable

the application be permitted subject to the undermentioned conditions:

- (i) The variation of condition 2 to reflect the revised drawings
  - (ii) A requirement to provide for approval and implementation a car parking management scheme, and
  - (iii) Any other conditions of 14/00477/FUL as continue to apply to the development
- (B) Failing completion by the above date of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential financial contributions towards affordable housing provision and 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 - LAND SOUTH OF MARKET DRAYTON ROAD, LOGGERHEADS. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 17/00067/DEEM4**

**Resolved:** (A) That, subject to the applicant entering into a Section 106 obligation by 12<sup>th</sup> November 2017 securing the following:

- i. A management agreement for the long-term maintenance of the open space on the site
- ii. A contribution of £132,976 (on the basis that the development as built is for the full 65 units and of the type indicated), towards the provision of education places at Madeley High School
- iii. Unless an equipped play area is provided on site, a contribution of £5,579 per dwelling to improvements to the Burntwood Play Area; or on other nearby sites, that can be accessed safely and are within an appropriate walking distance, in conjunction with the Parish Council
- iv. Provision of 25% of the dwellings on-site as affordable units
- v. Travel plan monitoring fee of £6,430

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limits for submission of applications for approval of reserved matters and commencement of development
- (ii) Reserved matters submissions
- (iii) Approved plans
- (iv) Development permitted is for 65 dwellings maximum
- (v) Contaminated land
- (vi) Construction hours
- (vii) Construction management plan addressing environmental and highway safety issues
- (viii) Approval and implementation of design measures to secure appropriate internal and external noise levels
- (ix) Waste storage and collection arrangements
- (x) Reserved matters submission to include layout specific Arboricultural Impact Assessment
- (xi) Reserved matters submission to include details, on the layout plans, of root protection areas of all trees to be retained.
- (xii) Reserved matters application to be supported by a Stage 2 Road Safety Audit.
- (xiii) Reserved matters application to include details of amendment to the 30mph speed limit.
- (xiv) Reserved matters application to include details of internal road layout, including details of surface water drainage and surfacing materials.
- (xv) Residential Travel Plan.
- (xvi) Full details of a 2m wide footway along the site frontage and extending beyond the site, and footpath to Kestrel Drive, and implementation of the above
- (xvii) Details of proposed boundary treatment and alignment of utility operations to ensure that retained trees are not adversely affected.
- (xviii) Schedule of works to retained trees which shall include the better quality trees from the mature group identified as T39-T72 if the layout allows.
- (xix) Visibility splays
- (xx) Foul and surface water drainage scheme
- (xxi) Any reserved matters application to broadly comply with the Design and Access Statement in respect of the location of the dwellings and open space.
- (xxii) Approval and implementation of mitigation measures to avoid an adverse effects on Burntwood Site of Scientific Interest, as recommended by Natural England
- (xxiii) Recommendations of Phase 1 Habitat Survey to be complied with
- (xxiv) Archaeological evaluation
- (xxv) Dwellings to be 2 storey with 2½ storey dwellings only at key nodes
- (xxvi) Any other appropriate conditions as recommended by the Highway Authority

(B) Should the matters referred to in (i), (ii), (iii), (iv) and (v) 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 a play area and adequately maintained public open space, appropriate provision for required education facilities; an appropriate level of affordable housing; and measures to ensure that the development achieves sustainable development outcomes or, if he

considers it appropriate, to extend the period of time within which such obligations can be secured.

**7. APPLICATION FOR MINOR DEVELOPMENT - 8 BARFORD ROAD, NEWCASTLE. MR A MOSS. 17/00483/FUL**

*Proposed by Councillor Tagg and seconded by Councillor Heesom.*

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

- (i) The scale and appearance of the development.
- (ii) The development would be visually detrimental to Bunny Hill and the wider area.
- (iii) The development would have an unacceptable impact on the occupiers of neighbouring properties by virtue of overbearing impact and loss of privacy.

**8. APPLICATION FOR MINOR DEVELOPMENT. 114 MOW COP ROAD, MOW COP. MR & MRS SPENCER. 17/00564/FUL**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form
- (iv) Removal of permitted development rights for extensions, outbuildings and hardstandings
- (v) Soft landscaping scheme to include full details of boundary treatments
- (vi) Completion of access, parking and turning areas prior to occupation
- (vii) Controls over construction activities

**9. APPLICATION FOR MINOR DEVELOPMENT - OLD SPRINGS FARM. STONEYFORD, MARKET DRAYTON. HLW FARMS. 15/01074/FUL**

**Resolved:** That the decision of your officer, following consultation with the Chair, that the Council should agree to enter into a Section 106 agreement, be noted.



10. **APPLICATION FOR MINOR DEVELOPMENT - 10A BROWN LEES ROAD, HARRISEAHEAD. STEVE WILCOCK. 17/00474/FUL**

**Resolved:** That the application be permitted with no conditions.

11. **APPLICATION FOR MINOR DEVELOPMENT - WALL FARM, 99 NANTWICH ROAD, AUDLEY. NIGEL HOLLAND. 17/00573/FUL**

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

- (i) Commencement of development within 3 years
- (ii) Development in accordance with the submitted plans
- (iii) External materials
- (iv) Car port to be provided prior to occupation and retained for that purpose
- (v) Removal of Permitted Development Rights for extensions, roof alterations and outbuildings
- (vi) No conversion/ construction works during March-August inclusive
- (vii) Erection of bat and bird boxes

12. **APPLICATION FOR OTHER DEVELOPMENT - 60 CLOUGH HALL ROAD, KIDSGROVE. MR P SPENDER. 17/00579/FUL**

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

-Removal of Permitted Development Rights for outbuildings.

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

**Resolved:**

- (i) That the report be noted.
- (ii) That the Head of Planning 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.

14. **LIST OF LOCAL VALIDATION REQUIREMENTS**

**Resolved:** That the Chair consider and agree any changes to the list of local validation requirements taking into consideration any comments from Planning Committee members.

15. **URGENT BUSINESS**

**Etruria Valley Phases 2 & 3 Etruria, Stoke on Trent (348/242)**

**Resolved:** That the City Council be informed that the Borough Council has no objections to the proposed development subject to the City Council receiving no objections from the Highway Authority and/or Highways England in respect of any

unacceptable impact the developments may have on the A53/A500 junction at Basford Bank.

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

Meeting concluded at 9.00 pm

**LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND  
NORTH OF LINLEY ROAD, KIDSGROVE  
TAYLOR WIMPEY NORTH MIDLANDS**

**17/00553/FUL**

The application is for full planning permission to vary condition 2 of planning permission 14/00562/REM, which lists the approved drawings, to alter the boundary treatment between plots 134-153 to an 1800mm high close boarded fence. The proposed plan also indicates a link from the housing site onto the public footpath that runs to the rear of the dwellings on Church Street and around the eastern edge of the site up to Congleton Road.

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

The 13 week period for the determination of this application expires on 2<sup>nd</sup> October but the applicant has agreed to an extension of the statutory period to 13<sup>th</sup> October.

## **RECOMMENDATION**

**PERMIT subject to the following conditions:**

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Submission of precise details of the footpath link including surfacing, width and any gating**
- 3. Provision of footpath link within 1 month of the date of the permission**
- 4. Any other conditions of 14/00562/REM that continue to apply to the development**

## **Reason for Recommendation**

The scale and design of the fencing is considered acceptable in terms of its impact on the character and appearance of the area and whilst it would be preferable for the footpath to be directly overlooked, it is not considered that there would be any material increase in the likelihood of crime and disorder if a 1.8m high fence were provided. A link providing access from the housing site onto the public footpath is important in providing residents with a choice of modes of travel and would contribute to the achievement of a sustainable development.

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

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

## **Key Issues**

The application is for full planning permission to vary condition 2 of planning permission 14/00562/REM, which lists the approved drawings, to alter the boundary treatment between plots 134-153 to an 1800mm high close boarded fence. The section of boundary in question borders a public highway except at each end where it is adjacent to a front garden of a dwellinghouse. The proposed plan also indicates a link from opposite Plot No. 141 on the housing site onto the public footpath that runs to the rear of the dwellings on Church Street and around the eastern edge of the site up to Congleton Road.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. The changes sought relate solely to the boundary treatment and therefore, the issues for consideration are as follows:

- Would the revised boundary treatment be acceptable in terms of its design and impact on the form and character of the area?
- Would the proposed fence and footpath link have any impact on the likelihood of crime and disorder?
- Would the proposed footpath link promote sustainable transport choices?

Would the revised boundary treatment be acceptable in terms of its design and impact on the form and character of the area?

The approved boundary treatment drawing for the wider site (relating to Ref. 14/00562/REM) did not indicate any particular treatment along the boundary adjacent to Plots 134 to 153. Although a revised boundary treatment plan showing a 350mm high timber trip rail along this stretch was submitted with a subsequent application (Ref. 15/00916/REM), that application related only to Plots 149-153. An 1800mm high close boarded fence was erected around the perimeter of the site during construction and this proposal is to retain that fence along the south-eastern boundary of the northern part of this site.

Immediately to the other side of the fence is concrete board fencing which is unsightly. This is present along the majority of the length of the public footpath and in this particular location it is present on both sides of the footpath. Taylor Wimpey has indicated that the concrete board fencing along this section of the site is outside of their ownership.

The scale and design of the fencing is considered acceptable in terms of its impact on the character and appearance of the area and from the residents' perspective, it hides the unattractive concrete fence. A lower fence would not achieve this.

Would the proposed fence and footpath link have any impact on the likelihood of crime and disorder?

The Crime Prevention Design Advisor is concerned that given the length and overgrown condition of the footpath and the fact that it is not overlooked for much of its length, there are potential places of concealment along its length and no escape routes. It is considered that this could result in users feeling threatened or vulnerable and the Landscape Development Section supports this view.

In terms of reducing the likelihood of crime and disorder and improving the experience of users of the footpath, it would certainly be preferable for the footpath to be directly overlooked by the residents of the new houses. However, there is no approved boundary treatment and on this particular section of the footpath, users have a view over the fencing to the other side of the path to the land to the south-east reducing the feeling of enclosure.

A link providing access from the housing site onto the public footpath that runs to the rear of the dwellings on Church Street and around the eastern edge of the site up to Congleton Road is shown on the proposed plan opposite Plot 141. A link was shown on earlier approved drawings including the boundary layout plan approved for Ref. 15/00916/REM but it was shown immediately to the front of Plot 153. A link was in place for a time but it is currently blocked up. Some residents have expressed concern that the proposed footpath link would cause a safety issue for residents and would lead to an increased likelihood of crime. They state that the footpath is consistently used by dog walkers and dogs could run into the estate where there are young children who play outside.

Whilst the link may enable non-residents greater access into the estate, it is not considered that this would have any material increase in the likelihood of crime and disorder.

Would the proposed footpath link promote sustainable transport choices?

The public footpath has recently been significantly improved through a resurfacing scheme that was financed by a Section 106 contribution relating to the outline consent for the site. It was intended that this would improve linkages to the nearby school, shops and services, and would help to reduce the requirement for residents to use their cars, therefore contributing to the achievement of a sustainable development.

Whilst some residents object to the proposed link, others state that the link from the housing site onto the footpath should be put in as it provides a direct, safe and easy access to the school without having to use the long route around the estate and along the main roads.

The Crime Prevention Design Advisor states that whilst a link might enable non-residents greater access to the estate which could have negative consequences, the benefits in terms of community safety and practicality/connectivity would far outweigh this consideration.

Your Officer considers that a link is important in providing residents with a choice of modes of travel. Without it, residents who wished to walk to the nearby primary school for example, would have to walk through the housing estate out onto West Avenue and would then have to walk along Church Street and then Congleton Road. The footpath would enable them to walk a much shorter, more direct route without having to travel on main roads.

In terms of the location of the link, the approved plans show it located immediately in front of Plot 153. A representation has been received stating that this would create a risk of injury as there is a significant levels difference between the footpaths which would mean that either steps or a ramp would be required. Your officer considers that the location of the link as proposed would be appropriate. It is considered that a non-lockable gate of 1 metre in height would enable easy access for residents and would also discourage non-residents from entering the site.

## **APPENDIX**

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

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

Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

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

Nil

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

11/00645/OUT	Residential development of 176 dwellings, area of community woodland, public open space and formation of new accesses	Refused
12/00127/OUT	Residential development of 172 dwellings, an area of community woodland, public open space and the formation of new accesses	Approved
14/00562/REM	Reserved matters relating to internal access arrangements, layout, scale, and landscaping in respect of a residential development of 171 dwellings	Approved
15/00916/REM	Revised application for the approval of reserved matters for plots 149-153 relating to 12/00127/OUT for residential development of 127 dwellings, area of community woodland, public open space and formation of new accesses	Approved

### **Views of Consultees**

The **Highway Authority** recommends that the application is refused as the use of the footway link will be discouraged if surrounded by a high close boarded fence and the link should not be gated as this will have an impact on the footpath.

The **Crime Prevention Design Advisor** states that it is extremely unfortunate that when the site was developed, an opportunity was missed to absorb the footpath into the development to provide good safe on foot connectivity. The footpath is very long, narrow, not overlooked for the bulk of its length, has potential places of concealment, is overgrown in places, the concrete fence and posts are unsightly and once on this path, one is committed until reaching the other end as there are no escape routes should one feel threatened or vulnerable. All in all this is a very poor footpath. The existing 1800mm fencing does serve some small benefit for residents in terms of privacy and screening from the unsightly concrete gravel fences. However, a footpath link somewhere on the turning head which has previously existed but has been blocked up would be very beneficial. It would enable people to be able to walk from/through the development to get to/from West Avenue and Congleton Road in a much safer manner rather than via the existing footpath. Whilst this might enable non-residents

greater access to the estate which can have negative consequences, it is deemed that the benefits in terms of community safety and practicality/connectivity would far outweigh this consideration.

There might be scope to provide a more viable and complete alternative that satisfies a number of objectives. If the 1800mm fencing is retained, new footpath linkages could be provided at two points and the existing footpath could be easily and effectively blocked off at both ends with fencing so that section of the footpath is diverted through the development. This would improve connectivity and by channelling people through the development, safety should also be enhanced.

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

The **Landscape Development Section** has concerns that this proposal could worsen the existing poor situation whereby footpath users experience a very long, narrow, poorly maintained and poorly overlooked footpath. The comments of the Crime Prevention Design Advisor are supported.

Staffordshire County Council as the **Public Rights of Way Authority** states that whilst this application does not directly impact on Public Footpath No. 216 Kidsgrove, it remains disappointing that the concrete board fencing has been allowed to remain in situ alongside this path. The concrete board fencing under Taylor Wimpey's control should have been removed and replaced with the more aesthetically pleasing wooden fencing and it is a shame that measures were not taken to ensure this was the case. The landowner should be made aware that the maintenance of the concrete board fencing and wooden fencing is their responsibility, not Staffordshire County Council's.

No objections are raised to the proposed footpath link although this is not a public right of way and access between the development and Public Footpath No. 216 Kidsgrove can only be granted by the owner of the land. Footpath No. 216 has recently been significantly improved through a resurfacing scheme arising from the housing development.

### **Representations**

12 letters of representation have been received. The following is a summary of the comments made:

Regarding the fence:

- The 1.8m high fence should be retained.
- Without it there would be a loss of privacy, dogs off their lead would be a threat to children playing outside, there would be an increased likelihood of crime and residents would have to look at an unattractive concrete fence.

Regarding the footpath link:

- A footpath link would be a grave error and a dangerous act. The footpath is consistently used by dog walkers and dogs could run into the estate where there are young children who play outside. To put in the footpath link would be a huge safety issue.
- The link would be pointless as people can quickly walk around the estate to get to the same point on the footpath. People are still getting to school and people are safe.
- The footpath link should be put in as it provides a direct, safe and easy access to the school without having to use the long route around the estate and along the main roads. This would also reduce the amount of traffic using the roads at peak times of the day.
- A footpath link at the end of plot 153 would create a risk of injury as there is a significant height difference between the footpaths which would mean that either steps or a ramp would be required and it is too close to the adjacent drive. The link should be moved further down to a more suitable location as it was previously located. It should either have a gate or not be installed at all as it improves the security of the houses in the area.

