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12 June 2009

To the Chair and Members

of the

PLANNING COMMITTEE

Dear Sir/Madam

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC OFFICES, MERRIAL STREET, NEWCASTLE** on **TUESDAY, 23 JUNE 2009** at **7pm**.

AGENDA

1. To receive Declarations of Interest from Members on items included on the agenda.
2. To consider the report of the Executive Management Team on items requiring decisions (copy attached).
3. To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.
4. To resolve that the public be excluded from the meeting during consideration of the report (green paper) because it is likely that there will be disclosure of exempt information as defined in Paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.
5. To consider the confidential report of the Executive Management Team (printed on green paper).

Yours faithfully

P W CLISBY

Head of Central Services

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

Copies of written representations from third parties will be on display in the Council Chamber collated together by agenda item number, for the information of Members.

A schedule of supplementary information, not included on your printed agenda and itemised by agenda item number, will also be available for Members in the Council Chamber before the meeting.

Site plans relating to applications included on this agenda are attached for your assistance.

**REPORT OF THE EXECUTIVE MANAGEMENT TEAM
TO THE PLANNING COMMITTEE**

23 June 2009

Part 1(a) – Planning Applications (Major)

1. **TRENTHAM QUARRY, LORDSLEY, WILLOUGHBRIDGE LANE, WILLOUGHBRIDGE
HANSON AGGREGATES. 09/297/CPO**

This is a consultation by the County Council on an application submitted to it under paragraph 5 of Schedule 14 to the Environment Act 1995 for postponement of review date relating to permission IDO/N/7 at Trentham (Lordsley) Quarry.

The application site forms part of a wider quarry site which is currently closed due to the downturn within the UK economy. When the site re-opens, the applicant has stated that sand and gravel extraction will recommence in the area covered by another 1987 consent where substantial mineral reserves remain. If they commence mineral extraction within the reserve areas, they believe that the conditions granted as part of the first review (1995), include sufficient operational and environmental controls to regulate it in conjunction with the need to discharge certain conditions if mineral extraction is to take place. The application site is identified on the Newcastle under Lyme Local Plan Proposals Map as an area of open countryside and as an Area of Landscape Maintenance. To the North of the application site is a Site of Biological Importance.

For any comments that the Borough Council may have on this proposal to be taken into account, they will have to be submitted on 24 June 2009.

RECOMMENDATION

That the County Council be advised that the Borough Council does not object to the proposed postponement of the review date relating to permission IDO/N/7 at Trentham (Lordsley) Quarry.

Reason for Recommendation

The proposal would not impact upon the Borough Council's wider objectives or the County Council's control of the site with the conditions still needing to be complied with prior to parts of the site being worked.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

Staffordshire and Stoke on Trent Minerals Local Plan 1994-2006 (adopted December 1999)

None.

West Midlands Regional Spatial Strategy 2008

Policy QE1: Conserving and Enhancing the Environment

Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape

Policy QE7: Protecting, managing and enhancing the Region's Biodiversity and Nature Conservation Resources

Policy M1: Mineral Working for Non-Energy Minerals

Policy M2: Minerals - Aggregates

Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011

Policy D1: Sustainable Forms of Development

Policy D2: The Design and Environmental Quality of Development

Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration

Policy MW1: The Need for Minerals
Policy MW3: The Efficient Use and Recycling of Materials
Policy MW9: Reclamation

Newcastle-under-Lyme Local Plan 2011

Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other Material Considerations include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)
PPS7: Sustainable Development in Rural Areas (2004)
PPS23: Planning and Pollution Control (2004)
MPS1: Planning and Minerals
MPS2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
MPG7: Reclamation of Mineral Workings
MPG8: Interim Development Order Permissions (IDOs) – Statutory Provisions and Procedures (September 1991)
MPG14: Environmental Act 1995: Review of Mineral Planning Permissions (1995)

Relevant Planning History

There have been numerous historic planning applications at this site for mineral workings dating back to 1947. The most recent permission is IDO/N/7 which was granted by the County Council on 24 February 1995.

Views of Consultees

It is the responsibility of the County Council to carry out consultations on this application. The Environmental Health Division have indicated directly to the County Council that they have no objection to the proposed development

Representations

It is the responsibility of the County Council to publicise the application

Applicant/Agent's Submission

The application is supported by a written letter, which states the following:-

'Extraction of sand and gravel has taken place at Trentham Quarry under a series of planning consents dating back to at least 1947.

Planning consent was granted to the Trentham Gravel Company on 27 March 1947 under the Town & Country Planning (General Interim Development) Order (IDO) 1946 for sand and gravel extraction and ancillary uses at the site. The Planning & Compensation Act 1991 introduced new provisions requiring landowners/mineral operators to apply to register such permissions and subsequently to apply for determination of the conditions to which the permission is to be subject.

Staffordshire County Council registered the IDO at Trentham Quarry on 15 December 1992 under reference IDO/N/7. Hanson (then ARC Limited) applied for determination of new conditions on 22 October 1994. The County Council subsequently determined the new conditions on 24 February 1995.

