

**These Applications** are for Conservation Area consent for the demolition of the Management Centre buildings at the Hawthorns, Keele and for full planning permission for the construction of student accommodation at Keele University Campus and of residential development at The Hawthorns in the village of Keele.

The development on the campus would comprise 453 units of student accommodation in two blocks at Barnes Hall to the north-east of the campus. A total of 147 car parking spaces are proposed at two sites on the campus in the vicinity of the existing and proposed student accommodation at Barnes.

The existing student accommodation blocks and the University's Management Centre at the Hawthorns site would be demolished to allow for the erection of 92 residential units. A school drop-off point and a local shop are also proposed.

The proposed student accommodation lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt, part of Policy area E8 (on development at Keele University and Keele Science Park), and lies within an Area of Landscape Maintenance.

The Hawthorns site is washed over by the Green Belt, although it lies within an area where "infilling", as defined in the Local Plan glossary, is permitted according to Policy S3. Saved Policy C14 on extensions of the Hawthorns Conference Centre affects part of the Hawthorns site.

The sites of the student accommodation lie within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall while the south-eastern part of the Hawthorns site is within the Keele Village Conservation Area. A plan showing the extent of the Conservation Area in Keele Village and the position of buildings on the Register of locally important buildings and structures can be accessed via the following link [www.newcastle-staffs.gov.uk/planning/keeevillageconservationarea](http://www.newcastle-staffs.gov.uk/planning/keeevillageconservationarea)

Certain trees on the Hawthorns site and one tree adjacent to one of the proposed accommodation blocks at Barnes are the subject of Tree Preservation Orders (TPOs).

Station Road is a C classified road whereas Quarry Bank Road is unclassified and the roads within the University campus are private roads.

**The 8 week period for the determination of the application for Conservation Area consent expired on 15<sup>th</sup> August 2013 and the 13 week period for the determination of the planning application expired on 25<sup>th</sup> September 2013.**

## **RECOMMENDATIONS**

**1) With respect to the application for Conservation Area consent (Ref. 13/00425/CON)**

**Permit with no conditions**

**2) With respect to the application for planning permission (Ref. 13/00424/FUL):**

**A) Subject to (i) your officer being satisfied by the District Valuer that it has been demonstrated that the scheme cannot at present provide any affordable housing or Section 106 contributions, (ii) the applicant entering into a Section 106 obligation by 4<sup>th</sup> December 2013 to require the review of the financial assessment of the scheme if there is no substantial commencement of the Hawthorns development within a year of the grant of planning permission, the construction of the development in phases, and the provision of a clawback or overage provision and (iii) the applicant formally agreeing to extend the statutory period (within which they cannot appeal against the Council's failure to determine the application) until 5<sup>th</sup> December 2013**

**Permit, subject to conditions relating to the following matters:-**

### **Campus**

- **Standard time limit**
- **Approved plans**
- **Details of amendments to layout of the external works of Block 2 of the student accommodation to ensure retention of as many trees as possible**
- **Landscaping scheme**
- **Tree protection**
- **Details of all facing and surfacing materials**
- **Contaminated land**
- **Construction management plan**
- **Waste storage and collection arrangements**
- **Development in accordance with details of Flood Risk Assessment (FRA)**
- **Details of surface water and foul sewage drainage**
- **Green Travel Plan**

### **Hawthorns**

- **Standard time limit**
- **Approved plans**
- **Provision of visibility splays**
- **Details of road construction, street lighting and drainage**
- **Provision of details of accesses, parking, servicing and turning areas**
- **Length and gradient of private drives**
- **Garages retained for parking**
- **Landscaping scheme**
- **Implementation of recommendations of Arboricultural Impact Assessment and Method Statement**
- **Submission of details of all special engineering works in Root Protection Areas (RPAs)**
- **Details of on site open space and play provision, including a scheme of management**
- **Boundary treatments**
- **Removal of permitted development rights**
- **Submission and approval of a scheme of investigation and Implementation of Archaeological works**
- **Details of treatment of any newly exposed elevations of The Hawthorns**
- **Contaminated land**
- **Construction management plan**
- **Waste storage and collection arrangements**

- **Development in accordance with details of FRA**
- **Details of surface water and foul sewage drainage**
- **Building recording survey**
- **Mitigation measures for protected species**
- **Timing of requirement to provide certain elements including the play area, shop building, and the drop off facility for the school**

**B) Failing the securing of the above undertaking by 4<sup>th</sup> December 2013, that the Head of Planning and Development be authorised to refuse the application on the grounds that without such an undertaking account would not be able to be taken of a change in market conditions and a development that could have made required contributions would not do so.**

**Reason for Recommendations A and B**

- A. The buildings to be demolished are of no architectural merit and do not make any positive contribution to the character and appearance of the Keele Conservation Area. Their removal would benefit the area. A grant of Conservation Area consent would accord with development plan policies and the guidance of the National Planning Policy Framework (NPPF).
- B. The scale and appearance of the proposed student accommodation blocks is appropriate and it is not considered that there would be any significant adverse impact on the character and appearance of the wider campus, or on the wider landscape impact of the University. The provision of 147 parking spaces on the campus is considered acceptable and subject to conditions to include substantial replacement tree planting, there would be no significant adverse impact on the trees on the campus. Other recommended conditions provide appropriate control of the details of the development.

The proposed development at the Hawthorns represents appropriate development in the Green Belt and therefore there is no need for the applicant to make a case for very special circumstances. The site is previously developed and in the context of the Council's current inability to demonstrate a 5-year supply of housing land, the principle of residential development on this relatively sustainable rural site is considered acceptable. There would be no harm to the Conservation Area or any Listed Buildings and subject to conditions to include replacement tree planting, on balance it is not considered that an objection could be sustained on the grounds of impact on trees or on the character or quality of the landscape. The scheme is considered acceptable in terms of impact on highway safety and residential amenity. Taking into account the viability case made by the applicant and in light of the independent advice expected from the District Valuer it would not be inappropriate to require any contributions towards the Newcastle (urban) Transportation and Development Strategy (NTADS), education infrastructure or affordable housing.

**Policies and Proposals in the approved Development Plan relevant to the decision on the application for Conservation Area consent:-**

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

Policy CSP2: Historic Environment

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy B9: Prevention of Harm to Conservation Areas

Policy B11: Demolition in Conservation Areas

**Policies and Proposals in the approved Development Plan relevant to the decision on the planning application:-**

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

Policy SP1: Spatial Principles of Targeted Regeneration

Policy SP2: Spatial Principles of Economic Development

Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets  
Policy CSP5: Open Space/Sport/Recreation  
Policy CSP6: Affordable Housing  
Policy CSP10: Planning Obligations

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

Policy S3: Development in the Green Belt  
Policy H1: Residential Development: Sustainable Location and Protection of the Countryside  
Policy H9: Conversion of Rural Buildings for Living Accommodation  
Policy E8: Keele University and Keele Science Park  
Policy T16: Development - General Parking Requirements  
Policy T18: Development – Servicing Requirements  
Policy C4: Open Space in New Housing Areas  
Policy C14: Extension of the Keele Conference Centre at The Hawthorns  
Policy C22: Protection of Community Facilities  
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N4: Development and Nature Conservation – Use of Local Species  
Policy N12: Development and the Protection of Trees  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N19: Area of Landscape Maintenance  
Policy B3: Other Archaeological Sites  
Policy B5: Control of Development Affecting the Setting of a Listed Building  
Policy B8: Other Buildings of Historic or Architectural Interest  
Policy B9: Prevention of Harm to Conservation Areas  
Policy B10: The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area  
Policy B11: Demolition in Conservation Areas  
Policy B13: Design and Development in Conservation Areas  
Policy B14: Development in or Adjoining the Boundary of Conservation Areas  
Policy B15: Trees and Landscape in Conservation Areas

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

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (August 2013)

Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

Conservation of Habitats and Species Regulations (2010)

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

#### Supplementary Planning Guidance

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

Space Around Dwellings (SAD) (July 2004)

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Planning for Landscape Change – SPG to the former Staffordshire and Stoke-on-Trent Structure Plan

Newcastle Urban Transport and Development Strategy (NTADS)

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

### **Relevant Planning History**

A planning application for the construction of student accommodation blocks at Keele University Campus and residential development and an older persons care village at The Hawthorns, Keele (Ref. 10/00531/FUL) was withdrawn on 7<sup>th</sup> March 2011.