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

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00553/FUL>

**Background papers**

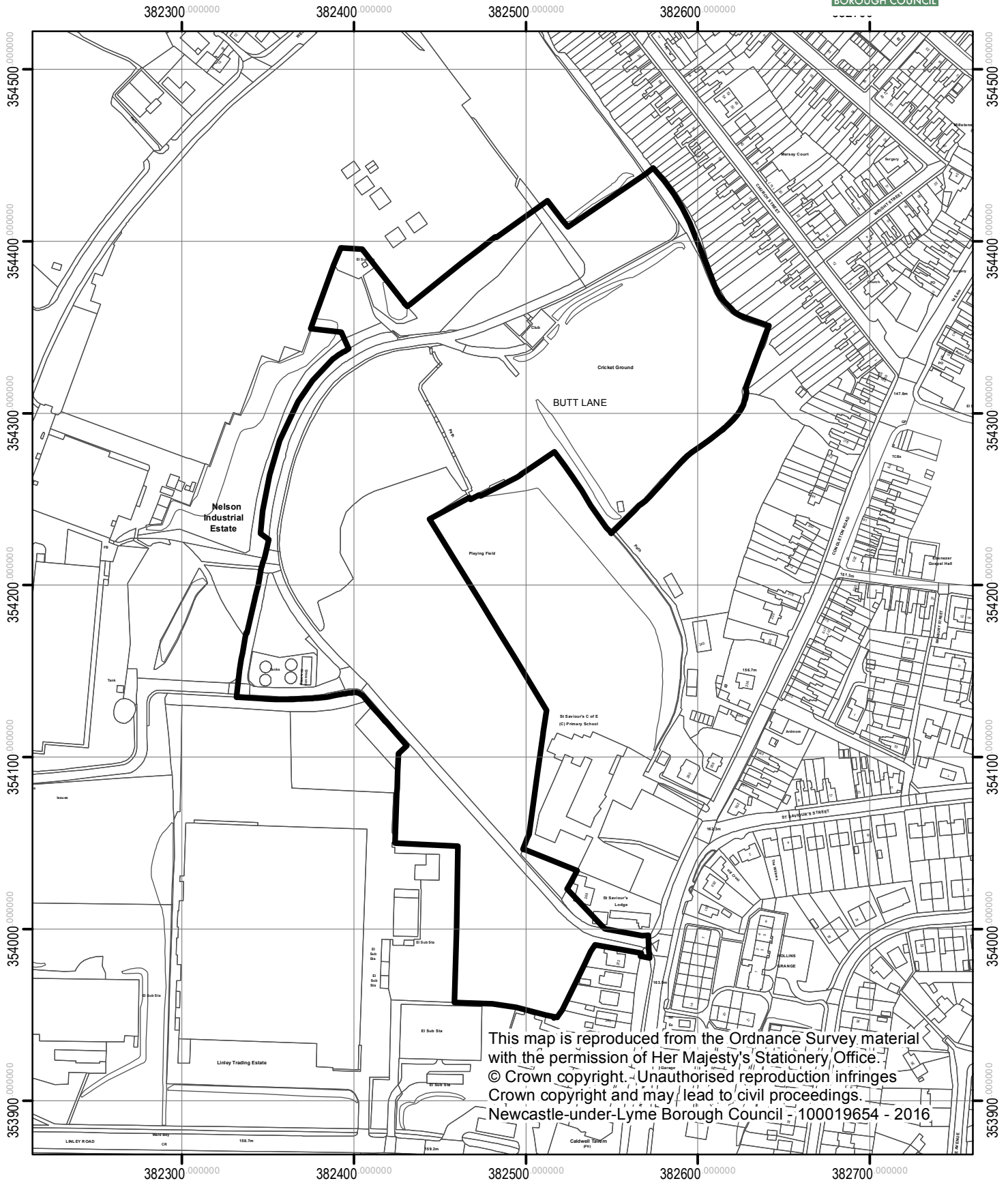
Planning files referred to  
Planning Documents referred to

**Date report prepared**

26<sup>th</sup> September 2017



**Land South Of West Avenue, West Of  
Church Street And Congleton Road,  
And North Of Linley Road, West Avenue  
17/00553/FUL**



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**LAND TO THE NORTH OF BRADWELL HOSPITAL**  
**NEWCASTLE UNDER LYME BOROUGH COUNCIL**

**17/00515/DEEM4**

The application is for outline planning permission for the erection of up to 85 dwellings on land to the North of Bradwell Hospital. Vehicular access from the highway network into and from the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site lies within the major urban area, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 2.56 hectares.

The site adjoins the A34 which is a primary road on the highway network.

**The 13 week period for the determination of this application expired on the 19<sup>th</sup> September 2017 and the applicant has agreed to extend the statutory determination period to the 13<sup>th</sup> November 2017.**

## **RECOMMENDATIONS**

**A. Subject to the applicant entering into planning obligations by the 11<sup>th</sup> November 2017 securing 25% Affordable Housing onsite and financial contributions of £5,579 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 (index linked) towards primary education places at Sun Primary Academy (formerly Bradwell Primary), or such amounts as reflect the eventual development, and a residential travel plan monitoring fee,**

**PERMIT the application subject to conditions relating to the matters including:-**

- 1. Condition to reflect outline nature of part of the application;**
- 2. Time limit for submission of any approval of reserved matters and for commencement**
- 3. Approved plans and documents;**
- 4. Any reserved matters application to broadly comply with the Design and Access Statement**
- 5. Reserved matters application to include a detailed surface water drainage scheme (SuDS);**
- 6. Grampian condition to secure a direct pedestrian link from the application site to the adjoining Sun Primary Academy (at school opening and closing times)**
- 7. Full details of the access arrangements;**
- 8. Implementation of an offsite Traffic Regulation Order;**
- 9. Submission and Approval of a Residential Travel Plan;**
- 10. Submission and approval of a Construction Vehicle Management Plan;**
- 11. Reserved matters application to include access arrangements/ improvements to the site for cyclists travelling from the south**
- 12. Design measures to control internal noise levels;**
- 13. Submission and approval of a Construction Environmental Management Plan;**
- 14. Construction Hours**
- 15. Drainage Details – foul and surface water;**
- 16. Reserved matters application to include replacement tree planting for any trees lost;**
- 17. Submission and approval of a tree protection plan and Arboricultural Method Statement;**

**B. Should the obligations 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 the development would fail to secure an acceptable provision of public open space, appropriate provision for required education facilities, residential travel plan and an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.**

## **Reason for Recommendations**

Whilst the development is not located on land that would meet the definition of previously developed land, it is located within a sustainable urban area and there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing. Subject to the applicant entering into planning obligations for 25% affordable housing and financial contributions towards education places, public open space to be policy compliant and a travel plan monitoring fee, the development is considered to accord with the development plan and the guidance and requirements of the National Planning Policy Framework 2012.

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

The applicant has been in discussions with officers of the LPA to address concerns raised by consultees and amended plans/ additional information have been submitted which have addressed concerns. The development is now considered to represent a sustainable form of development that meets the requirements of the National Planning Policy Framework 2012.

## **KEY ISSUES**

1.1 Outline planning permission is sought for a residential development of up to 85 dwellings. Access from the highway network is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning, Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted. However approval of the access arrangements is being sought.

1.2 The application site, of approximately 2.56 hectares in extent, is land that does not meet the definition of previously developed land but is located within the urban area of Newcastle which has no specific land use designations, as indicated on the Local Development Framework Proposals Map.

1.3 The site is currently used as open space but it is not required to meet the agreed local standard for future space provision. It has not been used as a playing pitch for over 10 years.

1.4 The site is relatively flat and existing residential properties are located away from the site boundaries and the illustrative layout demonstrates that the proposals are unlikely to raise any significant concerns on residential amenity levels of neighbouring properties. The site also directly adjoins a primary school on the eastern boundary and a hospital on the southern boundary. Layout and scale are reserved for subsequent approval and this matter can be considered at the reserved matters stage.

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

- Is this an appropriate location for residential development?
- Would the proposed development have any material adverse impact upon highway safety?
- Would the proposed development have a significant adverse impact on the character and appearance of the area, in particular visually significant trees?
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, 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?

### 2.0 Is this an appropriate location for residential development?

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

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

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

2.4 The site is currently open space and so does not meet the definition of previously developed land. The site is not required to meet the agreed local standard for future space provision. The site has good public transport links and is within walking distance of schools, shops and jobs. Therefore, whilst

it is not previously developed land it is considered that the site provides a sustainable location for additional residential development.

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

2.6 The Council is currently unable to demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore 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.

2.7 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.8 As discussed the site is considered to represent a highly sustainable location for new housing due to its links to good transport links, education facilities, employment opportunities, services and amenities and on this basis it is considered that the principle of residential development in this sustainable location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

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

3.1 The development site is located adjacent to the A34, a dual carriageway subject to a 40mph speed limit. Access is a matter for approval as part of this application and it is proposed to have a separate access (left in only) at the northern end of the site and a separate egress (left out) at the southern end of the site.

3.2 The application is supported by a Transport Statement, which includes a Stage 1 Road Safety Audit, and a travel plan.

3.3 The proposed access arrangements do not allow vehicles travelling north along the A34 to access the site directly. Therefore vehicles arriving from the south would need to either turn around at the A34/Parkhouse Road West roundabout or would have to use an alternative route to access the A34 at Bradwell Lane. This would also be the case for cyclists. The Transport Statement (TS) accepts is not a scenario that can be considered sustainable and many future occupiers of the dwellings would expect to access the site directly when travelling north along the A34. It also causes safety implications because drivers would be looking to make a U-turn at the A34/ Bradwell Lane junction closer to the site. The TS and Road Safety Audit has considered this issue and concludes that a U-turn ban at the A34/Bradwell Lane will need to be secured via the making of a Traffic Regulation Order which the developer will finance the cost of to avoid the prospect of U-turns happening at this junction. In terms of vehicles departing from the site to travel northwards, they will simply travel down to A34/Wolstanton Road roundabout which is only a short distance from the proposed site egress. U turns at the gap in the A34 central reservation in front of the hospital access are already prohibited.

3.4 Two alternative access arrangements have been explored which involve a single two way access point. These two options have been discounted. One of the options was proposed in the previously withdrawn application resulted in an objection from HA regarding highway safety due to its location and potential for U turns to be encouraged. The second alternative option that was explored was for the provision of a signal controlled crossroads on the A34 providing access to the site and Beasley Avenue. This option was not considered feasible by the applicant's transport consultant because it is likely that separate right turn provision would be required onto the A34 which would result in the existing carriageway being widened and this could not be accommodated within the existing alignment. This would also cause significant disruptions to the operation of the A34 during

construction. Furthermore, the provision of a further signal control could add additional delays to vehicles on the A34. They also detail that the provision of a signal controlled crossroads is not proportionate for the proposed development, given its limited scale.

3.5 The Highway Authority (HA) have indicated that they cannot comment on the acceptability of the signal controlled crossroads option without full details and safety audit. They have raised no objections to the application for the proposed access arrangements subject to conditions and it is not considered necessary to consider the feasibility of the alternative options further following the applicant's justification. The HA advise conditions which secure the access arrangements, Traffic Regulation Order to prohibit U turns (off site works), submission and approval of a Construction Management Plan and a Residential Travel Plan.

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

3.7 The construction of up to 85 dwellings will undoubtedly result in trip generation to and from the site onto the highway network but it is considered that the applicant has demonstrated that the proposed development would not lead to significant highway safety concerns and the location of the site within a sustainable urban area would encourage non-car modes of travel, The scheme would be improved by the formation of a direct pedestrian only link from the site to the adjoining Sun Primary Academy school which would reduce vehicle movements to and from the site and would help the development to be sustainable This has also been highlighted by HA and the applicant has been asked to explore this with the school. The school have been approached about the pedestrian link and now the matter has been clarified to them regarding what your officers are seeking to agree they provisionally indicate that they are agreeable to the direct pedestrian access link if it can be managed by school staff. Your officers are satisfied that the direct pedestrian access link can be managed in a manner that would benefit the future occupiers of the development (and managed by the school) and a Grampian condition to secure the exact details of the link at the reserved matters stage and the link to be put in prior to development commencing is appropriate.

3.8 A direct pedestrian access link would be an asset for the development and is likely to reduce vehicle movements from the site during the peak period with the Academy otherwise being a 1.3km walk from the site.

3.9 The scheme would also be improved by arrangements for cyclists to access the site when travelling from the south. Further details and arrangements for how improvements, including any off site works, could be made should be provided at the reserved matters stage and this can be secured by condition.

3.10 Finally, the proposed access arrangements would interrupt the current flow of pedestrians using the footpath along this side of the A34. The HA have indicated that the access arrangements are of a standard design and the final design, including pedestrian safety and crossing points will be secured at the Major Works agreement stage and will require a further stage 2 and 3 safety audit to ensure that the access and egress points are safe for pedestrians. The LPA would not be involved in this process however. Therefore, it is acknowledged that the new vehicle access and egress points will affect the pedestrian flow of users of the pavement but not to a significantly detrimental level.

3.11 In summary the lack of a pedestrian footpath link from the development to the adjoining school and the access arrangements not allowing vehicles travelling north along the A34 to access the site directly are negative aspects of the development and these matters need to be weighed against the proposal and this is considered further sections below.

#### 4.0 Would the proposed development either have a significant adverse impact on the character and form of the area, in particular visually significant trees?

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

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

4.3 The only matter for approval as part of this application is access. Therefore the appearance, layout, scale and landscaping are reserved for subsequent approval. However, an illustrative layout plan has been submitted along with a planning, design and access statement which indicates at paragraph 3.1.3 that the proposed dwellings would be a mix range of dwelling types including two story terraced properties, three story semi-detached town houses, and apartments, with a range of off road parking solutions and public open space.

4.4 In terms of housing density the application states that the proposed scheme represents a density of 33 dwellings per hectare which is comparable to similar residential developments in the area.

4.5 The site fronts the A34 and is dominated by a linear group of trees that runs the length of the boundary. Access is for approval and would result in a separate access and egress point along this frontage. Therefore trees on the frontage will be lost to accommodate the proposed access arrangements.

4.6 The applicant has submitted an Arboricultural Impact Assessment (AIA) and a Tree Protection Plan (TPP) which identifies groups of trees within the application site. In terms of the more prominent trees on the site frontage (western boundary), paragraph 3.04, identifies that the trees are early mature ash and beech planted at a high density. The AIA groups the trees on the frontage of the A34 and identifies that approximately 24 trees will need to be felled to accommodate the access and egress arrangements and the remaining trees will need to be protected during construction. Further mitigation measures will also need to be defined within an Arboricultural Method Statement. Following the submission of the AIA and the TPP the Landscape and Development Section (LDS) now raise no objections to the application subject to conditions to protect existing trees and additional planting.

4.7 The applicant has demonstrated that the proposed access arrangements can maintain a high level of trees on the front boundary. Within this group there are a number of trees of better quality, particularly towards the northern boundary near to the access point, and these should be protected where possible.

4.8 The groups of trees that run the length of the northern and southern boundary are likely to be lost but as discussed the layout is only illustrative. These groups of trees are relatively dense and their loss is unfortunate but due to there being limited views of these trees from any main vantage points the impact on visual amenity would not be significant. However, all efforts should be made to maintain as many as possible at the detailed design stage and the scheme should be supplemented with additional replacement planting to compensate loss.

4.9 An indicative plan which shows how a sustainable urban drainage scheme (SuDS) could be accommodated within the development which includes a surface water pumping station, pervious pavements and attenuation tanks into the scheme. The County Council's Flood Risk team have raised no objections but have advised a condition which would secure a detailed surface water drainage scheme for the site.

4.10 Overall, subject to conditions regarding tree protection and mitigation measures it is not considered that the development would have such an adverse impact on the character or quality of the wider landscape or streetscene to justify a refusal.

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

5.1 Certain contributions are required to make the development acceptable. These are, in no particular order, the provision of 25% affordable housing, a contribution of £198,558 towards education provision and a contribution of £474,215 towards public open space. All of the above



figures assume an 85 unit development so any obligation or agreement would need to allow for the possibility that lower numbers of units are eventually built on the site.

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

5.3 It is also necessary to consider whether the financial contribution sought complies with Regulation 123 of the CIL Regulations. 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.

5.4 Staffordshire County Council has requested the education contribution goes towards the provision of primary school spaces only and the Sun Primary Academy is projected to be full for the foreseeable future. A revised calculation of contribution maybe required if the number of proposed dwellings changes after outline permission is granted. This can be secured in the S106 agreement, as has been done in previous cases .There has been no previous planning obligation entered into since April 2010 for a contribution towards the Sun Primary Academy and on this basis, it is considered that the contribution would comply with CIL Regulation 123.

5.5 The Council's Landscape Development Section (LDS) has requested a contribution towards the Bradwell Dingle which is a kilometre from the application site. There is a play area closer to the application site but this is much smaller and has not been identified by LDS in their consultation response. This area of POS is located off Bamber Place and Woodland Crescent which is approximately 350 metres walking distance from the site. Bradwell Dingle is a significant size and would attract use by future occupiers of the development and it is considered that the contribution should be allocated to both of these areas. There have been no previous planning obligations entered into since April 2010 for a contribution towards either of these areas of Public Open Space and on this basis, it is considered that the proposed financial contribution complies with CIL Regulation 123.

5.6 The S106 agreement would also secure a financial contribution towards the residential travel plan monitoring.

6. 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?

6.1 In consideration of the above points, the access arrangements do raise concerns, in particular a there being no direct access from vehicles travelling north from the A34. This point weighs against the proposal and make the scheme less sustainable. However, the scheme is still safe from a highway safety perspective and in all other respects the proposal represents sustainable development which would make a sizeable contribution towards addressing the significant undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords 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 and obligations are obtained and appropriate conditions are used, as recommended.

**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 ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 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 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 \(PPG\) \(2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

Newcastle-under-Lyme Open Space Strategy, adopted March 2017

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

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

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

[Relevant Planning History](#)

16/00635/DEEM4 Outline planning application for the development of up to 87 dwellings and associated access arrangements. - withdrawn

[Views of Consultees](#)

The **Environmental Health Division (EHD)** raises no objections to the application subject to conditions regarding the submission and approval of suitable design measures to control internal noise levels, control of construction activity hours; and the submission and approval of a Construction Environmental Management Plan.

The **Highways Authority** raises no objections subject to conditions requiring the submission and approval of full access/ egress works, implementation of a Traffic Regulation Order to prohibit U turns at the A34 Talke Road / Bradwell Lane traffic signal junction, and submission and approval of the following;

- disposition and layout of dwellings and roads,
- provision of parking, turning and servicing within the site curtilage,
- means of surface water drainage,
- surfacing materials,
- a Residential Travel Plan, and
- a construction vehicle management plan.

The proposed Traffic Regulation Order to prohibit U turns at the A34 / Bradwell Lane signalised junction will need to be made on behalf of the developer by Staffordshire County Council at the developer's expense.

The **Education Authority** states that the proposed development falls within the catchments of Sun Primary Academy, Bradwell and Wolstanton High Academy. A development of 85 houses could add 18 Primary School aged pupils, 11 High School aged pupils and 2 Sixth Form aged pupils. Wolstanton High Academy is projected to have sufficient space to accommodate the likely demand from pupils generated by the development but Sun Primary Academy is projected to be full for the foreseeable future. A contribution is required towards Primary School provision only for 18 Primary School places (18 x £11,031 = £198,558).

The **Landscape Development Section** advises that the site has a large number of mature trees of significant value and a tree retention/removal plan, a tree protection plan and retained trees and RPAs all to BS5837:2012, should be indicated on the proposed layout. A long term management plan for the trees on the site frontage should be conditioned, along with the submission of a landscaping plan that includes replacement tree planting. A financial contribution of £474,215 (£5,579 per dwelling) towards the improvement of the equipment on Bradwell Dingle is also advised.

**Housing Strategy Section** advises that the planning statement. It sets out the position for affordable housing within Paragraph 3.1.5. and states "The development shall not begin until a scheme for the provision of 25% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority." In principle this is acceptable and the details of the affordable housing scheme will be agreed with the local authority based upon the requirements as set out in the Affordable Housing SPD.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objection to the principle of residential development at this location. Although indicative at this stage, a development constructed along the lines of the illustrative masterplan would be welcomed. Any reserved matters application that comes forward should ensure designing out crime opportunities are maximised within the layout, particularly in terms of natural surveillance (including parking) and well protected rear garden boundaries. External buffer planting can be an attractive and effective means to reinforce rear garden boundaries which abut public space.

The **Coal Authority** raises no objections due to the site being located within a Low Risk Area.

**Staffordshire County Council Flood Risk Team** states that the proposed development will only be acceptable if a condition which secures a detailed surface water drainage scheme is attached to any permission and a scheme for the provision and implementation of the method of working and maintenance of the surface water drainage system.

**Natural England** advises that they have no comments to make on this application.

**Severn Trent Water** raises no objections subject to conditions which secure the submission and approval of drainage plans for the disposal of foul and implemented before the development is brought into use.

The **Environment Agency** advises that they have assessed this development as having low environmental risk.

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

#### Representations

No letters of representation have been received.

#### Applicant/agent's submission

The application is accompanied by the following documents:

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

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00515/DEEM4>

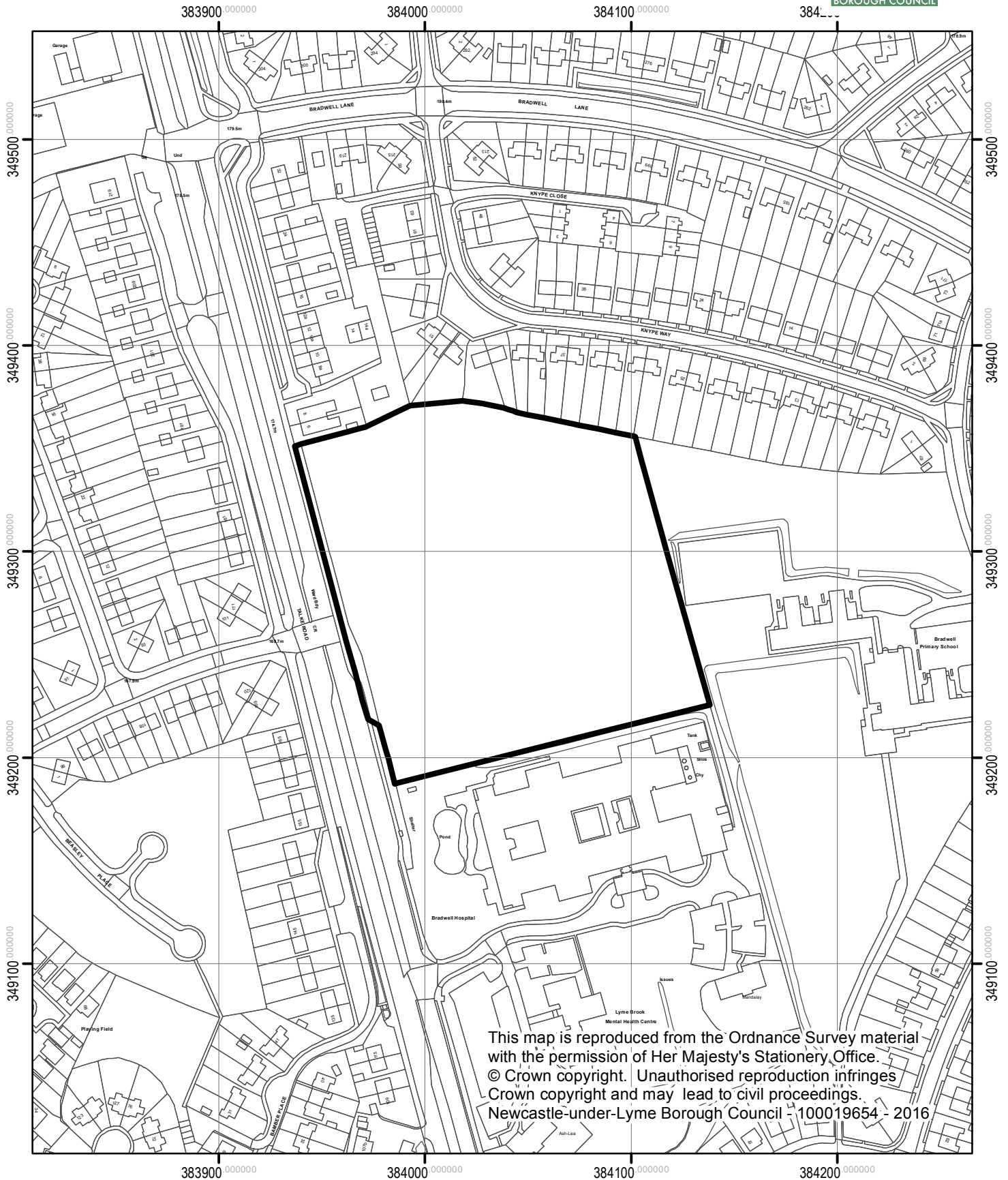
#### Background Papers

Planning file  
Planning documents referred to

#### Date report prepared

29<sup>th</sup> September 2017

Land to North of Bradwell Hospital, Talke Road, Bradwell  
17/00515/DEEM4



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**CORNER OF HEATHCOTE STREET AND KINNERSLEY STREET, KIDSGROVE**

**HAMILTON HOUSE HOMES LIMITED**

**17/00552/FUL**

The application seeks full planning permission for the erection of 14 dwellings

The site lies within the urban area and within Kidsgrove Town Centre, as defined on the Local Plan Proposals Map. The site extends to approximately 0.32 hectares

Access is proposed off both Heathcote Street and Kinnersley Street.

**The statutory 13 week determination period for this application is due to expire on the 2<sup>nd</sup> October but the applicant has agreed to an extension to the statutory determination period to the 7<sup>th</sup> November 2017.**

**RECOMMENDATION**

**A. Subject to**

**(i) the receipt and consideration of advice from the District Valuer as to whether the development can support any level of financial contribution towards the improvement/maintenance of off-site public open space that this development could support, and a supplementary report to the Committee on this aspect dealing with this matter and providing recommendations as to planning obligation requirements depending upon the conclusion reached**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. Gabion wall details**
- 5. Tree retention and protection**
- 6. Full landscaping details**
- 7. Future protection of trees in the south east corner to further protect privacy levels.**
- 8. Alignment of proposed services**
- 9. Submission and approval of noise report. Mitigation measures**
- 10. Design Measures to Secure Noise Levels**
- 11. Construction hours**
- 12. Contaminated land treatment**
- 13. Construction Vehicle Management Plan (CVMP)**
- 14. Visibility splays**
- 15. Surfacing details for access road and parking**
- 16. The access and access road being completed prior to occupation**
- 17. The existing access permanently closed and footway reinstated**
- 18. Waste collection and storage arrangements**
- 19. Surface water discharge mitigation details**
- 20. Foul drainage**
- 21. Proposed coal mining precautionary measures**
- 22. Intrusive coal mining site investigations and remedial works implementation**

**Reason for recommendation**

The site is located within the urban area and within Kidsgrove town centre which is regarded as a sustainable location for new housing. The benefits of the scheme include the provision of housing within an appropriate location making use of previously developed land. Subject to the imposition of suitable conditions it is not considered that there are any adverse impacts of the development that

would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

The applicant has submitted financial information to substantiate their claim that the Council's requirements as the Local Planning Authority (LPA) would render a policy compliant scheme unviable. The draft Report of the District Valuer setting out his appraisal of the development's viability is awaited and a further report will be brought to members on this issue.

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

Pre application advice was sought from the applicant and discussions with officers of the LPA have been ongoing during the application to resolve any matters. The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

1.1 The application seeks full planning permission for the erection of 14 dwellings.

1.2 The site lies within the urban area and within Kidsgrove town centre, as indicated on the Local Development Framework Proposals Map.

1.3 The site extends to approximately 0.32 hectares and is currently vacant having previously been used for parking. Historically it has been occupied by terraced residential properties but only one building remains on the land which fronts Heathcote Street.

1.4 The site is located within a high risk coal mining area and the application is supported by a coal mining risk assessment report. The Coal Authority has raised no objections subject to conditions which are considered necessary and acceptable. This matter is not considered further.

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

- The principle of residential development
- The design and impact on the character and appearance of the area
- The impact on visually significant trees
- Car parking and highway safety
- Residential amenity matters
- 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 600 net additional dwellings in the urban area of Kidsgrove 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 Kidsgrove town centre as designated in the existing Local Plan and saved NLP policies R12 and R13 seek to support new retail and leisure uses in the town centre and maintain them where appropriate. Notwithstanding these policies the site has a number of constraints which were identified by a planning inspector in the consideration of an appeal for a small/ medium out of town centre A1 retail unit which was refused (10/00080/OUT) at Linley Trading Estate - the Council considering there to be sequentially preferable sites within Kidsgrove town centre of which this was one. The LPA unsuccessfully promoted this site as one of several sequentially preferable sites for retail development – the Inspector concluding that the creation of a development site here would be a major engineering challenge, that servicing it would be problematic, that it would need to rely for its parking on land on the other side of the Heathcote Street Hill, and that the site was unsuitable for a discount supermarket operation of reasonable scale.

2.5 Whilst the site has been used albeit as a public car park since the clearance of properties on it, it was not properly laid out as a car park and its distance from Market Street, combined with the steepness of the hill leading up to it from the town centre, and the availability of other more conveniently located off street parking in Kidsgrove Town Centre led to it having a relatively low level of use as a car park. It is not considered that the loss of it as a parking area raises any significant issues for the retail and office functions within the town centre. The development plan contains no policies seeking to protect it as a car park.

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 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 examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.9 Whilst the development represents a non-retail use in the town centre there is no planning policy grounds to resist a housing development on the site. The site is considered to represent a highly sustainable location for new housing development by virtue of its close proximity to shops, leisure facilities, Kidsgrove bus terminal and the train station. It is also in close proximity to schools, open space and employment opportunities. Therefore, it is considered that the site provides a highly sustainable location for additional residential development. It would also meet the definition of previously developed land.

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

### 3.0 The design and impact on the character and appearance of the area?

3.1 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.

3.2 The application site is located on the apex of the junction of Heathcote Street and Kinnersley Street which fall steeply from the junction to the rear boundary to the south. Beyond the rear boundary is the neighbouring Home Bargains retail store and the former Health Centre, now converted into flats (Wade Court). Both are on a significantly lower level although Wade Court does step up the hill towards the development site.

3.3 Heathcote Street is a busier route (of the two roads) out of the town centre. The steepness of the site and its triangular shape has limited the design opportunities available but the proposed layout seeks to provide houses that front Heathcote Street where possible. Bay windows at ground floor and a further window at first floor are proposed in side gables that front a highway to add some level of interest and avoid blank gables. The layout also seeks to maintain a line of mature trees on the rear boundary. These trees are not covered by a tree preservation order but they are visually significant.

3.4 Detailed plans have been submitted with the application including site sections and landscaping and boundary details.

3.5 The design and appearance of the houses are considered to represent good quality designs which are comparable to similar housing developments in and around Kidsgrove which have enhanced the area. It is also considered that this development would also enhance the visual amenity of the area. It would also redevelop a site which has been used as an informal car park and taxi base for a number of years.

3.6 The submitted landscaping details and boundary treatments plans demonstrate a good level of landscaping including existing trees being maintained where possible. Brick boundary walls are proposed on rear and side gardens that front a highway (mainly Kinnersley Street). A retaining gabion wall is proposed within the site which is necessary due to the steep ground levels and whilst these structures can have a prominent and stark appearance in the streetscene, the location in this instance would not harm the surrounding streetscene.

3.7 It is considered that the design of the proposed scheme would enhance the appearance of this vacant site in a prominent location and it has to be acknowledged that the steepness of the site and its shape has restricted the design options available. The proposed development is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

#### 4.0 Residential amenity matters

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

4.2 As discussed, the site is located within Kidsgrove town centre and is adjacent to a retail unit which has a car park, external plant and a service yard, albeit all at a significantly lower level. The site is also on the junction of Heathcote Street which is a busy road into the town centre from the surrounding residential areas.

4.3 The Environmental Health Department (EHD) has raised no objections subject to conditions which seek to minimise noise impact on future occupants of the proposed development. In particular they advise that an assessment of the potential for annoyance arising from noise at the nearby service yard, deliveries to store and external plant at Home Bargains is required to be carried out and where the noise rating level will exceed the background noise level, details of the noise mitigation measures to be taken shall be submitted to the local planning authority for approval.

4.4 The rear boundaries of plots 5-14 adjoin the boundary with Home Bargains and a timber fence is proposed. This may need to be replaced with a timber acoustic fence if noise mitigation is required. This matter is being explored with the applicant and EHD and an update will be given prior to the meeting if further information is available by then.

4.4 Due to the layout of the scheme and the relationship of the proposed dwellings the proposed development would comply with the Council's SPG – Space Around Dwellings which sets out separation distances between what are termed principal windows of proposed and existing residential

properties. An adequate level of private amenity space for each dwelling would also be achieved. Wade Court does include at least one flat which has principal windows facing a corner of the development site at fairly close proximity. The proposed development is to be elevated above Wade Court and principal windows would be located at ground floor and first floor on the rear elevation of plot 14 (the plot likely to have the most impact) which is closest to the identified flat. However, principal windows would not directly face one another which would mitigate against any significant loss of privacy. The boundary treatments and proposed replacement tree planting would also interrupt views and this planting should be protected from future removal to protect the residential amenity levels of the neighbouring flat.

## 5.0 Car parking and highway safety

5.1 The access to the site would be taken off both Heathcote Street and Kinnersley Street which would create a through route and would provide access to the parking areas for 12 of the plots. The other two plots (4 and 14) would have their car parking off Heathcote Street and Kinnersley Street respectively.

5.2 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. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

5.3 The parking standards identified in the Local Plan indicates that for three bedroom houses a maximum of two off street car parking spaces per house should be provided and in this instance the scheme achieves this requirement.

5.4 The access road is not proposed to be adopted highway and will therefore remain in private ownership. This has resulted in the Highway Authority raising no objections subject to conditions which include full submission and approval of a Construction Vehicle Management Plan (CVMP), visibility splays, access points being completed, existing access points made redundant being permanently closed and reinstated to footway and surfacing.

5.5. Subject to the above conditions the proposed development is unlikely to lead to significant highway safety implications and an acceptable level of street car parking is proposed. The development would therefore meet the guidance and requirements of the NPPF.

## 6.0 Planning obligation considerations

6.1 The development of 14 houses does not trigger a requirement for affordable housing and an education contribution has not been requested by Staffordshire County Council in this instance with all catchment schools projected to have sufficient space to accommodate the likely demand from pupils generated by the proposed 14 dwellings.

6.2 A financial contribution of £78,106 towards public open space (POS) has been requested and is required to make the development acceptable. This would make the development policy compliant and 'sustainable'. It is considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

6.3 It is also necessary to consider whether the financial contribution sought complies with Regulation 123 of the CIL Regulations. 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.

6.4 The Council's Landscape Development Section has requested a contribution towards POS at either Clough Hall Park, or Birchenwood, or the playground off Whitehill Road. There has been no previous planning obligation entered into since April 2010 for a contribution towards Birchenwood and the playground off Whitehill Road but this would be the third planning obligation secured for Clough Hall Park. On this basis, it is considered that the contribution sought would comply with CIL Regulation 123.

6.5 Since the submission of the application and the request from the LDS for a financial contribution the applicant has advised that the scheme would be financially unviable with a policy compliant POS contribution. This is due to the amount of abnormal costs associated with developing this particular site – the engineering works, remediation works for coal mining and dealing with land contamination.

6.6 Paragraph 173 of the NPPF states that: 'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' It also states at paragraph 205 that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

6.7 The Council has instructed the District Valuer to carry out a financial viability appraisal of the scheme. The draft Report of the District Valuer setting out his appraisal of the development's viability is expected sometime before the Committee meeting and a further report will be brought to members on this issue.

## **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 ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
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 R12:	Development in Kidsgrove Town Centre
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

### **Relevant Planning History**

The site was previously used as a public car park. A taxi base granted under 06/00118/COU was also operating from the only remaining building on the site. The site is currently vacant. There are no extant planning permissions on the land.

### **Views of Consultees**

Comments have been invited from **Kidsgrove Town Council** but in the absence of any response by the due date it must be assumed that they have no observations to make upon the application.

The **Education Authority** states that the proposed development falls within the catchments of Dove Bank Primary School and University Academy Kidsgrove and whilst it could add 3 Primary School aged pupils and 2 High School aged pupils, both schools are projected to have sufficient space to accommodate the likely demand from pupils generated by the development. Therefore no financial contribution is requested.

The **Highway Authority** raises no objections subject to conditions which include full submission and approval of a Construction Vehicle Management Plan (CVMP), visibility splays, access points being completed, existing access points made redundant being permanently closed and reinstated to footway and surfacing.

The **Environmental Health Division** raises no objections subject to design measures to secure appropriate noise levels, construction hours, an assessment of the potential for annoyance arising from noise at the nearby commercial premises and contaminated land treatment.

The **Landscape Development Section** have advised that there are some concerns that trees on the rear boundary would shade the south facing gardens of plots 5-12 which may lead to some tree resentment and future pressure for their removal. The application will also result in the loss of some category B roadside trees but these trees are young and subject to replacement trees being proposed there are no significant concerns. Conditions to secure tree protection for retained trees, approval of full landscaping proposals and details for the alignment of proposed services.