#### Hawthorns

NNR3304	Students residential blocks	Approved
N11536	Two storey hall of residence	Approved
N15542	Hawthorns Conference Centre Phase 1	Allowed on appeal
N15545	Conference centre	Refused
N15866	Conference centre	Refused
01/00371/FUL	Proposed student accommodation	Refused
01/00372/CON	Proposed student accommodation	Refused
12/00799/FUL	Standby generator housing and associated compound	Approved

#### Barnes

04/01005/OUT	Replacement day nursery and provision of a business village of approx 3325 square metres floorspace	Approved
07/01139/OUT	Renewal of application for replacement day nursery and provision of a business village of approx 3325 square metres	Approved
11/00272/FUL	Erection of a new day nursery	Approved
11/00272/NMA	Application of a non material amendment for site level changes relating to 11/00272/FUL for the erection of a new day nursery	Approved

### **Views of Consultees**

**English Heritage** states that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Regarding the plans as originally received, the **Conservation Advisory Working Party (CAWP)** felt that the accommodation at Barnes is a disappointing solution for the requirements of the university and not very aspirational or forward thinking in terms of how the new design fits in with the wider plans for the campus and how it links in with the existing buildings. The design should be bolder and have a greater quality and form. The Working Party does not object to the demolition of the buildings at The Hawthorns. In terms of the housing layout, the Working Party thought that the proposal has considered the surroundings of the village and whilst the architecture is 'safe', it is relatively successful. It suggested that the two open spaces should be linked together better to create better pedestrian movement through the site and that the terraces in front of the open space, adjacent to The Hawthorns, are a little too formal combined with the large area of parking. It is suggested that this area is reworked.

Regarding the amended plans received for the Hawthorns, CAWP has no objections but requests that the school drop off parking operates as a one-way system and that the parking should be set diagonally.

Regarding the plans as originally received, the **Urban Design and Conservation Officer** has no objections to the demolition of the buildings within the Conservation Area which relate to the current

business centre. They have no historic or design quality which adds to the significance of the Conservation Area.

The retention of the most important areas of landscaping and trees and the 3 historic buildings helps to retain the essential character of this former garden of the main house in the centre of the site. The Hawthorns and The Villa are on the Council's Register of Locally Important Buildings and Structures. Some of the character of these buildings has been lost through extensions over the years and this will be improved by the removal of the business centre to the rear of the villa and the institutional extensions behind the Hawthorns. Retention of the main groups of trees on the frontage and those leading up to the house and the 'bowl' towards the rear of the site, which are all present on the historic maps, is essential to maintaining the special character of this area and retaining the emphasis that the natural landscape has always played in the village. In terms of urban design and site layout, it is important that the natural areas continue to be an asset to the site. The scheme could be improved by linking the two landscape areas together. The hierarchy of the main road through the site could be looked at because the loop looks rather dominant. Most important is the future control over garden buildings, extensions, fences, walls, porches and other minor developments. Boundary treatments are not clearly defined. A design code could be produced. Perhaps better designs could be proposed on some of the houses, particularly the more visible ones.

The Halls of residence are proposed within the Registered Grade II Historic Park and Garden at Keele. The area is characterised by large university buildings at high levels and the proposed site and building will not be the highest building or greatest mass. The development is a long distance from the most sensitive part of the historic park, which is Keele Hall, Clockhouse and lakes and gardens.

The vision for the wider development of Barnes is welcomed to ensure that the buildings will relate better to one another on the site. The main entrance feature could perhaps be more innovative and bolder but it will not be harmful to the parkland landscape in this location.

Regarding the amended plans, the Conservation Officer advises that she is happy with the revisions to the area around The Hawthorns which has created a larger garden around the property, given it more space to breathe and moved the parking court away from the building. The reduction in the size of the parking court is also an improvement, softening the overall appearance of this part of the site. The feature chimneys are to be rolled out across the scheme and the key corner plots have been given added interest with windows to provide interest on key vistas. Permeability through the site overall is very good and the introduction of the footpath through to the school helps with this. The success of the scheme will be in the quality of the finish and the road and pavement surfaces, minimal engineering and signage etc, the control of permitted development by future owners of the properties, and landscape management.

**Staffordshire County Council Archaeologist** states that The Hawthorns lies close to the historic core of the medieval settlement of Keele and an early nineteenth century farmhouse (The Hawthorns) is located within this area. Taking into consideration understanding of the development of Keele and the presence of an early nineteenth century regular planned farmstead within the area there is potential for heritage assets of archaeological interest to be located within the bounds of this area. It is advised that an archaeological evaluation be undertaken to include geophysical survey followed by targeted trial trenching, the results of which should inform the need for and scale of further archaeological investigations such as, for example, targeted excavation of archaeological features or a watching brief during groundworks. The evaluation would only take place once demolition is complete and any grubbing out of foundations carried out as part of the demolition process. All of this work would need to be undertaken by appropriately experienced archaeologists. A building recording survey should also be carried out prior to any works to The Hawthorns and its associated outbuildings and The Villa and its barn. The work should equate to an augmented Level 2 survey as identified in the English Heritage volume 'Understanding historic buildings: a guide to good recording practice' (2006). This approach is supported by NPPF para 141. This work and any subsequent stages of archaeological intervention would most appropriately be secured via a condition.

The work proposed at The Barnes is not considered to have any archaeological implications.

The **Environment Agency** has no objections in principle to the proposed development. It states that the proposed development site is located within Flood Zone 1 which is in an area at 'low risk' of

flooding as defined in the NPPF. Any concerns in relation to flood risk are therefore solely in respect of surface water drainage as the site covers an area greater than one hectare in size. Conditions are recommended requiring both parts of the development to be carried out in accordance with the approved Flood Risk Assessments and the mitigation measures detailed in the Flood Risk Assessments. A further condition is recommended requiring the submission and approval of a surface water drainage scheme for the site. The Environment Agency supports the proposals for the use of permeable paving, swales, soakaways and above ground detention ponds and would wish to see these incorporated into the detailed drainage design in preference to below ground systems.

In relation to groundwater and contamination, the Environment Agency has no objections but if during site development any areas of significant contamination are suspected, then the materials should be sampled, tested and suitable remediation carried out.

**Severn Trent Water** has no objections to the proposal subject to the imposition of a condition requiring the submission, approval and implementation of details for the disposal of surface water and foul sewage.

The **Environmental Health Division** has no objections to the application subject to the imposition of conditions regarding hours of construction, a construction management plan, waste storage and collection arrangements and contaminated land.

The **Highway Authority** has no objections to the proposed development subject to conditions regarding visibility splays, drainage, provision of accesses, parking, servicing and turning areas, gradient and length of private drives, provision of drainage interceptors and retention of garages for parking. A contribution of £99,003 is required towards NTADS. The HA considers this contribution is required with respect to the housing development, with no contribution being required with respect to the student accommodation

The **Education Authority** state that the development falls within the catchments of St. John's CE (C) Primary School and Madeley High School. The development could add 19 Primary School aged pupils and 14 High School aged pupils. St. John's Primary School is full and is expected to remain so for the foreseeable future and Madeley High School is now projected to have sufficient places available in two year groups only to accommodate the likely demand from pupils generated by the development. An education contribution for 19 primary school places (19 x £11,031 = £209,589) and 8 secondary school places (8 x £16,622 = £132,976). This gives a total request of £342,565. This contribution is based on the 2008/09 cost multipliers which are subject to change.

The **Landscape Development Section** makes the following comments:

#### The Hawthorns

No objections subject to the following:

- Permission should be subject to submission of a detailed landscaping plan with more shrub planting to front gardens and a greater percentage of larger growing species of trees.
- All recommendations of the Arboricultural Impact Assessment and Arboricultural Method Statement by TBA Landscape Architects should be followed.
- Permission should be subject to submission of details of all special engineering works within Root Protection Areas.
- Onsite open space and play provision to Fields in Trust L.E.A.P standard should be provided including natural play and timber play structures. If it is to be maintained by the Borough Council, a commuted sum should be agreed.

#### Barnes

- It appears that by adjusting proposed footpath/grading/bin store layout and specification, at least partial retention of the existing trees in groups G1 and G9 and tree T1 would be possible. These are key trees and should be retained.
- Permission should be subject to submission of a detailed landscaping plan for approval to include substantial tree planting.

- Tree protection measures will be required during the construction phase and permission should be subject to approval of a Tree Protection Plan, a detailed Arboricultural Method Statement, details of all special engineering works within RPAs and submission of a detailed landscaping plan.
- It is noted that no works are now proposed with the RPA of the mature beech tree T2.

**Natural England** has no objection and advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Although the proposed development is likely to affect bats through damage or destruction of a breeding site or resting place, the proposed mitigation is broadly in accordance with the requirements of the bat mitigation guidelines and should maintain the population identified in the survey report. A condition is recommended requiring the submission and approval of a detailed mitigation and monitoring strategy. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife. It may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

**Staffordshire Wildlife Trust** states that mitigation proposals appear satisfactory however there is no confirmation of whether new roost features will be monitored for use before demolition. The assessment of the 3 tests for the Habitat Regulations does not give adequate reasoning behind demolition of the 2 buildings with bat roosts and whether alternatives have been considered. The development is put forward as being of overriding public interest but no consideration is given to whether the 2 buildings with bat roosts are central to the scheme or could be retained. One of the trees on site has been identified as being a highly suitable roost site but although the tree is to be retained, the Tree Survey Report recommends that the canopy is to be reduced. It is recommended that ecological supervision of felling is provided. In summary, the Local Planning Authority (LPA) should seek further clarification regarding the Habitats Regulations tests, monitoring of new roosts and methods for ensuring tree works do not damage bat roosts. A method statement and supervision for tree felling should be required by condition as well as a detailed landscaping plan to include use of felled timber and bat friendly planting.

The **Police Architectural Liaison Officer** states that the Design and Access Statement for the student residences clearly demonstrates that crime prevention has been considered as part of the design process. Pre-application discussions took place and the result is that criminal opportunities should be substantially reduced and the accommodation should provide the students with a safe and attractive living environment.

Pre-application consultation also encompassed the development at The Hawthorns. Although the Design and Access Statement is far less explicit about crime prevention matters, the site plan clearly demonstrates that crime prevention has been considered and crime prevention features incorporated. Boundaries will need to offer an appropriate level of security and access to the front of the properties to the private rear gardens should be restricted. Footpath linkages between the internal roads will be kept to a minimum and will be reasonably short. However opportunities to overlook them by providing windows in neighbouring properties should be taken. The parking court adjacent to Hawthorn House is the least favourable parking element as there will be limited natural surveillance and it is possible that some residents will fail to use. If the parking court cannot be designed out, it would be desirable for greater natural surveillance to be provided of it and for it to be well lit.

**Keele Parish Council** comments as follows:-

#### The Hawthorns

The Parish Council does not object to the principle of redevelopment on the Hawthorns but strongly object to the present proposals for reasons including the following:

1. The proposed scheme is an overdevelopment of the site which would have a significant adverse effect on the character and appearance of the site, the Conservation Area and the village generally and would not bring positive planning benefits for the village. The main concerns are:
  - Too many residential units are proposed leading to substantial tree loss and a major adverse change in the character and appearance of the site, the village and the Conservation Area.



- Loss of a key open space in the village and Conservation Area
  - The development would have a greater impact on the openness of the Green Belt than the existing because of the amount of development, the loss of tree cover and the future impact of extensions to the properties. The development would fail on both quantitative and qualitative aspects of openness. The development would also conflict with one of the purposes of including land within the Green Belt, that of preserving the setting of historic towns.
2. Adverse effect on the western entrance to the village and the Conservation Area because of the need to provide visibility splays and possibly remove the hedge and brick wall on the southern side of the proposed access. These should be retained or replaced to maintain the character of the Conservation Area.
  3. The houses on Station Road to the south of the access are within 7-10 metres of the mature lime trees to be retained. The trees are likely to shade the gardens and lead to pressure to crown-lift or thin the trees but this would mean that the houses and gardens would be visible to the detriment of the appearance of the village and Conservation Area.
  4. The development would have an adverse impact on the character of the Conservation Area as it would result in the loss of a key open space which is a significant link between the two historic assets on the site and the Conservation Area. It is requested that this open space should not be developed at all but should be retained. A plan showing this area has been provided in their response which is available for inspection, and will be displayed at the meeting.
  5. There should be either a financial contribution towards the future maintenance of the open space and play area or a management company
  6. Given the proximity to the University, the proposed houses may become houses of multiple occupancy. Any permission should be conditioned to prevent this.
  7. The proposed development would result in the loss of at least 51% of the existing trees on the site and put pressure on the remaining trees. This would heighten the adverse impact on the Conservation Area. Details are provided in their submission.
  8. A climbing survey should be carried out to ascertain whether the trees on the site are used for hibernation by bats.
  9. The SuDS proposals appear inadequate in terms of future potential flooding from the site, considering the increase in hard surfaces and the loss of green surface and tree cover. The Parish Council is very concerned about the status and future of a major culvert that runs across the site and under several proposed houses.
  10. The lack of a 5 year supply of deliverable housing land is not in itself sufficient to justify residential development in the Green Belt or the proposed number of units in the site. The Parish Council do not object to the principal of residential development but a lesser number is imperative to reflect/preserve the character and appearance of the Conservation Area.
  11. The Parish Council is concerned by the design of the proposal which creates an urban street layout in a nineteenth century estate village. The development of the Hawthorns should include renewable energy and energy conservation proposals.
  12. There is concern that the applicant has not sufficiently considered the volume of traffic exiting onto The Village street at the same time 'commuter' times as traffic entering the University through the village is at its peak.
  13. With the removal of students from the site the proposed shop is unlikely to be viable particularly given its location on Quarry Bank Road rather than on Station Road or in the village. The shop seems to be an unrealistic proposal.

14. The village school is full to capacity at the moment and extra space will be needed to cater for the children likely to live on the proposed development. A financial contribution should be made.
15. Although the two applications are described as inextricably linked there is no guarantee that if the Hawthorns development was carried out that the Barnes development would be implemented. The viability of Hawthorns development should be assessed separately from the proposed student accommodation. If they are linked it is requested that any grant of planning permission should be subject to a legal agreement to ensure that the Barnes development is delivered prior to redevelopment of Hawthorns.

In summary the Parish Council whilst raising a wide range of issues “*do not object to the principle of residential development but wish to see a development which takes account of key landscape features, retains the open space on the Village/Station Road frontage, retains the openness of the Green Belt, does not harm the character of the village and Conservation Area and does not result in the removal of as many trees*”

### The Barnes

The Parish Council does not object to the principle of student accommodation or the proposed designs but comments as follows:

1. A detailed landscape scheme showing all proposed landscaping including substantial replacement tree planting is required.
2. More of the existing trees should be retained.
3. There are concerns about the height of the blocks at Barnes Hall and that they will be visible from the town centre thus setting a precedent.