A contribution by the developer for capital development/improvement of off-site open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution: £5,579 per dwelling. This would be used for improvements to Clough Hall Park (876m), Birchenwood (630m) and/or the playground off Whitehill Road (370m).

The **Coal Authority** confirms that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Their records indicate that two mine entries (shafts) are within, or within 20m of the application site. They indicate that the submitted Coal Mining Risk Assessment Report (June 2017, prepared by Telford Mining & Geological Services), correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. Subject to conditions regarding site investigation works and remediation they raise no objections to the application.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** states that the triangular shape and steep topography of the site makes this a far from conventional development site. Certain features of the layout proposal are positive in terms of crime prevention. The amended plans are an improvement. Although the parking provision for plot 1-3 will not be in-curtilage and neither will the occupants be able to observe their vehicles from the respective properties, now at least the parking provision will be positioned such that the properties directly opposite will provide a good level of natural surveillance to deter incidents of car-related crime. The reorientation of the gardens of plots 1-3 should also result in the rear garden boundaries of plots 2-3 also facing the properties that will overlook the parking, which should be a more secure arrangement. Previous comments regarding the virtues of using spiky hedge planting to reinforce side garden boundary security (plot 1 would also benefit from this) and the recommended installation of doors and windows to independently certified minimum attack-resistant physical security standards remain.

**Staffordshire County Council Flood Risk Team** indicates that the development will only be acceptable if a condition secures a scheme to limit surface water discharge from the site including a specific discharge rate, an appropriate attenuation volume provided on site, the future maintenance of the system for the lifetime of the development, and finished floor levels are set no lower than 150mm above ground level. The scheme will need to be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Severn Trent Water** has no comments to make on the application because the site falls within the United Utilities area.

**United Utilities** raises no objections subject to foul and surface water drainage conditions and a condition which secures the long term maintenance of Sustainable Drainage Systems.

The **Waste Management Section** advises that if the access road is not adopted or to highway standard then a refuse lorry will not drive on it unless it is indemnified against any allegations of damage to the refuse vehicle or Council employees. An alternative solution would be for identified collection points where the private access meets the adopted highway. This can however lead to future residents leaving containers out between collections, leading to complaints, particularly from the end properties outside which everything is left. There are no powers to enforce container return to the properties between collections, so they cannot resolve any of these complaints. Furthermore, if containers are left on the adopted highway (pavement, for example) between collections then they are an obstruction, and it's hard to take enforcement action.

#### Representations

No letters of representation have been received.

#### Applicant/agent's submission

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

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00552/FUL>

#### Background Papers

Planning File

Development Plan

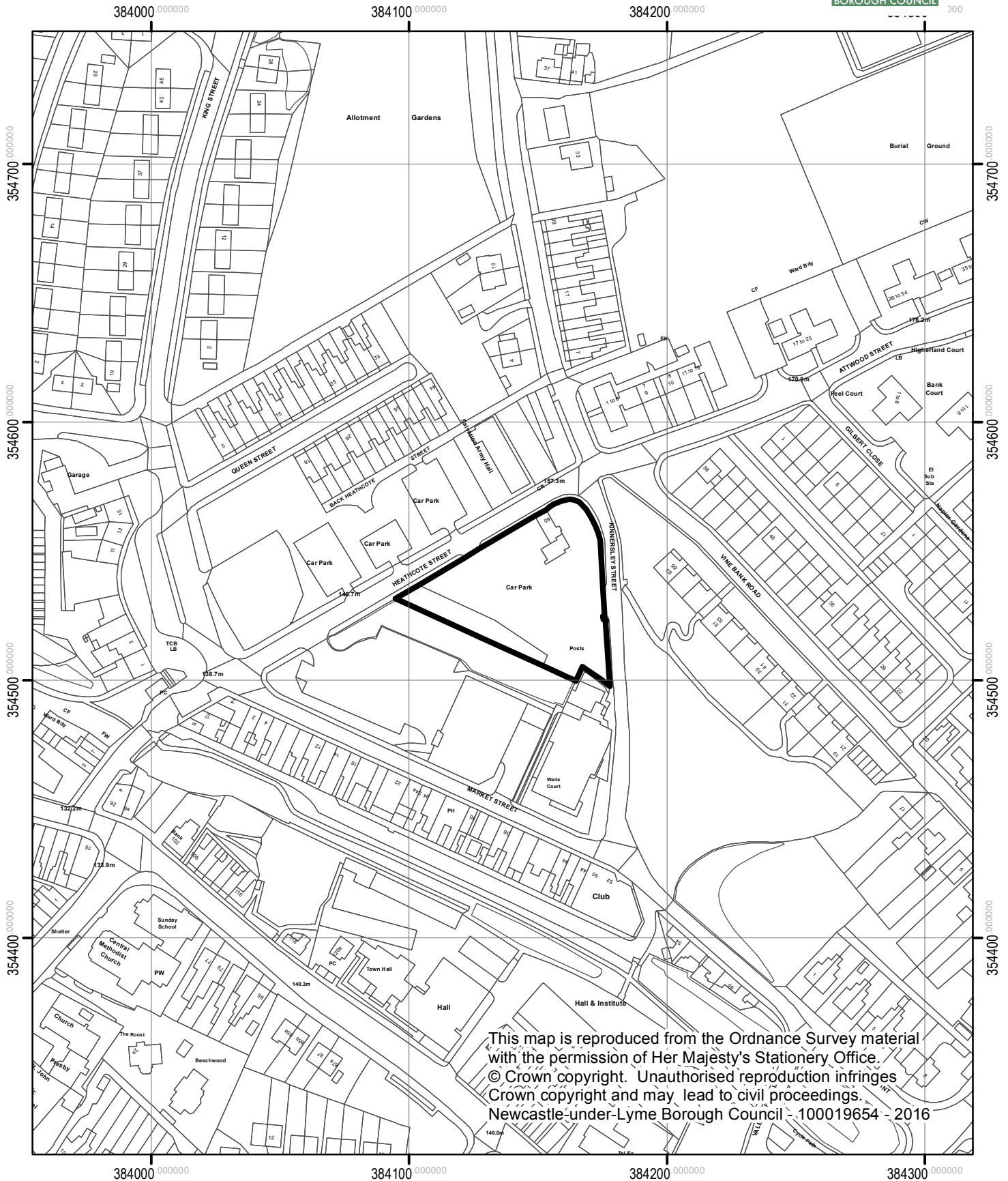
#### Date report prepared

28<sup>th</sup> September 2017

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# Corner of Heathcote Street and Kinnersley Street, Kidsgrove 17/00552/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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**THE HAWTHORNS, KEELE VILLAGE AND BARNES, KEELE CAMPUS, KEELE  
KEELE SEDDON LTD** **17/00646/FUL**

The application seeks to vary conditions 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele. The conditions relate to the residential development at the Hawthorns and refer to the timing of the provision of site accesses and of contaminated land site investigations and remediation.

The site is washed over by the Green Belt and lies within an Area of Landscape Maintenance as identified within the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 30<sup>th</sup> October 2017.

## **RECOMMENDATION**

Subject to the applicant entering into a planning obligation that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/01004/FUL, PERMIT the variation of conditions 4, 20 and 22 of 15/01004/FUL so that they read as follows:

***4. No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.***

***20. In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the remainder of the development. The report of the findings shall include:***

- a. A survey of the extent, scale and nature of any contamination;***
- b. An assessment of the potential risks to:***
  - o Human health;***
  - o Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;***
  - o Adjoining land;***
  - o Ground and surface waters;***
  - o Ecological systems; and,***
  - o Archaeological sites.***
- c. An appraisal of remedial options, and proposal of the preferred option(s).***

***This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.***

***22. The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.***

And subject to the imposition of all other conditions attached to planning permission 15/01004/FUL that remain relevant at this time.

## **Reason for Recommendation**

There would be no adverse impact on highway safety or the future users of the land and neighbouring land due to ground contamination as a result of the variation in the wording of the conditions.

The effect of a grant of approval is to create a new planning permission. The previous permission was only granted following the entering into of a Section 106 agreement securing a number of matters, all of which remain relevant and would require a further obligation to be entered into to ensure that these matters continue to be secured.

Subject to this and the imposition of the same conditions as were imposed on 15/01004/FUL that remain relevant at this time it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

**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 complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The application seeks a variation of conditions 4, 20 and 22 of planning permission 15/01004/FUL which granted permission for the construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele.

**Condition 4**

Condition 4 as worded in the decision notice states as follows:

*The development hereby permitted shall not be brought into use until the accesses have been provided in accordance with Drawing No. 0377-01.*

The reason given for the condition within the decision notice was:

*In the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

The development is to be brought forward in phases and given that there are two proposed accesses to the site, one on Station Road and one on Quarry Bank Road, the variation that is being sought is to require the construction of only the access serving particular properties prior to occupation of those properties.

The applicant has requested that the wording is revised as follows:

*No dwelling shall be occupied until the access serving that dwelling as shown on Drawing No. 0377-01 has been constructed in accordance with construction details that have been agreed in writing by the Local Planning Authority.*

The location of the accesses would remain as approved and the variation in the wording relates solely to the timing of their provision. The Highway Authority has no objections to the proposed variation to Condition 4 and your officer accepts that it is reasonable to require only the access serving a particular dwelling to be provided prior to occupation of that dwelling. The original condition did not require the approval of construction details and therefore it is not considered necessary to require that now. Therefore, it is proposed that Condition 4 is varied as follows:

*No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.*

**Condition 20**

Condition 20 as worded in the decision notice states as follows:

*No development shall take place (apart from works of demolition) until a further investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings shall include:*

- a. *A survey of the extent, scale and nature of any contamination;*
- b. *An assessment of the potential risks to:*
  - o *Human health;*
  - o *Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;*
  - o *Adjoining land;*
  - o *Ground and surface waters;*
  - o *Ecological systems; and,*
  - o *Archaeological sites.*
- c. *An appraisal of remedial options, and proposal of the preferred option(s).*

*This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

The reason given for the condition within the decision notice was:

*To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

As recommended in the Phase II Site Investigation Report submitted with the original planning application, further validation testing is required following demolition of the existing campus buildings and infrastructure. The applicant has stated that due to the nature of the site and timescales, including site constraints such as bats, it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development. It is requested therefore that the condition is varied to allow appropriate investigation for each phase to be carried out as the development progresses. The wording suggested by the applicant is as follows:

*In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings shall include:*

- a. *A survey of the extent, scale and nature of any contamination;*
- b. *An assessment of the potential risks to:*
  - o *Human health;*
  - o *Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;*
  - o *Adjoining land;*
  - o *Ground and surface waters;*
  - o *Ecological systems; and,*
  - o *Archaeological sites.*
- c. *An appraisal of remedial options, and proposal of the preferred option(s).*

*This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*

Although the applicant states that it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development, it appears that the need to vary the condition is more because to provide the further investigation and risk assessment requires the demolition of the buildings and that restrictions on when buildings can be demolished mean that it may not prove practical to complete demolition of all the buildings prior to commencing other phases of the development. The Environmental Health Division has no objections to the variation to Condition 20 and the wording proposed by the applicant is considered appropriate with the addition of the words *'the remainder of'* prior to the word *'development'*.

Although the Parish Council state that they would not wish to see parts of the site lying derelict for substantial periods of time, the variation in the wording does not alter the likelihood of this happening, there being no controls in the existing permission which seek to limit the time between demolition works and the new build, and there has been no change that would justify introducing any such restriction. Furthermore there is no reason to believe that parts of the site will lie undeveloped for any period of time.

## **Condition 22**

Condition 22 as worded in the decision notice states as follows:

*The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted and no development shall take place (apart from works of demolition) until that report has been approved in writing by the Local Planning Authority.*

The reason given for the condition within the decision notice was:

*To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of the National Planning Policy Framework (2012).*

The final verification report will only become available once the whole site, and therefore remediation, is completed. The applicant has requested that to enable the commencement of development the verification report be submitted in accordance with the timeframe submitted and required by Condition 21.

The wording suggested by the applicant is as follows:

*The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.*

The Environmental Health Division has no objections to the variation to Condition 22 and the wording proposed by the applicant is considered appropriate.

## **Planning Obligation**

The previous permission was only granted following the entering into a Section 106 agreement securing a number of matters, all of which remain relevant and therefore a further obligation would be required to be entered into to ensure that these matters continue to be secured.

## **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](#)

None relevant

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

None relevant

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

### **Relevant Planning History**

15/01004/FUL Demolition of the Management Centre buildings at the Hawthorns, Keele and construction of student accommodation at Keele University Campus and residential development at The Hawthorns in the village of Keele – Approved

15/01009/FUL Demolition of Management Centre Buildings at The Hawthorns - Approved

### **Views of Consultees**

The **Highway Authority** has no objections.

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

**Keele Parish Council** makes the following comments:

- Concern is expressed that no justification or explanation for the proposed changes is provided by the applicant.
- No objection is raised to the change to Condition 4.
- It is accepted that phasing of site investigation and risk assessment may be reasonable given the size and diversity of uses on the site but explanation is sought of the implications of phasing for local residents.
- The Parish Council would expect the local community to be kept informed throughout the construction process and they would not wish to see parts of the site lying derelict for substantial periods of time.
- No objection is raised to the changes to Condition 22 but it is requested that the wording of the reason for the condition be retained.

### **Representations**

None received

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

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00646/FUL>

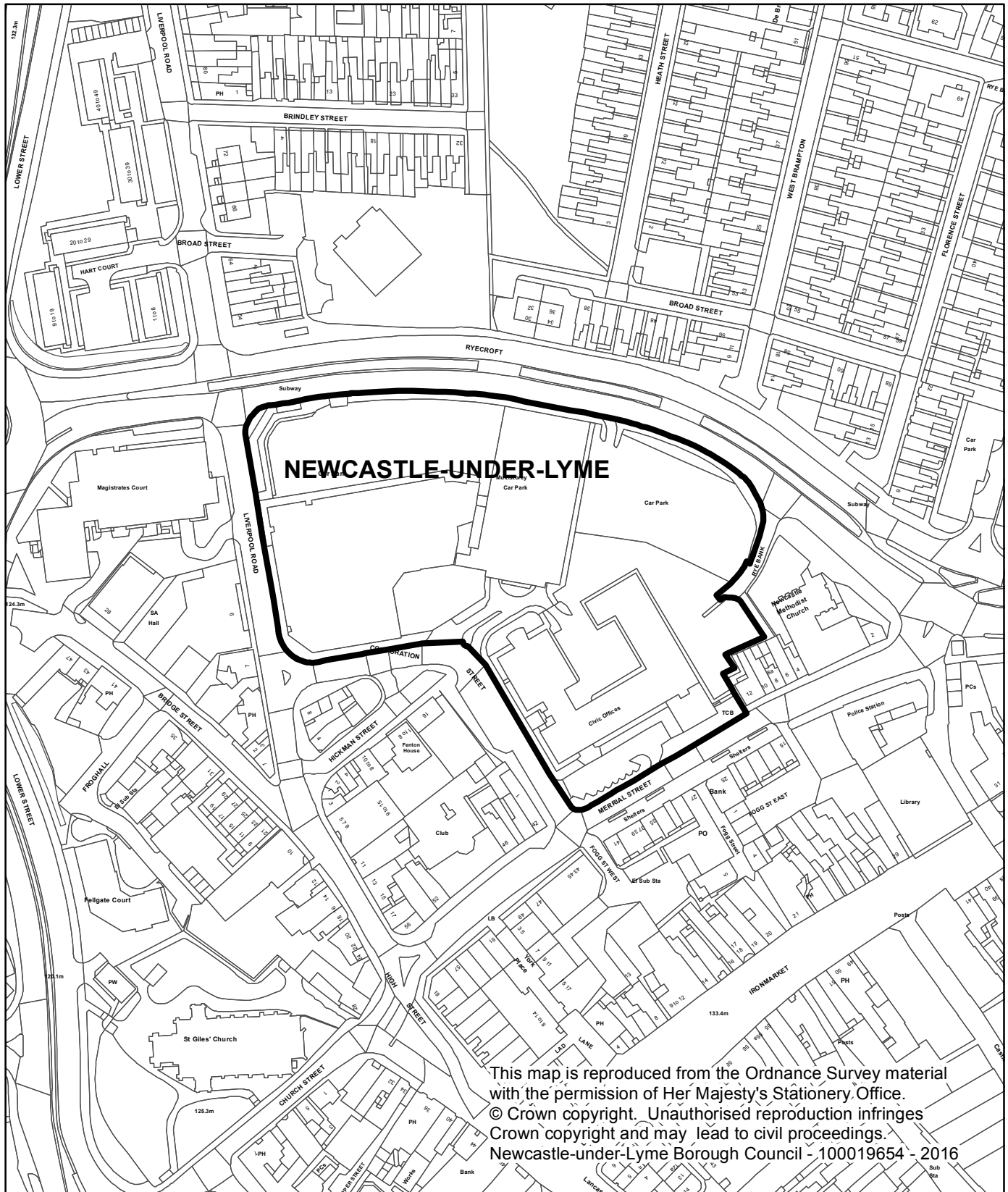
**Background papers**

Planning files referred to  
Planning Documents referred to

**Date report prepared**

20<sup>th</sup> September 2017





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## LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT

### LAND RECOVERY LIMITED

SOTCC ref 61315/FUL (NuIBC ref 348/243)

The Borough Council has been consulted by the City Council on an application for full planning permission for the redevelopment of the former Esso Depot off Chemical Lane in the City Council's area and the construction of a rail freight terminal to provide recyclable materials transfer and general storage and distribution facilities, associated offices, parking, landscaping, vehicular access and retrospective permission for the erection of 3m high security fencing and the operating of outside storage areas. The application also includes a change of use to accept waste ballast, stone and hardcore (including those contaminated with hazardous substances) for the purpose of re-cycling, erection of a re-cycling facility including waste containment and transfer buildings.

The site is located within the Stoke-on-Trent Inner Urban Core Area as indicated on the Local Development Framework Proposals Map. The site is also within the Ceramic Valley Enterprise Zone, forming part of the Highgate / Ravensdale site.

**For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 11th October.**

### RECOMMENDATION

**That the City Council be informed that the Borough Council has no objections to the proposed development subject to the City Council assessing the impact of air quality and noise on the residential amenity of a residential caravan on Copp Lane, which lies to the south east of the most westerly Tunstall Bypass roundabout on the site (sometimes known as Chatterley Gateway) and controlling lighting through a condition of any permission in accordance with the recommendations of the Borough Council's Environmental Health Division.**

### Reason for Recommendation

The supporting information indicates that the development will not affect the interests of the Borough by virtue of highway impacts and flood risk. There is the potential, however, for the residential amenity of a residential caravan on Copp Lane to be adversely affected by air quality and noise arising from the development and this should be assessed and considered. In addition lighting could have an impact on amenity within the adjacent part of the Borough and should be controlled through condition.

### Key Issues

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the redevelopment of the former Esso Depot and the construction of a rail freight terminal to provide recyclable materials transfer as described above.

The Borough Council has been asked for its views on this proposal – the City Council being the Planning Authority. The Planning Committee, with respect to “major developments”, is the part of the Borough Council which decides what comments are to be put to the City Council in response to such consultations. The boundary between the borough and the City lies on the western side of the application site, on the other (western) side of the West Coast Main railway line.

The total site area is 4.7 hectares. Vehicular access to the site is taken via Chemical Lane.

The Trent and Mersey Canal is located approximately 200m east of the site and is designated as a Conservation Area.

The site is located within the Stoke-on-Trent Inner Urban Core Area as indicated on the Local Development Framework Proposals Map. The site is also within the Ceramic Valley Enterprise Zone, forming part of the Highgate / Ravensdale site.

The Borough Council is not the local planning authority for the area. The only considerations are the issues which might affect the interests of the Borough. Such issues do not include a consideration of the principle of the development, including the proposed rail freight terminal. Highway impacts, environmental issues and potential flood risk are issues that potentially affect the interests of the Borough and are considered below.

#### Impact on the highway network

Access to the site from Chemical Lane is via a narrow bridge over the adjacent West Coast Mainline. Given the narrowness of the bridge, which only allows single way movement it is intended to introduce a signalised junction.

The recyclable material is to arrive into the site via rail before being processed and recycled and exiting the site either by road or rail.

The capacity of the site access junction onto Chemical Lane and the Chemical Lane/A500/A527 junction has been analysed within a Transport Assessment which has been submitted in support of the application. The information provided indicates that such junctions can accommodate the additional traffic generated and that the impact of development traffic is not significant and would not materially affect the operation of the strategic road network.

The proposal does not, therefore, raise any highway safety concerns that could affect the interests of the Borough.

#### Environmental Issues

The Borough Council's Environmental Health Division have already commented directly to the City Council upon this application requesting that consideration is given, via assessment, to the effects of construction dust, operational dust and vehicle related emissions and noise on a residential caravan which is located some 200+ metres to the north west from the application site. In addition they have indicated that it is imperative that lighting of the railway sidings and the extended site area is controlled through condition in order to safeguard amenity.

#### Flood Risk

Currently there are understood to be frequent incidents of flooding that affects Chemical Lane and consequently the businesses located on Chemical Lane. The application is supported by a Flood Risk Assessment which indicates that such issues will not be exacerbated by the development – the site itself being situated in Flood Risk Zone 1. This Assessment has been considered by the Environment Agency who makes no comment. In light of that it is considered that the proposal does not raise any flood risk concerns that could affect the interests of the Borough.

## **APPENDIX**

### **Policies and proposals in the Development Plan relevant to this recommendation:**

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

Policy SP1 - Spatial Principles of Targeted Regeneration  
Policy SP2 - Spatial Principles of Economic Development  
Policy SP3 – Spatial Principles of Movement and Access  
Policy ASP3 - Stoke-on-Trent Outer Urban Core Area Spatial Policy

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

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

#### Relevant Planning History

The site has in the past been granted permission for employment, and more recently in 2014 planning permission was granted for the change of use of part of the site to accept waste ballast, stone and hardcore for the purposes of recycling to produce aggregates and concrete products. The Borough Council was not consulted on that particular application.

#### Applicants Submission

The application is supported by a number of documents including:-

- Transport Statement
- Planning Statement
- Flood Risk Assessment
- Heritage Impact Assessment
- Noise Impact Assessment

All these documents, and other application documents, are available to view on Stoke City Council's website <https://planning.stoke.gov.uk/online-applications/> using the City Council reference 61315/FUL. The website also shows the comments of the Environmental Health Division.

### **Background Papers**

Planning Policy documents referred to  
Planning files referred to

### **Date Report Prepared**

25<sup>th</sup> September 2017

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**PLOT 37, BIRCH TREE LANE, WHITMORE**  
**TRUSTEES OF WHITMORE ESTATES**

**17/00445/ful**

The report is to consider an application which seeks planning permission for a detached dwelling and associated access.

The application site is located on Birch Tree Lane, in Whitmore. The site is located within the Green Belt, and an area of Landscape Restoration as defined within the Local Development Framework.

**The statutory 8 week determination period for the application has been extended until the 10<sup>th</sup> October 2017.**

**RECOMMENDATION**

**PERMIT subject to the following conditions;**

- 1. Time limit**
- 2. Submission of materials**
- 3. In accordance with the approved plans**
- 4. Contaminated land investigation and risk assessment to be submitted**
- 6. Tree protection in accordance with BS5837:2012 and submitted drawing**
- 7. Development in accordance with Arboricultural Method Statement for tree protection**
- 8. Prior approval of landscaping proposals**
- 9. Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting**
- 10. Arboricultural site monitoring schedule**
- 11. Implement recommendations within the Phase 1 Extended Habitat Survey received with the application**
- 12. Prior approval and implementation of sewage plant equipment on site**

**Reason for recommendation**

The development is inappropriate development within the Green Belt. There is, however, an extant outline planning permission for the residential development of this plot and a reserved matters application could lawfully be submitted at any time. In addition planning permission was granted for a dwelling on this site under application reference 15/00281/FUL. Such a 'fall back' position amounts to very special circumstances required. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12 and T16 of the Local Plan, Policy CSP 1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

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

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

**KEY ISSUES**

The application seeks planning permission for the erection of a detached dwelling on a site off Birch Tree Road. The application site is located within an area of Green Belt, therefore the key consideration with regard to the principle of development is whether the proposal represents inappropriate development within the Green Belt. In addition it is within a landscape maintenance area as indicated on the Local Development Framework Proposals Map.

The site is located just beyond the HS2 route, and as such any impact caused by the new railway should be acceptable. An extended Phase 1 Habitat Survey was submitted with the application, and states that the development would have very little harm to protected species on site providing the recommendations from the survey are implemented. The key issues to consider as part of the development are therefore as follows;

- Is the development inappropriate development within the Green Belt and if so, are any very special circumstances in place to outweigh harm to the Green Belt
- Impact of design upon the character of the area
- Impact upon the amenities of neighbouring residents
- Highway implications
- Impact of the proposal on trees
- Impact upon protected species

Is the development considered appropriate development in the Green Belt, and if so are any very special circumstances in place to outweigh harm to the Green Belt?

The construction of new buildings in the Green Belt is inappropriate development, unless they are one of the exceptions listed in paragraph 89 of the NPPF. The proposal does not fall into any of the exception criteria listed, therefore the proposed development must be considered as inappropriate development within the Green Belt as was the conclusion in respect of the dwelling proposed under application reference 15/00281/FUL. As such, the key question is whether there are any very special circumstances in favour of the development.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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 circumstances.

Application 12/00180PLD established that the site had an extant consent for outline permission for a dwelling on the site (application reference NNR1378) and that there was no time limit in place for the submission of reserved matters. The principle of residential development of this site has therefore been established.

The extant consent is considered to be a genuine 'fall back' position and such a matter is considered to be the a very special circumstance required that justifies granting planning permission.

In light of the very special circumstance of the extant consent, it is considered that the principle of residential development is accepted.

#### The design of the development and impact on the character of the area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

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

The proposed dwelling would be split level, with a two storey elevation facing onto Birch Tree Lane. The dwelling would be contemporary design with pitched roof measuring approximately 9.2m in height to the front elevation. The scale of the proposed dwelling is not considered to be too large for the size of the plot, or in relation to other properties on the street.

The dwelling would be set slightly into the site, and positioned at a 45-degree angle to the road, which is considered to be visually acceptable and in keeping with the character of the area.

The proposed dwelling would be constructed in render, timber with a fibre cement slate roof and aluminium framed windows to compliment the design. In order to ensure that appropriate materials



are used for the development, it is considered that materials would need prior approval from the Local Planning Authority.

Birch Tree Lane is made up of detached dwellings within substantial plots. There is a number of single storey bungalow accommodation, some split level dwellings and also two storey properties. There is no defined character on the street, with some dwellings being very contemporary in their design, such as Glen Falls. As there is no defined character, it is considered that the design of the proposed split level dwelling would not be out-of-keeping with the area.

The proposed dwelling is considered to be of appropriate design, and would be in keeping with the character of the area and would not adversely affect the street scene.

Is the impact on residential amenity acceptable?

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

The Council's Supplementary Planning Guidance; Space around Dwellings seeks to ensure that new development retains sufficient spacing in order to prevent an adverse impact upon the amenities of neighbouring residents.

The orientation of the dwelling within the site would mean the front elevation of the dwelling is at an offset angle towards neighbouring dwelling Misty Heights. The amenities of this neighbour would not be adversely affected due to the significant vegetation and trees between the dwellings.

A distance in excess of 50m would be retained between the proposed dwelling and neighbours to the rear; Foxdene and Woodycrest. A distance of 25m would be retained between the side elevation of the proposed dwelling and Craggen to the north-east. The distances would be in compliance with the council's SPD and as such the proposed dwelling would not adversely affect the amenities of any of these neighbouring residents.

The rear amenity space proposed to the dwelling will be somewhat limited due to the trees to the rear of the site, however the proposal includes the addition of decking, which would provide a reasonable useable space to the occupiers of the property. The total area of the rear amenity space would exceed the minimum standards within the SPD.

Are there any highway safety issues?

The access point would be taken from Birch Tree Lane which is a private road. As such, the Highway Authority raises no objections to the development, however notes that visibility would be restricted in one direction due to exiting evergreen planting to the front of Misty Heights. Given the limited vehicular movements on Birch Tree Lane it is considered that such restrictions to visibility will not result in a highway safety concern that would justify refusal of planning permission.

Is the impact on trees and the landscape acceptable?

The application site contains a number of protected trees under T62a, and the development would result in an impact upon those trees. However as stated above, the application site has the benefit of an extant consent for a dwelling, and as the consent was granted prior to the TPO being placed on the site, the planning permission is given precedence over the impact upon the trees. In addition a dwelling has been permitted of a design and location that minimises the loss of trees within the site

The Landscape Development Section have requested, during the application process, additional supporting information that will assist their consideration of the level of impact that this development will have on the trees within and adjoining the site. Additional information has been received and their comments are awaited which will be reported separately.

## APPENDIX

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

[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 S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N19: Landscape Maintenance Areas

### Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

EC Habitats Directive

[The Conservation of Habitats and Species Regulations 2010](#)

### Relevant Planning History

2015	15/00281/FUL	Permitted	Detached dwelling
2015	14/00784/FUL	Withdrawn	Detached dwelling
2012	12/00180/PLD	Approved	Certificate of Lawful Development for proposed development
1968	NNR1378	Permitted	Erection of dwellinghouses

### Views of Consultees

**Whitmore Parish Council:** notes that planning permission for a massive dwelling has already been granted on this site despite their strong objections on a number of issued and as such they offer no comments on this application

**Landscape Development Section:** their response to the supporting information recently submitted at their request is awaited.

**Highways Authority:** No objections to the proposal, however note Birch Tree Lane is a private road and that the applicant will need to ensure rights of access are given from its owners.

**Environmental Health:** No objections subject to a condition relating to hours of construction and contaminated land survey.

**County Historic Environment Advisor** – whilst there is a degree of archaeological interest in the sider landscape, the proposal appears to have been utilised as a gravel pit within an area of common land in the late 19<sup>th</sup> century. Consequently on historic environment concerns are raised.

**HS2:** The site is not located with the safeguarding area, and as such HS2 offer no comments to make

## Representations

Three letters of representation were received during the course of the application and a summary of the comments are provided below;

- The site has been empty for 40 years and something being built will offer a visual improvement
- Consent being granted should be after consultation with neighbours
- Permission should only be granted if a compound area is provided on site, observation of local by-laws in terms of noise and also that any damage to the private road is fixed by the applicant.
- Concerns regarding the right of access
- No foul and surface water information submitted – impact upon neighbouring property must be addressed
- Application different to last approval on site
- Loss of hedging and trees and the impact upon wildlife
- No on site provision for construction vehicles
- Civil matters should not be 'non planning matters'
- Not suitable road for construction traffic

## Applicant/agent's submission

The application is supported by a Design and Access Statement and an Arboricultural Impact Assessment. The full documents are available for inspection at the Guildhall and on the Council's website [www.newcastle-staffs.gov.uk/planning/17/00445/FUL](http://www.newcastle-staffs.gov.uk/planning/17/00445/FUL)

## Background Papers

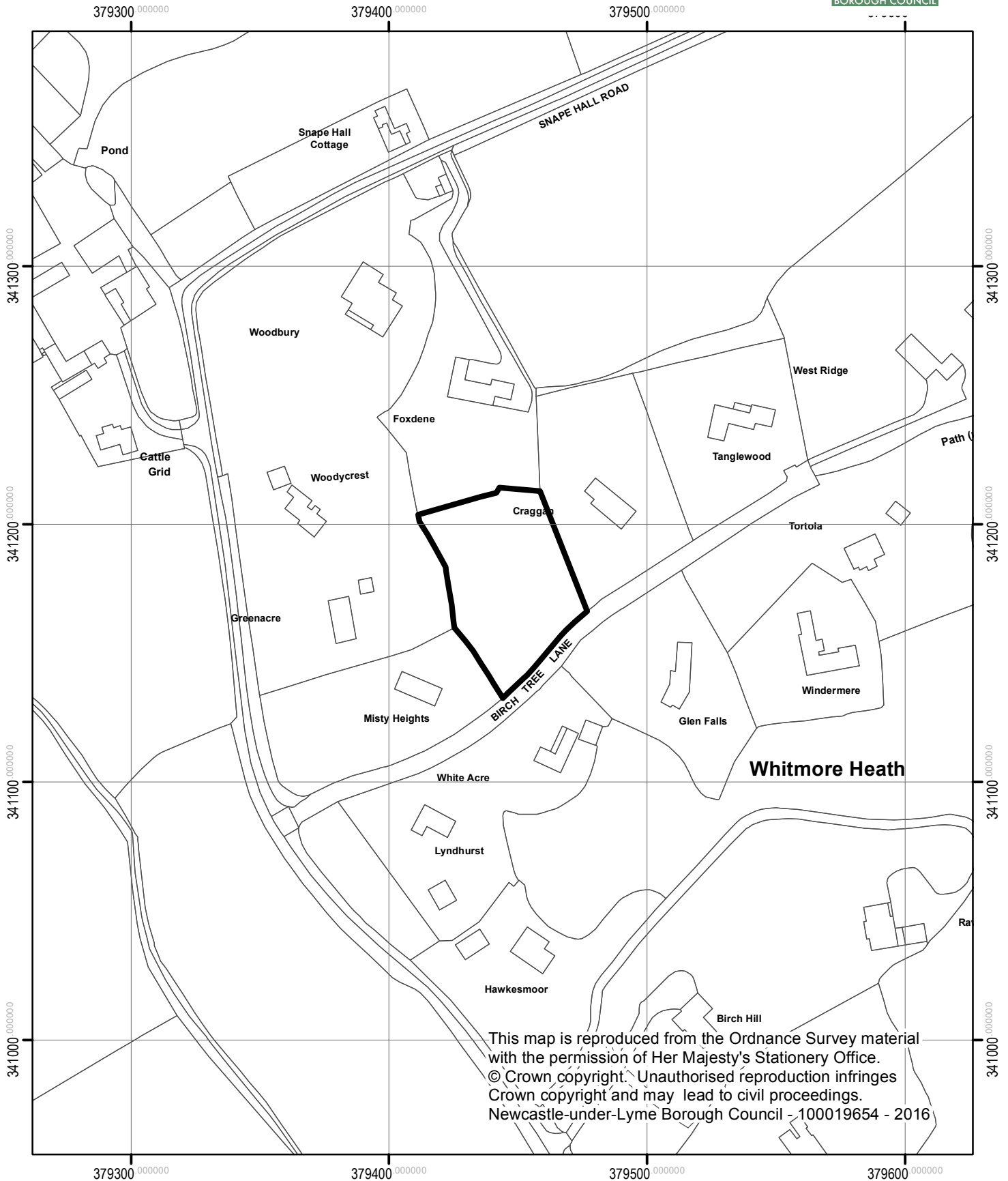
Planning File  
Development Plan

## Date report prepared

25 September 2017

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**Plot 37, Birch Tree Lane, Whitmore  
17/00445/FUL**



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**CARTREF, RYE HILLS, AUDLEY**  
**MR & MRS COTTERILL**

**17/00503/FUL**

The Application is for full planning permission for a detached dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

**The 8 week determination period expired on the 24<sup>th</sup> August 2017 but the applicant has agreed to an extension of the statutory period to 13<sup>th</sup> October 2017.**

## **RECOMMENDATION**

**A) Subject to the applicant entering into a Section 106 obligation by 21<sup>st</sup> November 2017 to secure a public open space contribution of £5,579 towards improvements to Wereton Road/Queen Street Play Area,**

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

- 1. Time limit**
- 2. Approved plans**
- 3. Completion of dwelling approved under Ref. 14/00322/FUL prior to commencement of development**
- 4. Landscaping scheme**
- 5. Contaminated land**
- 6. Visibility splays**
- 7. Provision of access and parking area**
- 8. Surfacing of access drive**
- 9. Materials**
- 10. Boundary treatments**

**B) Should the planning obligation as referred to at A) 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 a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.**

## **Reason for Recommendation**

Although there is an extant planning permission on the adjoining site for a bungalow, given that there is currently no building on the site it is not possible to say that the proposed dwelling would comprise 'infill', and therefore it constitutes inappropriate development in the Green Belt. However, if that dwelling was constructed, the current proposal would then comprise appropriate development, and therefore subject to a condition requiring the construction of the bungalow approved under Ref. 14/00322/FUL prior to the construction of the dwelling now proposed, it is considered that the 'very special circumstances' exist to justify what is currently inappropriate development.