**MADE's Design Review Panel** commented as follows:-

### The Hawthorns

- The Panel was pleased to see the efforts made to reflect the local vernacular in the external design of the houses and the retention of historic buildings of quality on the site and their integration into the new development.
- There was concern about the incoherent and inward looking layout which is, in some respects, reminiscent of the worst kinds of volume house-builder layouts.
- There was concern about the lack of vehicular connection to the wider village and within the development. There is no vehicular connection between The Village/Station Road and Quarry Bank Road. The series of cul-de-sacs will make the development illegible.
- The retention of trees creates constraints and pedestrian movement across the site is unnecessarily contrived. The link between the two principal green spaces seems mean and the route from the far north of the site to the school or the centre of the village is quite convoluted and illegible.
- The opportunity has been missed to create a pleasant connection to play space that children could use after school. The route through from the school to the southern green space and most of the development is poor.
- The Panel was not pleased to see the parking court at the centre of the middle block. It could be broken up more by planting.
- To summarise, the Panel was pleased with the architectural and landscape approach that is being taken but not the urban design. More needs to be done to make the layout more coherent and ensure it serves as part of an expanded village rather than being seen as a separate housing estate.

### Campus Buildings

- There was disappointment that there is no spatial strategy for the development of the campus.
- Block 1 appears to tighten up the enclosure of University Drive.

- There was confusion regarding what was the front and back of the building. A strong route through the building is important.
- Block 2 addresses the main area of the Barnes cluster but it is less successful in enclosing the street to its south and introduces an area of car parking where it may appear intrusive.
- There were no objections to the blocks of accommodation themselves and it was felt that the height, scale and massing of the buildings was appropriate. It is the sort of scale that Keele should be using if they are to consolidate a growing campus and avoid sprawl.
- The buildings should make a demonstrable contribution to the University's objectives regarding sustainable operation in terms of energy and water efficiency.
- To summarise, the Panel found little to object to in these proposals but feel that the University is badly lacking a spatial masterplan for the campus and the risk is that a series of ad-hoc opportunist developments create an illegible and incoherent collection of buildings.

No comments on the planning application have been received from the **Garden History Society** and Staffordshire County Council as **Strategic Planning Authority**. Given that no observations were received by the due date, it must be assumed that they have no observations to make regarding this application.

### **Representations**

96 letters of opposition have been received. A summary of the objections raised is as follows:

#### **The Hawthorns**

- Inappropriate development in the Green Belt
- Adverse impact on openness of the Green Belt
- Adverse impact on the Conservation Area
- Loss of open green space in Conservation Area
- The style of the houses is unsympathetic to the historic centre of the village
- Suburban nature and density of the development in a historic rural village
- Harmful to the appearance of the countryside
- Poor design
- Three-storey properties at the highest point on the perimeter of the site will be visually intrusive
- Too many houses – overdevelopment of the site that is disproportionate in relationship to the existing properties
- Impact on privacy of existing residents
- There should be a wider mix of housing to reflect the population of the village and needs of people wanting to move there
- Concerns regarding multiple occupancy
- Loss of tree cover, many of which are protected
- Inaccurate figures of how many trees will be lost
- Impact on wildlife
- Impact on bats, a protected species
- Highway safety issues
- Parking and access problems
- Traffic survey undertaken during exam times
- Traffic impact on Station Road particularly at junction with Highway Lane
- Insufficient parking facilities for St. John's School
- There should be another access onto Quarry Bank Road
- Footpath links have been poorly thought out
- Pressures on infrastructure
- Lack of play provision for children
- Pollution
- The shop will increase traffic and congestion on Quarry Bank Road and there will be more noise, litter and possible antisocial behaviour
- Impact during construction
- Flooding and impact on drainage

- Refurbishment of the existing accommodation would be a better solution
- Set a precedent for further development
- It is not clear why this development is being proposed
- The proposals represent no enhancement or benefit to the village.
- The school is already over-subscribed
- Impact on pub due to loss of student population, loss of passing trade during construction and long-term loss in trade due to increased traffic and misuse of the car park
- Errors/inconsistencies in the supporting documents
- Poor consultation process

### Barnes

- The height of the buildings will give an open tunnel effect
- The architectural treatment appears brutal and should be softened to be more in keeping with the existing buildings
- Lots of trees will be removed and there will be little space for any replacement landscaping to soften the impact of the building
- The Hawthorns is currently some of the cheapest on campus whereas the replacement accommodation will be expensive and unaffordable to many students. The demand for affordable accommodation is much higher than the demand for en-suite accommodation.
- The proposed accommodation encroaches on an already crowded area of campus reducing green space and damaging the rural environment.
- There has been no consultation with students.
- The new buildings will be constructed near geological fault lines that have already caused damage.

One letter of support has been received on the grounds that Keele needs new development in order to bring some new life into the village. The students should go onto the campus and the Hawthorns site re-developed so that the village can return to being a village and not simply an adjunct to the university.

### Applicant's/agent's submission

The applications are accompanied by the following documents:

- Planning Statement
- Design and Access Statements
- Site Investigation Reports
- Flood Risk Assessments
- Ecological Surveys and Impact Assessment
- Delivery Information Report (Bats)
- Tree Survey Reports
- Arboricultural Impact Assessments
- Viability Assessment
- Transport Assessment including Travel Plan Framework
- Archaeological Report
- Landscape and Visual Impact Assessment
- Sustainability Statement
- Letter responding to the comments of MADE

The documents are available for inspection at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/HawthornsandCampus](http://www.newcastle-staffs.gov.uk/planning/HawthornsandCampus) and [www.newcastle-staffs.gov.uk/planning/Hawthorns](http://www.newcastle-staffs.gov.uk/planning/Hawthorns)

The key parts of these submissions are referred to in the Key Issues section below.

### KEY ISSUES

Planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The approved Development Plan for the locality comprises the Newcastle-under-Lyme Local Plan 2011 (NLP) and the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS).

The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications. Paragraph 215 of the NPPF states that following a 12 month period from the publication of the NPPF (post 29th March 2013) due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

### **13/00425/CON – Demolition of the Management Centre buildings at The Hawthorns**

Conservation Area consent is sought for the demolition of the Management Centre buildings at The Hawthorns. The key issues for consideration, in the determination of such an application, are whether the principle of the demolition of the buildings is acceptable in terms of the impact on the character and appearance of the Conservation Area and whether the detailed plans for redevelopment are acceptable.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The Conservation Area is to be viewed as an asset.

The NPPF recognises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated either as 'substantial harm' or 'less than substantial harm', as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

NLP Policy B11, a policy that broadly accords with the NPPF approach, states that consent to demolish a building in a Conservation Area will not be granted unless it can be shown that each of the following is satisfied:-

- i. The building is wholly beyond repair, incapable of reasonably beneficial use, of inappropriate design, or where its removal or replacement would benefit the appearance or character of the area.
- ii. Detailed plans for redevelopment are approved where appropriate.
- iii. An enforceable agreement or contract exists to ensure the construction of the replacement building where appropriate.

The buildings to be demolished are of no architectural merit and do not make any positive contribution to the character and appearance of the Conservation Area. . Regarding the appropriateness of the plans for redevelopment, in this particular instance it is considered that the demolition of the buildings is acceptable even without any redevelopment. No agreement is required therefore to ensure the construction of a replacement scheme.

### **13/00424/FUL - Construction of student accommodation at Keele University Campus and residential development at The Hawthorns**

The applicant has submitted one planning application which seeks approval for both the campus and the Hawthorns elements. The report will first consider the acceptability of the proposed student accommodation at the campus, and it will then consider the proposed development at the Hawthorns site.

#### **The Campus**

A total of 453 units of student accommodation are proposed in two blocks at the existing Barnes development to the north-east of the campus. A total of 147 car parking spaces are proposed at two sites in the vicinity of the existing and proposed student accommodation. The key issues are:

- Is the principle of the student accommodation acceptable?
- Is the location and design of the proposed blocks acceptable, including in their wider landscape context?
- Would the proposed accommodation blocks have any adverse impact on trees?
- Is the level of car parking proposed acceptable?

Is the principle of the student accommodation acceptable in these locations?