The design of the dwelling would be appropriate to this location and would have no adverse impact on the character or quality of the landscape.

A financial contribution towards public open space provision is required by current policy and is deemed appropriate.

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

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

## **KEY ISSUES**

The application is for full planning permission for a detached dwelling on this site which lies within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

Planning permission was refused in 2015 for a new dwelling on this site (15/00020/FUL) for the following reasons:

- 1. The development represents inappropriate development in the Green Belt, and there are no very special circumstances that would outweigh the harm caused by virtue of the development's inappropriateness, or any other harm, to the openness of the Green Belt, contrary to Policy S3 of the Local Plan and the aims and objectives of the National Planning Policy Framework.*
- 2. The development, by virtue of its size and massing, would erode the character and quality of the area of Landscape Restoration, contrary to Policies N17 and N21 of the Local Plan and the aims and objectives of the National Planning Policy Framework.*

It is not considered that there are any issues of impact on highway safety, residential amenity or trees and therefore, the key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Is the design of the proposals and the impact on the character and appearance of the area acceptable?
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?
- What financial contributions are required?

### Is the proposal appropriate development within the Green Belt?

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

The NPPF indicates in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include limited infill in villages or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

In refusing the previous scheme for this site, it was concluded that the development represents inappropriate development in the Green Belt. The site is located on the end of a row of detached dwellings. There is an extant planning permission on the adjoining site to the north-west for a bungalow (Ref. 14/00322/FUL), and circumstances have changed slightly since the previous refusal as the details required by the pre-commencement conditions attached to that consent have been approved. However, it remains the case that there is currently no building on the site, and therefore it is not considered possible to conclude that the proposed dwelling would be within an otherwise built up frontage and that it comprises 'infill'. It is therefore concluded that the proposal represents inappropriate development in the Green Belt and should not be approved except in very special circumstances. This will be addressed below.

### Is the design of the proposals and the impact on the character and appearance of the area acceptable?

The NPPF places great importance on the requirement for good design, which is a key aspect of sustainable development. CSS Policy CSP1 broadly reflects the requirements for good design



contained within the NPPF, and the Urban Design Supplementary Planning Document provides detailed policies on design and layout of new housing development.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy RE5 of the Urban Design SPD requires new development in the rural area to respond to the typical forms of buildings in the village or locality. In doing so, designers should take into account and respond to, amongst other things, height of buildings and the pattern of building forms that helps to create the character of a settlement, for instance whether there is a consistency or variety.

Saved Local Plan Policy N21 seeks to restore the character of the area's landscape and improve the quality of the landscape. Within such an area it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

In refusing the previous scheme, it was considered that the development, by virtue of its size and massing, would erode the character and quality of the Area of Landscape Restoration. In the current scheme, the width and the massing of the dwelling has been reduced. There is a mix of dwelling styles in the immediate area and it is considered that the scale and design now submitted would be appropriate to this location and would have no adverse impact on the character or quality of the landscape. There are no significant landscape features within the site that would be removed or adversely affected by the proposal. In conclusion, it is considered that the proposal would comply with saved Policy N21 of the Local Plan and the general design requirements outlined in the NPPF.

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

The NPPF sets out that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further indicates that very special circumstances (to justify inappropriate development) will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

As discussed above, there is an extant planning permission on the adjoining site to the north-west for a bungalow (Ref. 14/00322/FUL), and circumstances have changed slightly since the previous refusal as the details required by the pre-commencement conditions attached to that consent have been approved. However, given that there is currently no building on the site and that it is therefore not possible to say that the proposed dwelling would comprise 'infill', it must be concluded that the proposal represents inappropriate development in the Green Belt.

If the bungalow to the north-west had been constructed, it would be the case that the dwelling now proposed would be within an otherwise built up frontage and it would comprise 'infill' within a village. If that were the case, it would be possible to conclude that the proposal represents appropriate development in the Green Belt. The applicant's agent has suggested the imposition of a condition requiring the construction of the bungalow approved under Ref. 14/00322/FUL prior to the construction of the dwelling now proposed. Your officer has considered this suggestion and given the particular circumstances here, in that there is an extant permission for a dwelling on the adjacent plot and that if that dwelling had been constructed, the current proposal would comprise appropriate development, it is felt that such a condition would be appropriate and would constitute the 'very special circumstances' to justify what is currently inappropriate development.

#### What financial contributions are required?

The Open Space Strategy which was adopted by the Council on the 22nd March 2017 requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- Necessary to make the development acceptable in planning terms

- Directly related to the development, and
- Fairly and reasonably related in scale and kind to the development.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

A tariff style contribution is defined as one where the intention is to require a contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section has indicated that the contribution in this case would be applied to Wereton Road/Queen Street Parish Council play area so it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

Wereton Road/Queen Street Park is approximately 800m along a public footpath from the application site and the contribution being sought is considered to meet the statutory tests. The contribution is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy.

For the avoidance of doubt it can be confirmed that the obligation would not be contrary to Regulation 123 either.

## **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

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

Policy S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy T16: Development – General Parking Requirements  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees Policy  
Policy N17: Landscape Character – General Consideration  
Policy N21: Area of Landscape Restoration

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Supplementary Planning Guidance/Documents](#)

[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](#)

### **Relevant Planning History**

15/00020/FUL Detached dwelling and new vehicular access Refused

Planning permission has been granted for a two bedroom bungalow and single detached garage on land adjacent to this application site (Ref. 14/00322/FUL).

### **Views of Consultees**

The **Environmental Health Division** has no objections subject to contaminated land conditions.

The **Highway Authority** has no objections subject to conditions regarding visibility splays, provision of parking and access and surfacing and maintenance of the access drive.

The **Landscape Development Section** has no objections subject to approval of a landscaping scheme.

**Audley Parish Council** do not support this development as it is considered to be inappropriate development within the Green Belt with no special circumstances to warrant building another house and outweigh the harm to the openness of the Green Belt – conflicting with the Green Belt Policy. Additionally the site had recently been refused permission albeit for a slightly larger property, it was however still considered inappropriate to construct any new dwelling in the Green Belt with no special

circumstances present. The dwelling permitted under 14/00322/FUL has not yet been built therefore this application will not be infill development. The Planning Department are asked to remain consistent with their earlier decisions. The traffic issues are worsening on that road, with double parking present and on pavements.

### Representations

Two letters of representation have been received. Objection is raised on the following grounds:

- The application is for infill but the property on the adjacent site has not been built so it can't be infill.
- Any removal of the holly hedge frontage would damage a wildlife/bird nesting haven.
- The development will reduce the openness of the Green Belt.
- There will be an impact on the longer distance views of the properties adjacent and opposite.
- The application does not replace any existing structures.
- The design is aesthetically poor and is not in keeping with recent developments and the proposed bungalow.
- The height and design will overshadow the adjacent property, if it is built.
- The dwelling will be situated on a busy main road and another access would increase the risk of accidents and would limit pedestrian walkways used by children and dog walkers.

### Applicant/agent's submission

Application forms and plans have been submitted along with a Geo-environmental Report. These documents are available for inspection at the Guildhall and via the following link

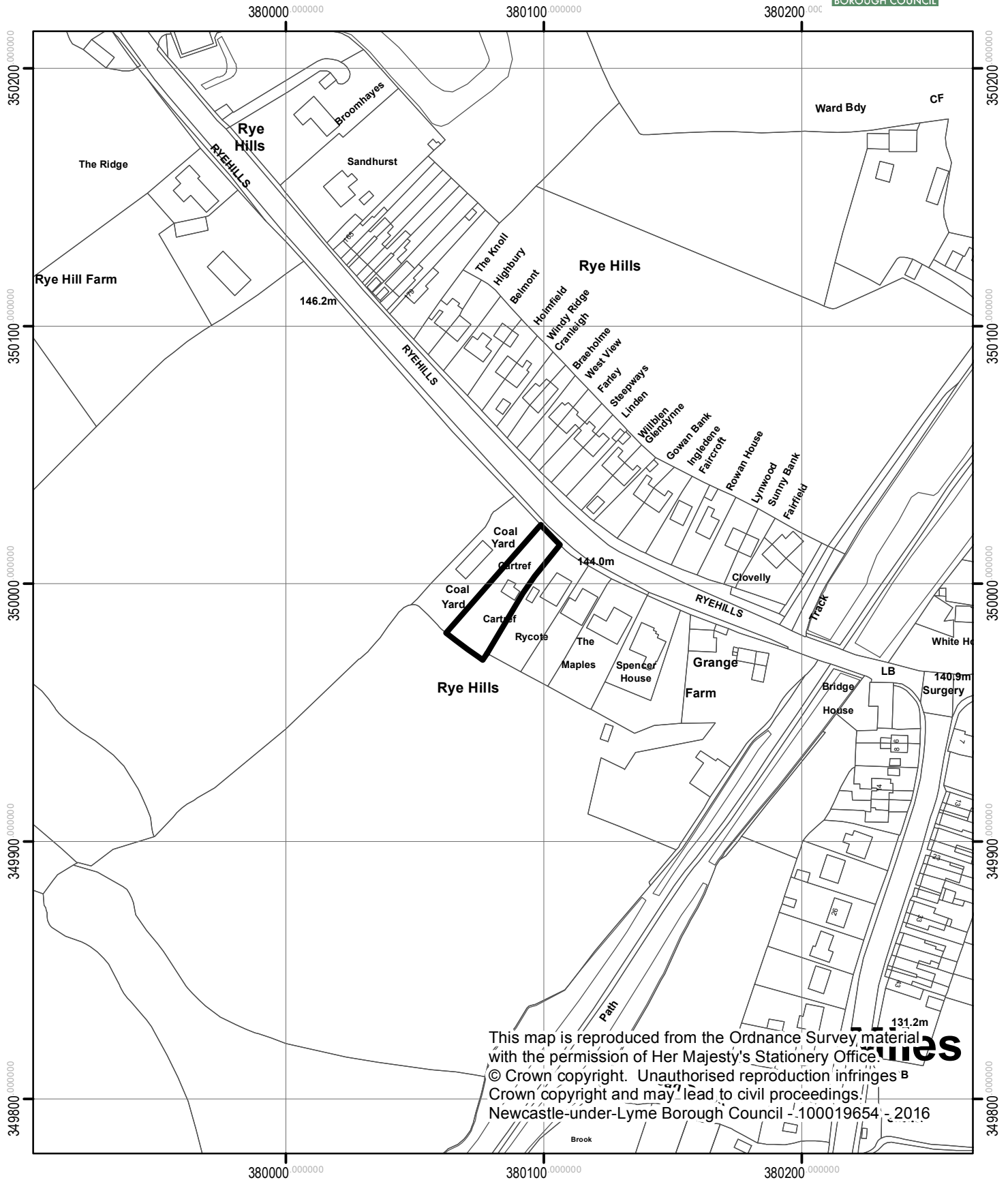
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00503/FUL>

### Background Papers

Planning files referred to  
Planning Documents referred to

### Date report prepared

22<sup>nd</sup> September 2017



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 Newcastle-under-Lyme Borough Council - 100019654 - 2016

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**JOLLIES FIELD PLAYING FIELD TO THE NORTH OF NEWCASTLE STREET, SILVERDALE**  
**IBSTOCK BRICK LTD (MR NICK SPENCE)** **17/00550/FUL**

The application is for full planning permission for the erection of a security fence around the existing playing fields at Jollies Field.

The application site is located within the Green Belt and an Area of Landscape Regeneration as identified within the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 25<sup>th</sup> August 2017 but the applicant has agreed to an extension of time of the statutory determination period to the 13<sup>th</sup> October 2017.

**RECOMMENDATION**

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

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**

**Reason for Recommendation**

Whilst it is not considered that the proposed fencing would have any significant adverse impact on the character and appearance of the area, it has to be concluded that it constitutes inappropriate development in Green Belt policy terms. Whilst the fencing is not insignificant by reason of its height, it has little volume or mass and the openness of the site is in effect maintained by the proposals. It is considered that the benefits in terms of the provision of improved outdoor sport facilities in a location that is already used for that purpose, outweigh any harm by definition and it is considered that the required very special circumstances do exist and that planning permission can be granted.

**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 complies with the provisions of the National Planning Policy Framework.

**Key Issues**

The application seeks planning permission for the erection of a security fence around existing playing fields at Jollies Field.

The site is located within the Green Belt and an Area of Landscape Regeneration as identified within the Local Development Framework Proposals Map. The key issues in the determination of this planning application are as follows:

- Does the proposal comprise appropriate development within the Green Belt?
- Would the development have any adverse impact on the character and appearance of the area?
- If the development is inappropriate development within the Green Belt do the required very special circumstances exist so as to justify approval?

**Does the proposal comprise appropriate development within the Green Belt?**

The application site is located within the Green Belt. Paragraph 79 of the NPPF indicates that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.” Paragraph 87 of the NPPF goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings.

Paragraphs 89 and 90 of the NPPF indicate that certain limited forms of development are not inappropriate development within the Green Belt but none of those listed match the proposed works. Accordingly the conclusion has to be that the fence must be viewed as inappropriate development in Green Belt terms. The question of whether the required very special circumstances exist to justify a grant of planning permission will be addressed later on in this report.

**Would the development have any adverse impact on the character and appearance of the area?**

The mesh fence would be erected around the perimeter of the football pitch. It would be 2.4m in height on the northern and southern boundaries and 3m high on the western and eastern boundaries. A single gate is to be provided on the northern, southern and western boundaries and a double gate providing vehicular access is proposed on the eastern boundary. The fence is to be green in colour.

The site lies within an Area of Landscape Regeneration and Policy N22 of the LP states that within such areas, the Council will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location.

The site is surrounded by substantial mature landscaping and is barely visible from any public viewpoints. Whilst the fencing would not be insignificant in height, it would be against the backdrop of the trees and it is not considered that it would have any significant adverse impact on the character and appearance of the area. The Landscape Development Section has no objections subject to tree protection conditions.

**If the development is inappropriate development within the Green Belt do the required very special circumstances exist so as to justify approval?**

Given the conclusion above – that the fencing does not constitute appropriate development in the Green Belt – the Committee must decide whether it considers the required “very special circumstances” exist. Inappropriate development is, by definition, considered to be harmful to the Green Belt and the NPPF indicates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that ‘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 application states that Knutton Quarry received planning consent to deepen Knutton Quarry in August 2012 and that consent is subject to a Section 106 Agreement that includes a requirement for Ibstock Brick Ltd to maintain the football pitch at Jollies Field and to fund the reasonable costs of fencing the football pitch. The Borough Council will accept the Deed of Gift when it is satisfied that the ‘management plan for Jollies Field and the Plantation Area has been agreed, including the type, height, location and colour of the fencing erected around Jollies Field’. In recent years, the requirement for the fencing has become increasingly crucial for the ongoing use of the field as it is frequently subject to problems of antisocial behaviour and vandalism.

On the harm side, whilst the fencing is not insignificant by reason of its height, it has little volume or mass and the openness of the site is in effect maintained by the proposals. As discussed above, in landscape terms there is not considered to be any material harm. That leaves the harm that by definition flows from inappropriate development itself. On the positive side, to be weighed against such harm, there are undoubted benefits in terms of the provision of improved outdoor sport facilities in a location that is already used for that purpose. Finally reference can be made to the fact that one of the stated objectives of Green Belt policy is to provide opportunities for outdoor sport and recreation.

On the above basis it is considered that the required very special circumstances do exist and that planning permission can be granted.



## **APPENDIX**

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy S3: Development in the Green Belt  
Policy N17: Landscape Character – General Considerations  
Policy N22: Areas of Landscape Regeneration

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None

[Views of Consultees](#)

The **Landscape Development Section** has no objections subject to conditions requiring a tree protection plan and a schedule of works for existing trees on the periphery of the site.

**Silverdale Parish Council** supports the application.

The **Highway Authority** has no objections.

The **Crime Prevention Design Advisor** states that as a means to prevent littering, dog fouling, broken glass, drug and alcohol use and the lighting of small fires on the football pitch, the proposal to enclose the pitch to deny unauthorised access is clearly understood and supported. The choice of fencing appears to be a good one but there are no details of the proposed access gates. Gates can be easily climbed if there are square box sections typically housing the locking arrangement or if the gates are smooth topped or have horizontal or diagonal bars within the design. This advice should be passed on to the applicant so that the likelihood of problems can be reduced.