The sites are within the University campus - which is excluded from the Green Belt - and NLP Policy E8 is relevant in that part of Block 1 and the parking area adjacent to that block lie within the area covered by that policy. This policy indicates that development will be permitted so long as it is limited to one or more of the uses specified within it. Such uses include staff and student residences and therefore the proposal accords with the requirements of this policy and is acceptable in principle.

Is the location and design of the proposed blocks acceptable, including in their wider landscape context?

The site is within an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The proposed blocks would be sited within a cluster of existing purpose-built student accommodation buildings that are typically 3 or 4 storeys in height.

Block 1 is proposed adjacent to the main vehicular entrance road into the University to the south-west of the car park serving the Medical School. The building would be predominantly 4 storeys stepping up to 5 storeys and a maximum of approximately 17m in height. An access would be formed to the south-west of the existing car park. The Design and Access Statement states that the main entrance to the Campus would benefit from development on this site, creating a physical gateway.

It is considered that the site at present, which comprises an area of open space between a car park and existing accommodation blocks, plays no significant role in terms of the key features and characteristics of the Listed parkland. Nor does it positively contribute to the visual appearance of the wider campus. Although an area of young woodland adjacent to the Medical School car park would be lost, replacement planting is proposed.

The Barnes Halls of Residence are located on a plateau on the north side of the campus. The five storey section of the proposed building which would be a maximum of 17m in height would be opposite the existing Science Park buildings which are very similar in height but with a ground level above the level of the site of the proposed building. It is considered therefore that Block 1 would sit well with the proportions of the existing buildings along this primary route. Your Officer agrees with the applicant's assertion that the design and layout of this larger accommodation block would make a positive statement at the entrance into the campus.

The proposed block would be located within the site adjacent to existing buildings when viewed from outside the site. For this reason, it is not considered that the proposed development would have any adverse impact upon the wider landscape and in particular the character or quality of the Area of Landscape Maintenance.

Block 2 is proposed on the site of a former day nursery that has been relocated elsewhere on the campus and demolished, and is further down the slope away from the ridge. It would comprise a central block with 4 projecting wings. The height of the central section would be 5 storeys with a maximum of 16m in height and the wings would be 4 storeys. The building would be located adjacent to existing accommodation blocks and it is considered that it would reflect the size, scale and height of existing adjacent buildings.

A Landscape Visual Impact Assessment that accompanies the application concludes that within the context of the existing built environment the proposed new halls will sit comfortably within the campus.

Overall it is considered that the scale, and the crisp, contemporary appearance of both blocks would be appropriate and it is not considered that there would be any significant adverse impact on the character and appearance of the wider campus, or on the even wider landscape impact of the University.

#### Would the proposed accommodation blocks have any adverse impact on trees?

To the east of the proposed site of Block 2 is a large mature beech tree. The submitted plans indicate that the tree is to be retained and further to concerns raised by the Landscape Development Section regarding the potential impact on the tree, additional information has been received confirming that no works are proposed within the RPA of that tree.

Whilst some of the existing trees are to be retained, a large number are shown to be removed. It does appear however, that with some minor adjustments to layout, more of the trees could be retained. The applicant has advised that this would be acceptable. Subject to the imposition of conditions to include substantial replacement tree planting, the Landscape Development Section has no objections to the scheme and it is not considered that an objection could be sustained on the grounds of impact on trees.

#### Is the level of car parking proposed acceptable?

A total of 147 car parking spaces are proposed at two sites on the campus close to the proposed student accommodation blocks.

There are approximately 3000 parking spaces currently on the campus. For Keele University, the maximum parking standards in the Local Plan refer to 1 space per 4 full-time students. The University has advised that there are approximately 8,400 full time students and on this basis, a maximum of 2,100 spaces are required. It appears therefore, that there is already an overprovision of car parking on the Campus (at least in terms of the standard indicated in the Local Plan).

The University does appear to have a real issue with controlling parking demand and although issues of the level of car parking provision for these developments might in the first instance appear to be matters that do not affect safety on the public highway in that they are internal issues for the University to manage in terms of its own estate, the amount of parking available on the campus as a whole does have a wider impact on locations where drivers can park and walk in from.

The displacement of student rooms from the Hawthorns to the campus is likely to result in additional pressure on the availability of spaces on campus and that this in turn could lead to on street parking within Keele village. For this reason no objection is raised to the level of parking that is being proposed.

#### **The Hawthorns**

The site lies within the North Staffordshire Green Belt and an Area of Landscape Maintenance as designated on the Local Development Framework Proposals Map. The south-eastern part of the site (the Management Centre, its ancillary buildings and car parking) is within Keele Conservation Area. There is a Grade II Listed Building on the opposite southern side of Station Road and the former Villa and Hawthorns House are included within the Register of locally important buildings. Given the policy context, it is considered that the main issues for consideration in the determination of this element of the application are:

- Is the proposal appropriate or inappropriate development in Green Belt terms?
- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Does the proposed development have an adverse impact upon the character and appearance of the Conservation Area, the setting of any Listed Buildings or any locally listed buildings?

- Does the proposed development have any significant adverse impact on the trees on the site?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Is affordable housing provision required and if so how should it be delivered?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the houses themselves?
- What impact would the development have upon the local school in terms of additional pupil numbers and how could this matter be addressed?
- Will appropriate provision of open space be made?
- Would the proposed development have any impact upon highway safety, does the development promote sustainable travel choices and how does this need to be secured?
- Would there be any significant impact upon any protected species?
- Would there be any issues of flood risk?, and,
- Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability?

Is the proposal 'appropriate' or 'inappropriate' development in Green Belt terms?

The site is located within the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. According to the NPPF the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of exceptions including the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

NLP Policy S3 refers to the possibility of infill development within the village (which the site is) as being 'appropriate' but the proposals cannot be considered to be infill as defined in the policy, and the Local Plan otherwise takes a more restrictive approach. However although the policy is part of the approved development plan (and thus the starting point for the consideration of an application) it can now only be given weight relative to the degree that it is consistent with the NPPF. The approach set out in the NPPF is to be followed.

This scheme comprises the complete redevelopment of a previously developed site that is in continuing use and therefore whether the development comprises appropriate development or not, is dependent upon whether it would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Members are encouraged prior to the Committee to acquaint themselves with the site and the development that is already upon it. The submitted Design and Access Statement includes photographs of the existing site. The term openness in a Green Belt context is not primarily about visual impact. Rather openness is a measure of the absence of built development. The figures provided by the applicant indicate that when comparing the existing development to the proposed scheme, there will be a 3% increase in site coverage and a 7% increase in built development when roads and paths are taken into account. In terms of volume, it is stated that there would be a 10% reduction when comparing the existing to the proposed. Your Officer has checked the applicant's figures and it appears that they are broadly correct.

Based on a quantitative assessment, whilst there would be a very minimal increase in site coverage and a small increase in built development, there would be a reduction in volume and therefore it does appear that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

The applicant states that at a qualitative level, some weight should be given to the visual improvement that will be gained from the removal of the existing 3 storey flat roofed structures. It is stated that they are harmful to the character and openness of the Green Belt and that their replacement with lower profile and more visually pleasing development will deliver visual improvements to this area.



Your officer's view is that such visual amenity considerations are not material to the judgement as to 'appropriateness'.

With respect to the second test that the NPPF requires to be applied (the comparison of the impact on the purpose of including the land within the Green Belt) the NPPF states that the Green Belt serves five purposes:-

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The site is currently developed and the proposed scheme would be within the curtilage of the existing development. Certainly with respect to the first four bullet points above it is undoubtedly the case that the new development has no greater impact on any of the above 'purposes' than the existing development. As to whether the proposed development has any greater impact than the existing development on 'assisting in urban regeneration' the development although of significance for Newcastle is still relatively limited in scale and thus unlikely to materially affect any regeneration strategy, and indeed the applicant submits that it offers the prospect of significant investment which is aligned with the wider interests of conurbation regeneration, the strategies for which recognise the importance of the University and its development strategies. A point that could be made is that by reducing the amount of on campus accommodation the development may actually encourage a regeneration proposal within the urban area based on the provision of student accommodation.