[Representations](#)

None received

[Applicant's/Agent's submission](#)

The application forms and plans have been submitted. These documents are available for inspection at the Guildhall and and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00550/FUL>

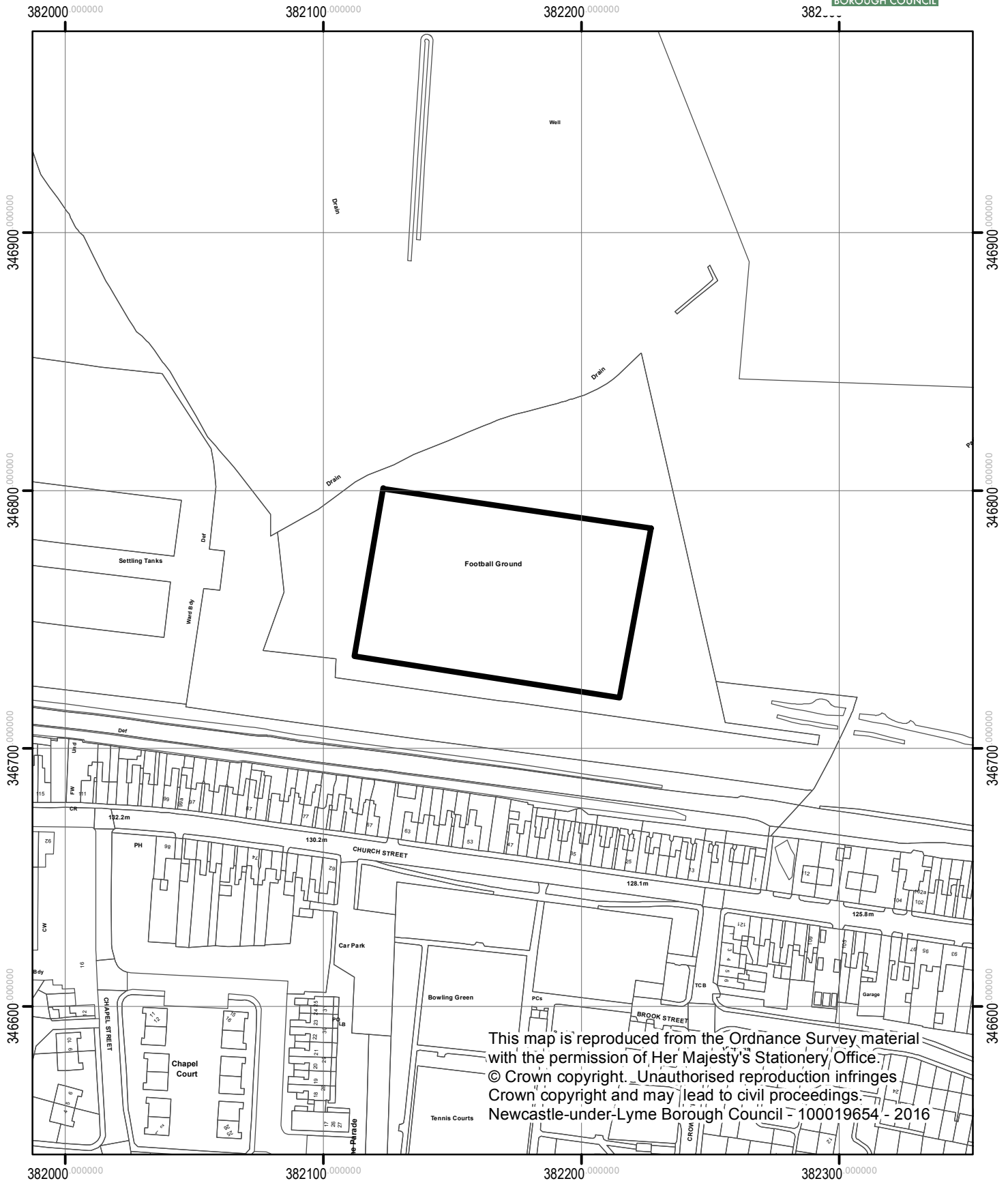
### **Background papers**

Planning files referred to

Planning Documents referred to

**Date report prepared**

13<sup>th</sup> September 2017



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**THE OLD WOOD, BETLEY HALL GARDENS, BETLEY**  
**MR DARRELL MANSFIELD**

**17/00652/FUL**

The application is for full planning permission for a replacement outbuilding for storing implements and staff facilities in association with domestic ground maintenance.

The application site lies in the Green Belt and within an Area of Active Landscape Conservation as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 25<sup>th</sup> September 2017 but the applicant has agreed to an extension of time of the statutory determination period to the 12<sup>th</sup> October 2017.**

**RECOMMENDATION**

Permit with conditions relating to the following:

1. Standard time limit
2. Approved plans
3. Materials as indicated on application form unless otherwise agreed
4. Replacement trees
5. Tree protection
6. Arboricultural method statement

**Reason for Recommendation**

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

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

Whilst the proposal includes inappropriate development in the Green Belt it is considered that the impact on the openness of the Green Belt would be less than an identified fall-back position and this is considered to represent the very special circumstances necessary to justify the development.

**Key Issues**

The application is for full planning permission a proposed replacement outbuilding for storing implements and staff facilities in association with domestic ground maintenance. It is a resubmission of an application for a replacement detached building to be used for storage with rest room and overnight accommodation above, application reference 17/00163/FUL. That application was refused for the following reason.

*The proposed development is inappropriate development in the Green Belt as the replacement building is materially larger than the existing. No material considerations of any weight exist as to clearly outweigh the harm that would be caused by such inappropriate development and accordingly the required very special circumstances do not exist. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework and Policy S3 of the Newcastle-under-Lyme Local Plan 2011.*

The building currently proposed is smaller in scale than the previously refused building and does not include a rest room or overnight accommodation within the roof.

The property lies within the Green Belt, the Betley Conservation Area and within an Area of Active Landscape Conservation as defined by the Local Development Framework Proposals Map.

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

- Whether the proposal represents appropriate or inappropriate development within the Green Belt
- Effect on the openness of the Green Belt and the purposes for including land within it
- Design and impact on the character and appearance of the Conservation Area.
- If inappropriate development, do the required very special circumstances exist to outweigh the harm to the openness of the Green Belt?

#### Appropriate or inappropriate development in the Green Belt

The National Planning Policy Framework indicates at paragraph 89 that construction of new buildings should be regarded as inappropriate development and that exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposal involves the replacement of an existing storage building and ground keeper's rest room with a new storage building with workshop, and kitchen and WC for grounds staff. It is therefore in the same use. It is however materially larger than the existing with a 48% increase in floor area and a 112% increase in volume. As such it constitutes inappropriate development in the Green Belt.

Whether there are very special circumstances is considered at the end of the report.

#### Effect on the openness of the Green Belt and the purposes for including land within it

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 building would be double the volume of the existing building.

The five purposes of the Green Belt are set out in paragraph 80 of the NPPF and one of them is to assist in safeguarding the countryside from encroachment. None of the other purposes would be transgressed. While the building would include an infringement into an undeveloped area, it would closely relate to the existing building it replaces. Overall, there would be no greater impact on this Green Belt purpose. Nevertheless, the proposal would materially erode the openness of the Green Belt, in conflict with the NPPF.

#### Design and assessment impact of the development on the character and appearance of the Conservation Area

The Government attaches great importance to requiring good design, and that good design is a key aspect of sustainable development and is indivisible from good planning.

When determining planning applications, local planning authorities are required to assess the significance of a heritage asset and the impact of the proposed development upon the setting of a heritage asset. The property is within a Conservation Area, therefore this assessment needs to be made to ensure that the proposal would not be harmful.

The existing building is located in a wooded area to the north-west of the property. It has little architectural merit appearing like a small stable building with lean to addition. The proposed building has a larger footprint with a pitched roof measuring approximately 3.7m to the ridge. It is to be constructed in brick, red cedar cladding and slate roof. The choice of materials are considered to be appropriate and in the location proposed is not harmful to any important views of features of the Conservation Area that add to its character.

Overall, it is considered that the proposal will achieve a good design, and will not harm the character and appearance of the Conservation Area, in accordance with policy. In reaching this conclusion it should be noted that the building as currently proposed is to be constructed of materials and of a design that are similar to that of the building previously proposed. Whilst refused the larger building previously proposed was deemed not to be harmful to the character and appearance of the Conservation Area.

Do the required very special circumstances exist that outweigh the harm caused by inappropriate development?

The applicant has provided information as to why the new building is needed. The indication is that the existing building is too small, is unfit for purpose (as it does not accommodate the applicant's tractor and is unsuitable for storing oil and diesel being wholly timber in construction) and requires modernisation. In addition the building has reached the end of its useable lifespan and to extend the building would therefore be unviable.

A fall-back position has been identified which is the construction of a larger outbuilding between the existing house and the adjoining lake (for which a Lawful Development Certificate has been issued reference 16/01080/PLD). The submission indicates that the proposed building is less harmful than this fall-back position as it is larger and in a more visually prominent position when approaching the house along the access drive.

The use of the proposed building is very similar to that which can take place within the 'fall-back' building. On the basis of the identified need for a new building there is a prospect that the 'fall-back' building will be constructed and therefore it is accepted that there is a fall-back position and that this is a material consideration in the determination of the planning application. The weight to be given to that fall-back is a matter for the decision maker.

It is agreed that the fall-back position, the building that can be constructed under permitted development rights, would have a greater visual impact than the proposed building given that it is located in a more prominent position than that proposed. That building is higher than the proposed building, being a maximum of 4m in height, and has a greater footprint and volume. The fall-back building therefore has a greater impact on the openness of the Green Belt than the building proposed and this should be given considerable weight in the determination of this application. In addition it is considered that the fall-back position would have a greater impact on the character and appearance of the Conservation Area.

The NPPF indicates, at paragraph 87, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. At paragraph 88 it states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

In this case given that the 'fall-back' building has a greater impact on the openness of the Green Belt than the building proposed it is concluded it is concluded that very special circumstances that justify the granting of inappropriate development exist in this case.

## **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 16: To eliminate poor quality development;  
Policy ASP6: Rural Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment

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

Policy S3 Development in the Green Belt  
Policy N18: Area of Active Landscape Conservation  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character of a Conservation Area  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

### **Relevant Planning History**

1984	N13739	Permit	Playroom extension and alterations to kitchen and bathroom
1985	N13957	Permit	Garage
1985	N14054	Permit	Extensions and alterations
2001	01/00610/FUL	Permit	Balcony to rear
2002	02/00511/FUL	Permit	Rear dormer, balcony and other alterations
2002	02/00556/FUL	Permit	Extensions
2016	16/1080/PLD	Permit	Proposed erection of an outbuilding for garden equipment and gym
2017	17/00163/FUL	Refuse	Erection of replacement detached building to be used for storage with rest room and overnight accommodation above

### **Views of Consultees**

**Conservation Advisory Working Party** – no objections.

**Conservation Officer** – no objections.

The **Landscape Development Section** indicates that their comments remain the same 17/00163/FUL which was - no objection subject to the following:

- Replacement trees to mitigate the loss of the four birch trees and improve the screening of the building.



- Conditions to be included to secure a detailed tree protection plan, and Arboricultural Method Statement

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

**Betley, Balterley & Wrinehill Parish Council** – object on the basis that the development is not in accordance with planning policy for the Green Belt in that an existing property is being demolished and instead of a replacement of a similar scale a larger building is proposed. The LPA has made clear elsewhere in the Parish that strict criteria have to be applied when considering the erection of larger buildings within the Green Belt. Reasons given by the applicant are not considered by the Parish Council to justify the very special circumstances necessary to justify such development within the Green Belt.

#### Representations

None

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

The application forms and plans 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/17/00652/FUL>

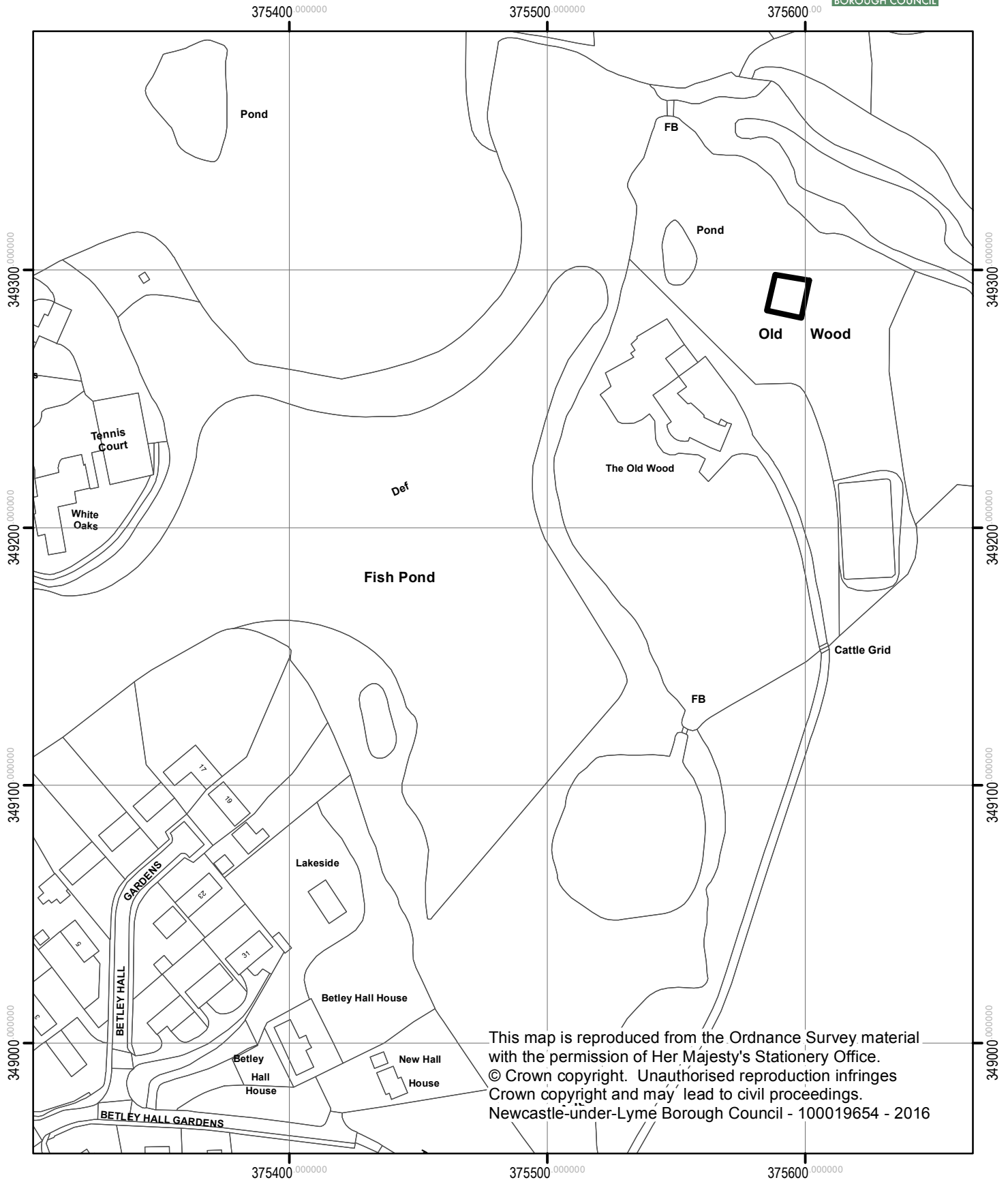
#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

21<sup>st</sup> September 2017

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**LAND BETWEEN 33 - 47 HIGH STREET, NEWCHAPEL**  
**TELEFONICA UK LTD AND CTIL**

**17/00772/TDET**

The proposal is for the installation of a 15 metre monopole with three antennas, one 0.6m diameter dish pole mounted above the headframe, three equipment cabinets and one meter cabinet all contained within a 7m x 5.5m compound enclosed by a 1.8m high palisade fence on two sides and an existing block wall and timber fence to the other two sides.

The application site lies within the Urban Area of Kidsgrove as defined on the Local Development Framework Proposals Map, adjacent to the Green Belt.

The application is a resubmission following a previous application which was withdrawn, app no. 17/00548/TDET.

**Unless a decision on this application is communicated to the developer by the 7<sup>th</sup> November 2017 the development will be able to proceed as proposed.**

**RECOMMENDATIONS**

- (a) That prior approval is required, and**
- (b) That such prior approval is GRANTED**

**Reason for Recommendation**

The appearance and siting of the development would not have a harmful impact upon the visual appearance of the street scene. In the absence of any visual harm and also taking into account the weight given to proposals related to the expansion of the telecommunications network permission should be granted. The proposal accords with the requirements of the NPPF, policy T19 of the Newcastle under Lyme Local Plan as well as policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026.

**KEY ISSUES**

The proposal is for the installation of a 15 metre monopole with three antennas, one 0.6m diameter dish pole mounted above the headframe, three equipment cabinets and one meter cabinet all contained within a 7m x 5.5m compound enclosed by a 1.8m high palisade fence on two sides and existing block wall and timber fence to the other two sides.

The application site is an existing storage yard on the edge of the urban area of Newchapel in Kidsgrove. The site borders the open countryside which is designated as Green Belt and as an Area of Landscape Restoration and has a number of residential properties in the vicinity along with commercial premises.

The scheme has been amended since the previous application which was withdrawn and a different monopole is now proposed. In all other respects the applications remains the same.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted. Notwithstanding the comments of the Environmental Health Division noise is not material to the determination as to whether prior approval is required or should be granted for the proposed telecommunications equipment, and the Council could not require the submission of the requested noise assessment.

Is prior approval is required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal is for a new 15 metre high monopole with antennas and ancillary ground based equipment. Whilst much of the ground based equipment will not be visible the monopole with its headframe, antennas and dish, due to its size and appearance, would be clearly visible within the street scene and it is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 42 of the NPPF details that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF also goes on to state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The applicant's submission focuses on the technical need for the new installation in this location which they consider justifies the development. The submission indicates that two operators would share the mast and the applicant indicates that a number of other sites in the immediate vicinity have been explored and discounted for a number of reasons. The height of the proposal is the minimum required to meet the technical coverage and capacity in the area.

The previous application proposed a 15 metre high monopole with exposed antenna. The application is now for a monopole that conceals the antennas in a shroud so that they are not visible. The monopole is also a slim line structure compared to the previous design and represents a considerable improvement.

The siting of the proposal would be immediately adjacent to a row of bungalows to the north and would be exposed to views. The proposal would also be exposed to views from the west. However, the revised design assimilates more readily into the environment compared to the previous design which would have appeared as an alien feature within the context of the area which is an urban area with adjacent buildings.