On this basis it is accepted that the proposed development would not have a greater impact on the purpose of including land within the Green Belt than the existing development has.

The existing buildings on the site of Hawthorns House and The Villa are both to be converted to residential use. The NPPF states that certain forms of development, including the re-use of buildings provided that the buildings are of permanent and substantial construction, are not 'inappropriate' provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The buildings are of permanent and substantial construction and no extensions or unsympathetic alterations are proposed. It is considered that the conversion of the buildings would preserve the openness of the Green Belt and therefore constitute appropriate development.

In summary it is concluded that the proposed development represents appropriate development in Green Belt terms and therefore there is now no need for the applicant to demonstrate very special circumstances. The onus is upon the LPA to demonstrate at least what, if any, harm arises from the development.

Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

Policies concerning development within the countryside apply with equal force within the Green Belt. The site lies within the Rural Area of the Borough, outside the Major Urban Area of the North Staffordshire conurbation.

CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. Keele village is not one of the targeted areas. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. CSS Policy ASP6 on the Rural Area states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres. Keele is not one of the identified Rural Service Centres. This site is also not within a village envelope (as referred to in NLP Policy H1), it lies beyond the Major Urban Area of North Staffordshire, and the proposed dwellings would not serve an identified local housing requirement.

The LPA, by reason of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (in our case set out within the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of deliverable housing sites. The current shortfall in the number of deliverable housing sites (including a 20% buffer) is 949 dwellings and the latest housing land supply figure is 3.27 years.

The principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

As a consequence policies such as NLP H1, CSS SP1 and CSS ASP6 all have to be considered to not be 'up-to-date'.

At the heart of the NPPF is a presumption in favour of sustainable development, and for decision taking this means, unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The 'specific policies' referred to do include policies relating to land designated as Green Belt, but as already indicated your Officer's view is that the scheme constitutes appropriate development, so the Green Belt policies (in the NPPF) do not indicate permission should not be granted.

The applicant states that in sustainability terms, the site is wholly previously developed; it does not rely on the provision of new or improved infrastructure; it is located close to employment, cultural and recreational opportunities at Keele Science Park and the University; it is very well served by public transport and the village does possess some, albeit limited, services and facilities (primary school, church, public house, small convenience goods outlet) all of which will be retained and available with the new development.

Although Keele does not have a defined village boundary and it is not one of the rural service centres identified in the Core Spatial Strategy, your Officer accepts that the village represents a relatively sustainable location with a particularly high frequency bus service into the centre of the conurbation and a primary school, public house and a church within walking distance of the Hawthorns site. It is the case therefore that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. The proximity of employment and leisure opportunities at the University would also potentially reduce reliance on the private car.

The site is previously developed and in the context of the Council's current inability to demonstrate a 5-year supply of deliverable housing land, the principle of residential development on this relatively sustainable rural site is considered acceptable. It follows that only if any adverse impacts of granting

permission would significantly and demonstrably outweigh the benefits (of the development), when assessed against the policies in the Framework, should consent be withheld.

Does the proposed development have an adverse impact upon the character and appearance of the Conservation Area, the setting of listed buildings or locally important buildings and structures?

The south-eastern part of the application site lies within the boundary of Keele Conservation Area. There is a statutory duty upon the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions. Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted.

The proposed development includes the demolition of the existing Management Centre buildings that lie within the Conservation Area. The issue of whether the demolition of the buildings is acceptable in terms of the impact on the character and appearance of the Conservation Area is considered earlier in this report. It is considered that the buildings to be demolished, which are of no architectural merit, do not make any positive contribution to the character and appearance of the Conservation Area and their removal would benefit the area. The issue of whether the detailed plans for redevelopment are appropriate is considered below.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

NLP Policy B9 states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas and Policy B10 lists a number of criteria that must be met in ensuring that the character and appearance of a Conservation Area is preserved or enhanced. NLP Policy B14 states that in determining applications for building in a Conservation Area, special regard will be paid to the acceptability or otherwise of its form, scale and design when related to the character of its setting, including, particularly, the buildings and open spaces in the vicinity. These policies are all consistent with the NPPF and the weight to be given to them should reflect this.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) states in HE4 that new development in a Conservation Area must preserve or enhance its character or appearance. It must:-

- a. Where redevelopment is proposed, assess the contribution made by the existing building to the character or appearance of the Conservation Area and ensure that the new development contributes equally or more.
- b. Strengthen either the variety or the consistency of a Conservation Area, depending upon which of these is characteristic of the area.
- c. The development must not adversely affect the setting or detract from the qualities and significance that contribute to its character and appearance.

There are two historic buildings on the site - Hawthorn House, which is situated centrally within the site and surrounded by formal gardens, a courtyard and open vistas to the south, and The Villa, situated on Station Road adjacent to the existing access road into the Management Centre. There is

also an existing traditional outbuilding known as The Barn, which is sited to the south of the site. All three buildings are to be retained and both Hawthorn House and The Villa are to be converted to residential use. The unsympathetic outrigger to the rear of Hawthorn House would be demolished and the building re-rendered. The Barn is to be retained and refurbished to be used as a domestic garage.

Concerns have been raised regarding the loss of what is described as a key open space in the Conservation Area – the open space between the Station Road and The Hawthorns. It is stated that the loss of the open space and the erection of houses close to the boundary of the site in this location would have a negative impact upon the character and appearance of the Conservation Area. A significant part of the area of open space would be retained and it is considered that the houses that would front onto Station Road to the south-east of the access reflect the pattern of development in the village. It is not considered therefore that the development of part of this area of open space with housing would have any adverse impact upon the character and appearance of the Conservation Area.

There is a Grade II Listed dwellinghouse approximately 35m from the site on the opposite southern side of Station Road. NLP Policy B5 states that the Council will resist development proposals that would adversely affect the setting of a Listed Building. It is considered that the setting of the Listed dwellinghouse is limited to its curtilage and in any event, given the distance of the property from the development site, and given the existing development on the site, it is not considered that the proposed development would adversely affect the setting of the Listed Building.

There are a number of buildings close to and within the site that are on the Council's Register of Buildings and Structures of Local Interest. The Villa and Hawthorn House, which are within the site, have been referred to above, and in relation to the buildings close to the site, it is not considered that the proposed development would have any adverse impact upon their setting.

#### Does the proposed development have any significant adverse impact on the trees on the site?

There are a significant number of mature trees on the site, many of which are the subject of a Tree Preservation Order (No. 140). A number of the trees covered by the TPO are within the Conservation Area.

NLP Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where, exceptionally, permission can be given and trees are to be lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The Planning Statement states that the design and layout of the proposed development has sought to retain as many trees as possible in order to maintain the character and external appearance of the site whilst creating a mature landscape and arboricultural setting for the proposed housing. Careful consideration has been given to the relationship between the retained trees and the new buildings and the Arboricultural Impact Assessment considers that the site layout makes best use of available light taking into account the presence of retained trees. A statement submitted to accompany the application states that every effort has been made to retain mature trees where possible but the nature of the site, in the context of re-development, has resulted in some unavoidable losses. It refers particularly to the need to remove mature trees to improve vehicle access where limited opportunities for a new road exist. The statement highlights that there are 190 new trees proposed as part of the development which will considerably enhance the setting of the new buildings and that will also ensure that tree cover remains on this site for the future.

A Tree Survey and Tree Protection Plan have been submitted to accompany the application. Although the Planning Statement states that a total of 55 trees are to be removed, this figure counts groups of trees as individual trees and the figure is actually significantly more. It is estimated that approximately 150 trees are to be removed.

Many of the trees that are to be removed are of low value and are not covered by the TPO. However, there are some more significant trees that are to be removed including a number of the trees along

the north-western boundary of the site and some of the group of horse chestnuts at the proposed entrance to the site from Station Road (G29).

The Landscape Development Section has no objections to the proposal subject to conditions including replacement tree planting. Larger growing species of trees are recommended to ensure that the character of the site is sustained in the longer term, particularly in the area where the trees in G29 are to be removed. Replacement tree planting will be necessary and achievable along the north western boundary of the site to better integrate the site with the open countryside to the north.

The majority of the trees to be removed are of low/moderate value and although some substantial and more significant trees would be lost, subject to conditions to include replacement tree planting, on balance it is not considered that an objection could be sustained on the grounds of impact on trees.

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

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

Concerns have been expressed regarding the impact of the residential development upon the rural aspect of the village of Keele. The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance (2010) in 10.1 indicates that the aims for development within, or to extend, existing rural settlements are

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

It goes on to state that new development in the rural area should respond to the typical forms of buildings in the village or locality. The elevations of new buildings must be well composed, well proportioned and well detailed and new buildings should respond to the materials, details and colours that may be distinctive to a locality.

The dwellings have been designed to take reference from the existing houses in the village. The materials, window proportions and styles, and the use of dormer windows for example, relate well to the existing dwellings. Car parking is proposed to the rear of the dwellings to avoid dominance by parking areas. Some of the existing open space within the site is to be retained. It is considered that the layout of the housing is reasonably successful in reflecting as far as is possible within the constraints of a development of this type, the organic development of Keele Village as a ribbon development with smaller clusters of houses hidden behind the main 'ribbon' road.

The site is on the edge of Keele Village and is currently occupied by blocks of student accommodation and the Keele Management Centre. As referred to above, the scheme has been designed to take reference from the existing development in the village and it is considered that it would relate well to its surrounding context. The density of the housing development is approximately 16 dwellings per hectare and in this rural location on the edge of Keele Village, this is considered appropriate. Viewed from within the village, the development would replace existing buildings that do not contribute in a particularly positive manner to the streetscene and it is considered that the proposed development would be acceptable in terms of design and scale. It is not considered therefore that the proposed development would have any significant adverse impact upon the character and appearance of the village.

The site is within an Area of Landscape Maintenance and NLP Policy N19 states that within such an area it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

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

Due to the topography of the surrounding area, the closely built up nature of the village, and existing trees and hedgerows, much of the site is not visible within the wider landscape. However, the site is currently visually prominent when viewed from the A525 Keele By-Pass. The northern part of the proposed development would be visible in longer distance views and the north-western boundary of the site is prominent on the approach to the village along Station Road from the north-west. The existing buildings on this part of the site are 3-storey flat-roofed accommodation blocks and these would be replaced by large, detached, 2-storey dwellings.

As discussed above, a number of mature and visually significant trees along the north-western boundary are to be removed as a result of the proposal. However, the Landscape Development Officer is satisfied that there is sufficient space within the site for meaningful replacement planting along that boundary. Subject to approval of the details of replacement tree planting and its implementation, it is not considered that the development would have an adverse impact on the character or quality of the wider landscape.

Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the houses themselves?

One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Concern has been expressed by a resident of Knights Croft, to the north-east of the application site, regarding impact on privacy. The bungalows in Knights Croft are a minimum of 40m away from the proposed dwellings with landscaping along the eastern boundary of the site and therefore it is not considered that there would be any impact upon the privacy of the residents of Knights Croft.

It is not considered that there would be any adverse impact upon the amenity of the residents of the other existing dwellings adjacent to the site.

Within the site, a small number of the rear gardens do not comply with the Council's Space About Dwellings SPG in terms of their length but it is considered that sufficient private amenity space would be provided for the future occupants of the dwellings. The distances between the proposed dwellings would achieve a satisfactory level of residential amenity in terms of privacy and outlook.

It is not considered therefore that an objection could be sustained on the grounds of impact on residential amenity.

Is affordable housing provision required and if so how should it be delivered?

CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

On this site it is considered that 25% of the residential units within the development (23 units) should be affordable in the form of 75% of this quota being social rented properties and the remaining 25% to be shared ownership which would have to be transferred to a Registered Social Landlord.

Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD is also that whilst affordable housing should be provided on the application site so that it contributes towards creating a mix of housing, where it can be robustly justified, off site provision or the obtaining of a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted. The SPD suggests that one of the circumstances where offsite provision may be appropriate is where the Council considers that "the provision of completed units elsewhere would enable it to apply the contribution more effectively to meet the Borough's housing need".

The Keele Parish Housing Needs Survey (2006) demonstrated that only 17 people identified themselves in housing need, 12 of whom wished to resolve their need through private ownership, only 3 wished to rent. The survey report suggested that there was little chance of prices falling and the wish to achieve ownership would be unlikely to be realised. Your Officer would point out that the case for affordable housing is however based upon a much wider assessment of housing need than just within an individual parish. Were this development to be permitted it would represent a significant proportion (at least 10%) of the total number of new houses within the Rural Area up until 2026 – that total being a maximum of 900.

A large development such as this should be able to accommodate some on-site affordable units which should be integrated into the scheme to contribute to the provision of mixed communities, particularly bearing in mind the above significance of the scheme to the rural area. However, in this instance it is considered that a proportion of the required affordable housing provision could be secured by means of a financial contribution to off-site provision. It is critical that calculation of the level of financial contribution fully takes into account the real difference between the costs of offsite and onsite provision, so that there is no financial benefit to the developer in proceeding in this way.

What impact would the development have upon the local school in terms of additional pupil numbers and how could this matter be addressed?

Staffordshire County Council as the Education Authority states that a development of this size could add 19 primary school aged pupils and 14 high school aged pupils. St. John's Primary School is full and is expected to remain so for the foreseeable future and Madeley High School is projected to have insufficient places available in two year groups. An education contribution for 19 primary school places (£11,031 = £209,589) and 8 secondary school places (8 x £16,622 = £132,976) is requested. This is a total request of £342,565.

The number of children attributable to the proposed housing and the contribution per pupil place has been calculated using the methodology set out within Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated for 2008/09.

The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the education contribution sought is considered reasonable.

Will appropriate open space provision be made?

NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

Two areas of open space are proposed within the site including a children's play area. The Landscape Development Section is satisfied that the amount of public open space proposed on site is appropriate to the size of the development and therefore there is no requirement for a financial

contribution towards the development or improvement of off-site green space. The applicant has confirmed that the green space on the site will be maintained by a management company and therefore no contribution is required for its maintenance. Subject to a condition regarding future maintenance, this is considered acceptable.

Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and if so how does this need to be secured?

The Hawthorns site would be accessed, as at present, from both Station Road and Quarry Bank Road however, the majority of the proposed development would be accessed via Station Road (only 13 dwellings are to be accessed from Quarry Bank Road). There would be no vehicular link between the accesses. Provision is made within the scheme for a drop-off facility for up to 20 vehicles for St John's Primary School.

The application is accompanied by a Transport Assessment (TA) which states that the proposals will result in a minimal impact on the junctions in the area and can be accommodated on the local highway network. It states that the existing pedestrian infrastructure in the vicinity of the site will enable safe pedestrian movement between the site and the local services in the surrounding area of Keele and Keele University and that the site benefits from being located close to bus stops on Station Road. Overall, the TA concludes that:

*"In conclusion, the development will provide a sustainable development in transport terms and planning permission should be granted in accordance with the Framework."*

The Highway Authority has no objections to the application subject to the imposition of conditions.

In terms of ensuring that the scheme would promote the use of more sustainable modes of travel, an NTADS contribution should be sought and this would be fully in line with development plan policy and the Strategy. According to the Highway Authority, the contribution relates only to the Hawthorns part of the development as the campus is private land and it is considered that the campus development would not add significant traffic onto the highway network. The first point could apply to many developments but the second is a professional judgement by the Highway Authority which your officers are not in a position to dispute. As indicated above planning obligations must pass a statutory test as required by the CIL Regulations. The calculation of the required NTADS sum of £99,003 has a clear and reasonable rationale and it is considered that the test is met in this case, and accordingly the NTADS contribution is required. This would have to be done by means of a planning obligation. █

Would there be any significant impact upon any protected species?