The NPPF supports high quality communications infrastructure and the application seeks to justify the development, including the technical need for coverage and there being no other alternative and suitable sites available.

On balance it is considered that the improved design of the monopole and the technical need for the development results in the siting and design being acceptable and it would meet 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](#)

CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns  
Policy T20: Telecommunications Development – Required Information

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

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

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

### Relevant Planning History

None relevant

### Views of Consultees

The **Environmental Health Division** has no objections in principal but request that information is provided regarding noise emissions from the equipment proposed to be installed and therefore issue a holding objection until that information has been provided and submitted.

**Kidsgrove Town Council** has been consulted and any comments received will be reported.

### Representations

One representation in support of the application has been received indicating the following:

- This will address problems with poor signal in the area.
- It will be hidden away and will not be unsightly.

### Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

The full documents are available for inspection at the Guildhall and on the Council's website <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00772/TDET>

### Background Papers

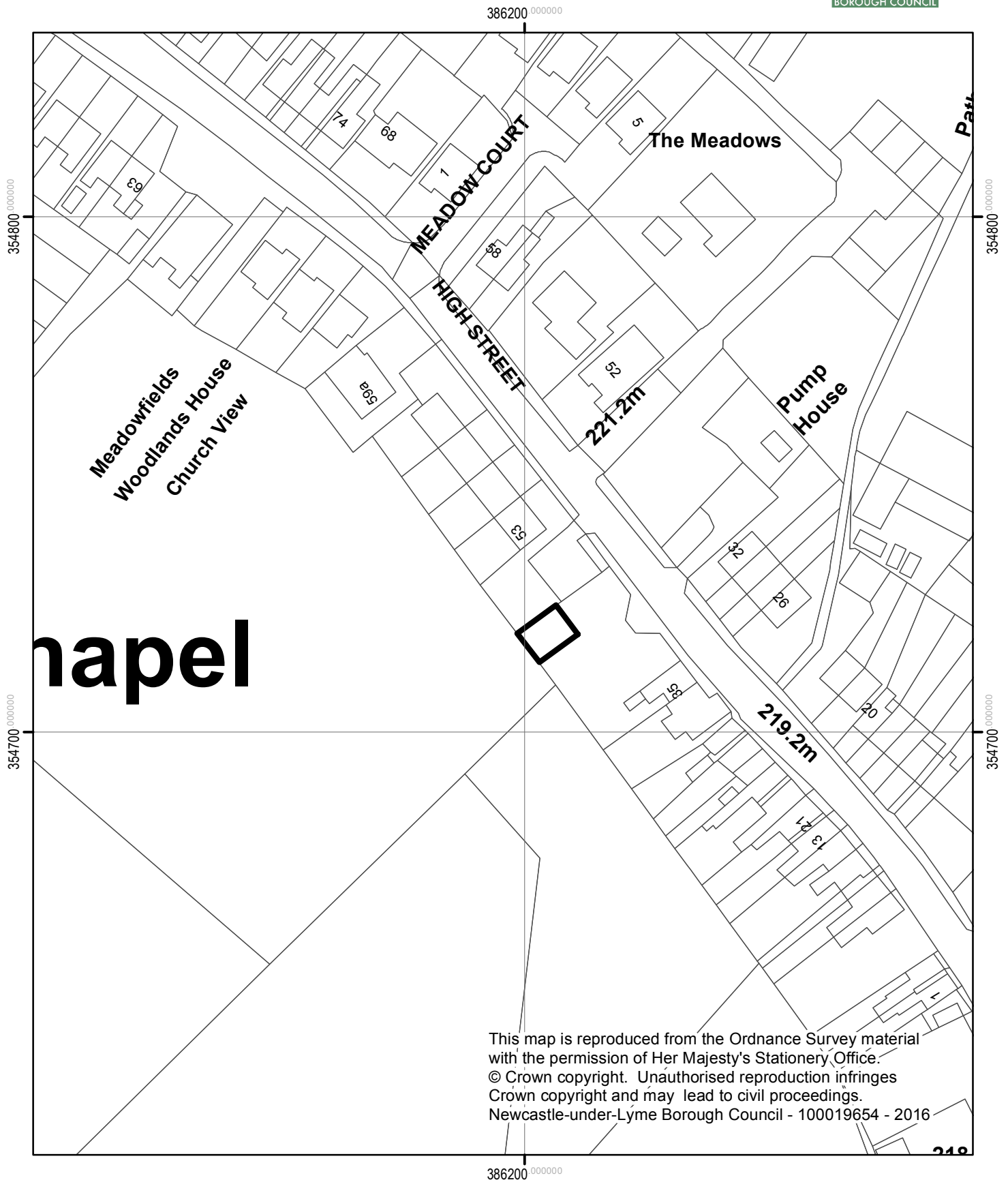
Planning File referred to  
Planning Documents referred to

### Date report prepared

28<sup>th</sup> September 2017

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Planning Committee 10<sup>th</sup> October 2017

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

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

Since the last report to the Planning Committee at its meeting on the 18<sup>th</sup> July 2017 no new case has been added to this list. 4 cases are reported upon. Details of all the cases, the progress made within the last Quarter, and the targets for the next Quarter are contained within the attached Appendix.

RECOMMENDATION

**That the information be received.**

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
14/00049/207C2	<p>Land off Pepper Street, Hollywood Lane, Newcastle.</p> <p>Unauthorised siting of a caravan for residential use.</p>	5.8.15	<p>An Enforcement Notice has been served which would have taken effect on 28<sup>th</sup> February 2016 had an appeal not been lodged. The EN requires the cessation of the use of the land residential purposes; the removal of the caravan and associated structures and paraphernalia; and the removal of any fencing erected on the perimeter of the land.</p> <p>The appeal was considered at an Inquiry on 14<sup>th</sup> February 2017 and a decision has now been received (which is reported elsewhere on this agenda). The Inspector upheld the notice and as such it took effect on the date of the appeal decision, 21<sup>st</sup> February. The steps set out in the notice had to be complied within six months i.e. by 21<sup>st</sup> August 2017. To date the none of the steps in the notice have been complied with.</p>	Instructions to be sent to Legal to initiate appropriate procedures to secure compliance with the Notice.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
15/00037/207C2	<p>Land at Doddlespool, Main Road, Betley</p> <p>Breaches of conditions imposed on planning permission reference 14/00610/FUL for the retention of a water reservoir, formation of hardstandings and repairs to the existing track.</p>	20.4.15	<p>A Stop Notice (SN) and Enforcement Notice (EN) were served on 24<sup>th</sup> April 2015. The SN took effect on 30<sup>th</sup> April 2015. The EN took effect on 27<sup>th</sup> May 2015.</p> <p>Members have previously been advised that the owner has been prosecuted twice following his failure to comply with the terms of the notice. Following the last court case in November 2016 the owner was given a further period of time (until 15<sup>th</sup> December 2016) for compliance.</p> <p>It was established at a site visit on 20<sup>th</sup> June that the portacabin and commercial trailer have been dismantled and are not in use. Whilst some remnants of the structures remain on site, contrary to the requirements of the notice, it is not considered that it would be in the public interest to pursue full compliance of the notice through the court.</p> <p>Members have also previously been advised that used tyres have been imported and deposited on the site which are being utilised in the construction of a fodder beat store and TB testing facility. Your officers previously concluded that expert advice is required on the key questions of whether such a structure is reasonably necessary for the purposes of agriculture within the unit and whether it is designed for the purposes of agriculture – in order to determine whether this is permitted development. The advice received is that the structure is larger than the needs which might be generated by the Doddlespool Unit but may be appropriate in respect of the unknown requirements of a wider agricultural unit of which it is a part. In addition the use of waste tyres is unusual and does not reflect the type of uses promoted in best practice guidance.</p> <p>The County Council, as the Waste Authority, have indicated that the advice received is not sufficient for them to conclude that a waste operation has taken place against which enforcement action would be justified.</p> <p>The waste that has been imported onto the site in the form of covered bails remains with the Environment Agency, in conjunction with the County Council, to address. It is understood that the Environment Agency have taken formal action in this regard.</p>	Reach a position as to what action, if any, is required in respect of the partially constructed fodder beat store and TB testing facility.

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
4/00036/207C3	<p>5 Boggs Cottages, Keele Road, Keele</p> <p>Unauthorised use of land for the siting of a mobile home</p>	5.1.16	<p>Following the resolution by Planning Committee at its meeting on 5<sup>th</sup> January 2016 resolved that the Head of Business Improvement, Central Services and Partnerships be authorised issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of the mobile home and associated paraphernalia from the site within six months. The Notice was subsequently served and in the absence of any appeal has come into force on the 13<sup>th</sup> July 2016. Compliance was due by 13<sup>th</sup> January 2017 and a subsequent visit to the site has established that the Notice has not been complied with.</p> <p>As previously reported discussions were had with the owner and this was followed up with a letter highlighting that the Notice has not been complied with and that compliance with the Notice will be pursued. Within the letter the owner has been encouraged to set out a timetable for the removal of the caravan. A response has not been received</p> <p>An appeal has been lodged against the refusal of planning permission to allow the occupation of the mobile home by others (application reference 16/00969/FUL) and a hearing has been scheduled for 17<sup>th</sup> October. It is not anticipated that the caravan will be removed from the site whilst the appeal remains undetermined.</p>	<p>Consideration will be given, in conjunction with Legal Services, as to when action should be taken to secure its removal (i.e. should this be before or after the appeal decision).</p>

Report Ref	Address and Breach of Planning Control	Date When Enforcement Action Authorised	Background information/Progress/Action particularly that within last Quarter	Target for Next Quarter
08/00204/207	<p>Land off Keele Road, Newcastle</p> <p>Non-compliance with condition 9 of planning permission 11/00430/FUL for the erection of 61 dwellings (amended layout to that already approved including an addition 13 dwellings)</p>	20.10.16	<p>Various planning permissions have been granted for residential development on land off Keele Road, Newcastle (known as Milliner's Green). Due to the proximity of the site to the existing Scrap Yard (Hampton's) and landfill site (Walleys Quarry) certain of the planning permissions granted were subject to a requirement that an acoustic barrier should be installed along the western boundary of the site. A fence was erected and due to concerns about the standard of the fence when planning permission was granted in 2012 for the erection 61 dwellings (ref. 11/00430/FUL) a similar requirement was imposed.</p> <p>As the developer has not addressed the concerns expressed regarding the suitability of the fence, despite being approached by officers on a number of occasions and the developer offering assurances that works to the fence would start, it was decided that appropriate enforcement action was necessary. The action required is the replacement of the existing fence with an acoustic fence of a suitable standard.</p> <p>The Enforcement Notice was served on 30<sup>th</sup> June and took effect on 31<sup>st</sup> July. The steps required by the Notice include the requirement to erect a timber acoustic fence in accordance with details to be submitted within 28 days within 2 months after the date the Council approves the details of the fence. The details were submitted on 26<sup>th</sup> July, which was within the time period specified in the notice. Such details are being considered and as yet confirmation has not been sent to the developer that they are acceptable and as such the 2 months time period to erect the fence has not commenced.</p>	Respond to the developer regarding the details of the fence and continue to monitor to ensure that the steps within the notice are completed with the required time period.

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## Report on Open Enforcement Cases

### Purpose of the Report

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

### Recommendations

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

### **Background**

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

In the last quarter (April - June 2017) a further 80 new cases have been reported, higher than the previous quarter (64). The current number of open cases is 298 (less than at the end of the last quarter). The number of open cases has therefore creased for the third consecutive quarter.

The increase in number of open cases for the third quarter can be attributed, to some extent, to the nature of the cases which are taking longer to reach a resolution and the lack of planning officer resources is also considered to be a contributory factor. The amount of officer resource will increase following the successful recruitment of a Trainee Planning Officer who is unlikely to have much involvement, at least initially, in enforcement case work but will be enable a reduction in the caseload of other officers.

A number of the cases indicate in the Table below have associated pending planning applications that are awaiting determination (6 as at 15 September 2017).

### **Conclusions**

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

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

### **Current Outstanding Enforcement Cases**

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

#### ***Current Enforcement Status***

<b>Year</b>	<b>Total</b>	<b>Open</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>BOC</b>	<b>L</b>	<b>M</b>	<b>H</b>
2017	201	73	2	56	14	1	-	-	-
2016	259	40	1	22	17	-	-	-	-
2015	238	31	1	17	12	1	-	-	-
2014	212	43	-	33	10	-	-	-	-
2013	219	27	5	18	4	-	-	-	-
2012	229	24	8	11	5	-	-	-	-

2011	204	11	2	7	2	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	10	-	6	1	1	-	1	1
2008	276	10	-	-	-	-	3	7	-
2007	353	5	-	-	-	-	1	3	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2
2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	3	-	-	-	-	-	2	1
2001	204	1	-	-	-	-	-	1	-

*Open Cases*           **298**  
*(inc Backlog)*

*Previous Quarter*           300

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

**Date report prepared**

15 September 2017

**APPEAL BY MISS S, H AND L SCRAGG AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A SMALL DWELLING AT SITE 2, PINWOOD ROAD, ASHLEY**

<b><u>Application Number</u></b>	<b>16/01033/OUT</b>
<b><u>LPA's Decision</u></b>	<b>Refused under delegated powers 2<sup>nd</sup> February 2017</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>14<sup>th</sup> September 2017</b>

The Inspector considered the main issue to be whether the site forms a suitable location for residential development, having regard to national and local planning policies.

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

- The site lies within the open countryside outside the village envelope of Loggerheads. The proposal would be contrary to Saved Policy H1 of the Local Plan (LP) and Policies SP1 and ASP6 of the Core Spatial Strategy (CSS).
- The Council has confirmed that they are unable to demonstrate a 5 year supply of deliverable housing land and therefore, in line with paragraph 49 of the NPPF, policies in the CSS and LP relevant to the supply of housing should not be considered to be up to date. Accordingly, paragraph 14 of the NPPF is engaged which states a presumption in favour of sustainable development and for decision taking, where the relevant policies of the development plan are out of date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits against the policies of the Framework taken as a whole.
- Paragraph 55 of the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The site is located on the edge of the settlement close to existing residential development and it is clearly not physically isolated but the Council has raised concern that the site would be isolated in terms of its accessibility to local services and facilities.
- The site lies approximately 1300m from the shops and services in Loggerheads. Pinewood Road forms a rural lane with no footways or lighting. As a result, it was considered that this would deter walking and cycling particularly in the evening or dark mornings. It was accepted that Eccleshall Road is lit and has a footway but there is some distance to walk before this road is reached.
- The Inspector noted on her site visit that there is a network of public footpaths leading from Pinewood Road which would give access to the school and the shops. However the path located to the south of the appeal site appears to be little used; it is narrow, overgrown, unsurfaced and unlit and its condition would not encourage use other than in fine weather. Due to its narrow enclosed nature and lack of hard surface it would not be the route of choice for mothers with pushchairs or those with less mobility for example.
- The nearest bus stop would be in Ashley around 800m away and there are other bus stops in Loggerheads which provide an hourly service to Newcastle and further afield. These would be beyond the 400m recommended distance for walking to a bus stop. It was acknowledged that future occupants could cycle the short distance to the shops but this would not be the most suitable form of transport for all users and again the lack of lighting on Pinewood Road would deter cycling in the evening.
- The appellant referred to an appeal and other planning permissions for residential development on the edge of Loggerheads. Residential development at Tagedale Quarry was allowed on appeal but while future residents would have to walk over 800m to the village centre, this would be along a lit main road with footways and good access to public transport. In relation to the two planning permissions granted for dwellings at The Croft and Selbourne, both sites are located to the northern end of Pinewood Road, within 100 metres of a bus stop and both have access to a public footpath linking the sites to the A53 which would give access along a surfaced lit

footpath to the village facilities. Finally, the development approved north east of Eccleshall Road is less than 800m from the village centre and pedestrian access is available along a lit pedestrian footway.

- When compared to these schemes, the appeal proposal would require walking along an unlit route with no footpaths and would be further from public transport routes. It would not be directly comparable to these cases.
- It was concluded that there would be a limited choice of realistic access options for future residents so that they would be most likely to use the car to access services and facilities in the village. The appeal site would therefore not form a suitable location for residential development and would conflict with the NPPF and policies of the Development Plan.
- The appeal proposal would make a contribution to the shortfall in the supply of housing in the borough but as the scheme is for one dwelling this would be limited. In addition, the proposal would provide social and economic benefits as future residents spend in the local shops and use local services. However again, as the scheme is for one dwelling, the contribution would be limited.
- The site would not form a suitable location for residential development due to its poor accessibility to the shops and services in the village and to public transport. This weighs heavily against the proposal and the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
- The appeal is dismissed.

### **Recommendation**

That the decision be noted.

**APPEAL BY MR TOM FOX AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A FIRST FLOOR EXTENSION TO FORM A NEW BEDROOM AT 11, WOODSIDE, MADELEY**

<b><u>Application Number</u></b>	<b>17/00186/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused under delegated powers 3<sup>rd</sup> May 2017</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Appeal Decision</u></b>	<b>26<sup>th</sup> September 2017</b>

The Inspector considered the main issue to be the effect of the proposed extension upon the character and appearance of the area.

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

- The appeal dwelling is at the end of a cul-de-sac from which the proposed extension would be clearly visible. The extension would be very wide, deep and of an irregular shape. Its large size, unusual shape and flat roof would look out of proportion and incongruous with the fairly symmetrical proportions of the main part of the house which has a pitched roof.
- Whilst there are other flat roofed extensions in the road, these are smaller and not directly comparable to the appeal proposal.
- For the above reasons, the proposed extension would harm the character and appearance of the area and conflict with policies in the Development Plan which seek to protect the character of the townscape, which includes that an extension should not detract materially from the character of the original dwelling.
- The appeal is dismissed.

**Recommendation**

That the decision be noted.

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