An Ecological Survey and Impact Assessment submitted to accompany the application states that other than the presence of bats, there was no conclusive evidence of any specifically protected species regularly occurring on the site which would be negatively affected by the site development. In relation to bats, indications of roosting were found in the conference centre and on the basis of the discovery of what is considered to be a maternity roost for the Common Pipistrelle species, a full analysis of the bat survey has been submitted.

The existing maternity roosts in the Keele Management Centre would be lost during demolition and to mitigate against this, it is stated that new roosting provision will be created in the roof of the barn adjacent to the Management Centre in two locations. The new roost provision will be completed before demolition of the Management Centre commences and will be suitable for use by a maternity colony as well as being ideal for small transitional roosts or bachelor male/dispersal roosts. The report states that the new roosts will be comparable to those that will be lost through demolition and will be supplemented by additional roosts in the new buildings. In addition, bat boxes will be erected in trees and bat tubes will be installed in buildings on the site.

Bats are a European protected species and Local Planning Authorities, in exercising their planning and other functions, must have regard to the requirements of the European Community Habitats Directive when determining a planning application, as prescribed by the Conservation of Habitats and Species Regulations 2010. Such due regard means that LPAs must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning



permission is granted (where there is a reasonable likelihood of European Protected Species being present). Therefore in the course of its consideration of a planning application, where the presence of a European protected species is a material consideration, the LPA must satisfy itself that the proposed development meets the tests as set out in the Directive, and referred to below. Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant considerations may not have been addressed.

Regulation 53 (2)(e) of the above Regulations, in setting out the tests referred to above, indicates that proposed development affecting protected species must meet a purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment". In addition the LPA must be satisfied that: -

- (a) there is no satisfactory alternative, and
- (b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The Habitats Directive does not define the term 'imperative reasons of overriding public interest', however only *public* interests will meet the test, and projects that are entirely in the interest of companies or individuals would generally not be considered justification.

A draft revised version of Circular 06/2005 states that generally, the severity with which the tests should be applied should increase with the severity of the potential impact on the species or population concerned. In some cases where the impact on the protected species is minor or neutral, development may be justified even if the contribution to the public interest is relatively small.

In this instance, Natural England has no objection and advises that the proposal is unlikely to affect any statutorily protected sites or landscapes. Although the proposed development is likely to affect bats through damage or destruction of a breeding site or resting place, the proposed mitigation is broadly in accordance with the requirements of the bat mitigation guidelines and should maintain the population identified in the survey report.

Although Staffordshire Wildlife Trust is concerned that the assessment of the 3 tests for the Habitat Regulations does not give adequate reasoning behind demolition of the 2 buildings with bat roosts and whether alternatives have been considered, your Officer's view is that it would not be appropriate within this scheme to convert the existing Management Centre buildings.

Although the contribution to the public interest would be relatively small, it is considered that the impact upon the bats would be minor and on balance your Officer is satisfied that the first test has been appropriately considered and met.

Given the conclusions above regarding the appropriateness of the proposed mitigation, it is considered that the third test relating to the maintenance of the population of the species concerned would be met.

Subject to the imposition of conditions requiring suitable mitigation measures, it is not considered that the proposal would be detrimental to the maintenance of the population of bats at the site. Having regard to the EC Habitats Directive as prescribed by the Conservation of Habitats and Species Regulations 2010 and in consideration of the three tests as set out in the Directive (referred to in the agenda report) it is concluded that the development is acceptable because these matters have been appropriately addressed.

#### Would there be any issues of flood risk?

A number of representations have been received stating that gardens in the area are already flooded on occasion and that the proposed development would exacerbate the problem. A Flood Risk Assessment (FRA) submitted to accompany the application concludes that the most likely form of flooding for the site is pluvial flooding, resulting from a sudden intense summer downpour, and any flooding is likely to be concentrated to the south of the site within the low lying open space. A number

of recommendations are made to counter the effect of any increase in surface water run-off from drained areas, and the anticipated effects of climate change. The Environment Agency has no objections to the proposal subject to conditions including a requirement to carry out the development in accordance with the FRA and the mitigation measures included within the FRA. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability ?

As indicated above, to comply with policy, certain contributions would be required to make the development acceptable. These are either financial contributions or ones in kind, but they are all capable of being costed, and they would be considered by a developer to be "additional" costs. These are, in no particular order, the provision of affordable housing (an uncalculated but very significant value relative to the other contributions), a contribution of £342,565 to assist in the provision of additional educational capacity, and a contribution of £ 99,003 towards NTADS.

A Viability Assessment has been submitted with the application which concludes that on the basis of the 'existing use value' and the 'residual land value' of the proposed development under market assumptions, the proposed development is not viable with either affordable housing requirements or additional S106 contributions payable.

It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of "viability" and it starts with the point that any developer contributions required will need to comply with the tests set out in the circular, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

The Council's position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council's requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a site by site basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiation will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

On request, the applicant in this case has submitted financial information to substantiate their claim that the Council's requirements (of which affordable housing is one part) would render the scheme unviable. The information submitted has been sent to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice. Your officers are seeking confirmation on certain points, and are posing questions but indications are that the District Valuer at present considers on the basis of the appraisals undertaken on behalf of the applicant, and his own, that it is not viable either for the developer to provide any affordable housing contribution and maintain a reasonable profit or to make any Section 106 contributions. It has to be said that there would appear to be such a significant gap in values that the conclusion of the District Valuer appears to be a robust one. Nevertheless given the significance of such a conclusion your officer considers it appropriate to explore the position further with the District Valuer and a further report will be given on this aspect

As indicated above the contributions being sought are in the main ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 123 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

That said it could perhaps be that the projected lack of capacity at St Johns Primary School may not necessarily be a reflection of demand within the catchment area of the school but rather a reflection of the popularity to out of catchment pupils of a successful village school close to an urban area.

However that is less likely to be the case with Madeley High School where there is the same expectation (of a lack of capacity).

Local Planning Authorities are advised in the NPPF to take into account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled. However what is sought here is not a scaling back of a contribution, or the showing of flexibility in the normal sense (by say rephrasing of a contribution requirement) but rather is an acceptance of a development with neither affordable housing nor required Section 106 contributions.

On the positive side there is the undoubted contribution that the development would make in terms both to the quality of the university's accommodation (and thus its attractiveness) and also to housing availability which is acknowledged to be in short supply. A further consideration is that within the proposal is the provision of a drop off point for the school – something that the developer is under no real obligation to provide, but has put forward to facilitate the passage of the proposal, and is an undoubted benefit. It has to be noted that in the recent Midland House, Chesterton appeal decision, reported elsewhere in this agenda, the Inspector dealing with that appeal, considered that in the case of a scheme with very poor viability (a description that would appear to equally fit this proposal) the requirement for a contribution was contrary to the objectives of the NPPF and the SPD.

Every indication is that if the Council were to pursue affordable housing and education and NTADS contributions the development would simply not happen, and accordingly no contribution would be received, the University's accommodation and its attractiveness would not be improved and much needed housing development would not take place. The Authority is accordingly faced with a dilemma. Your Officer's view is that provided the viability case is established with evidence verified by the District Valuer there are sufficient circumstances here, as detailed above, to justify accepting the development without these contributions.

That said market conditions, and thus viability can change. On this basis it would be quite reasonable and necessary for the LPA to require the independent financial assessment of the scheme to be reviewed if any planning consent for the Hawthorns development has not been substantially commenced say within one year of the assessment, or if the development was to be constructed in phases. A further reasonable requirement would be to seek a "claw back" or "overage provision" so if the sales values achieved exceed those currently anticipated the increased profitability of the scheme can be taken into account (and contributions towards affordable housing, education and NTADS potentially retrospectively secured). These matters would need to be secured via a Section 106 agreement.

#### Background Papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

11 October 2013