In addition to the IDO consent, Trentham Quarry also benefits from a planning consent (ref. N15458 dated 2 April 1987) for the extension of sand and gravel operations on 111 hectares. This consent overlaps a large proportion of the area subject to the IDO. Since 1987 mineral extraction has taken place within the area governed by the 1987 consent'.

Due to the severe downturn in the construction industry and the UK economy as a whole, in August 2008, Hanson decided to temporarily close Trentham quarry, until such a time as market conditions improve. When the site does re-open sand and gravel extraction will recommence in the area governed by the 1987 consent; where substantial mineral reserves remain'

The applicant also states however that the conditions imposed as part of the first review in February 1995 include sufficient operational and environmental controls to adequately regulate any future development that might take place in the quarry in respect of the working of the permitted mineral reserve areas under the IDO.

Key Issues

The proposed development is for an application under paragraph 5 of Schedule 14 to the Environment Act 1995 for postponement of review date relating to permission IDO/N/7 at Trentham (Lordsley) Quarry. The proposal involves the postponement of a review date relating to permission IDO/N/7 which is currently due to take place before 24 February 2010. The first review of the Trentham IDO concluded in February 1995 and led to the current scheme of conditions (33 in total). MPG 14 states that:-

'The purpose of the facility for postponement is to avoid unnecessary review where the existing planning conditions are judged to be satisfactory. In such cases postponement should be for a reasonable number of years e.g. 10-15'.

In deciding what representations to make the first consideration is whether the proposal has an impact upon any particular interests of the Borough Council (such as landholdings). The Borough Council does not appear to own land in the vicinity of the site.

Beyond that, consideration should be given to whether any aspect of the development has a particular bearing upon the amenity of the Borough's residents and to comment upon whether the proposal appears to conflict with any policies within that part of the development plan or emerging local development framework for which the Borough Council is the responsible Planning Authority, and upon whether the proposal has any bearing upon the strategic aims of the Council:-

- Creating a Borough of opportunity
- A cleaner, safer and greener Borough
- A healthy and active community

The Borough Council should not attempt to deal with the matter as if it were the relevant planning Authority. There is, it is suggested no merit in it commenting upon detailed technical considerations upon which the County Council will obtain advice both from their specialist officers and consultees.

The proposal involves the postponement of a review date relating to permission IDO/N/7 which is currently due to take place before 24 February 2010. This appears due to the current economic climate meaning the quarry is currently closed and if it does re-open the other areas of the quarry site are able to recommence mineral workings under a separate consent granted in 1987.

In this case it is considered that the following issues should be addressed by the Committee in deciding what comments to pass onto the County Council.

- Does the proposal have any particular bearing on the amenity of the Borough's residents?
- Does it conflict with or support the strategic aims of the Borough?

Does the proposal have any particular bearing on the amenity of the Borough's residents?

Due to the development just postponing the review of conditions of an already approved permission, it is not felt that this would adversely impact upon any of the Borough's residents. When the quarry re-opens, the applicant is able to re-commence works at the site on areas governed by a separate consent where substantial mineral reserves remain so it is unlikely that they will need to utilise the reserves areas to which this postponement relates for many years to come. If at any point however, they wish to commence works on these reserve areas, they would still need to discharge conditions attached as part of the first review concluded in 1995. These include conditions such as 12 and 31 of the first review that relate to the fact that a comprehensive working scheme must be submitted to the County Council for approval before any further

minerals are extracted from the reserve area.

Does it conflict with or support the strategic aims of the Borough?

To allow a postponement of the review of the conditions at this site could have a positive impact upon the strategic aims of the Borough particularly in relation to 'A cleaner, safer and greener Borough'.

The current permission at the site means that conditions relating to the site have to be reviewed periodically at fifteen-year intervals and as the site is not currently operating, it is not having an impact upon the Borough. If the site operator wants to extract minerals from the reserve areas in the future, certain conditions attached as part of the first review in 1995 would need to be complied with and a comprehensive review would be required of all conditions by 24 February 2020. This review would be governed by legislation at the time, which may well be more stringent than current environmental standards with improvements constantly being made. With regards to restoration and aftercare a revised restoration scheme was submitted to and approved in writing by the County Council on 6 November 2008 for the whole of the Trentham quarry site including the IDO area. The new scheme aims to increase biodiversity through the creation of a variety of habitats such as heathland and woodland. The site therefore benefits from a modern and up to date restoration scheme that adheres with the principles of the Council's strategic aims.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

5 June 2009

2. DERELICT RAILWAY LINE, SILVERDALE
HOMES & COMMUNITIES AGENCY. 09/238/FUL

The Application is technically for full planning permission for engineering works associated with the reclamation of a derelict rail line and the change of use of the line to provide a tarmac track for public access without complying with condition 7 of planning permission reference 08/00975/FUL which requires the retention and restoration of the station platforms. In substance it is the variation of condition 7 which is the matter to be considered as the submission proposes, on the northern (Colliery) side of the track a raised 'platform' containing two benches and an interpretation board.

The application site is affected by Policy T9 of the Local Plan and is partially within an area of Landscape Regeneration as defined on the Proposals Map to the Local Plan. The site adjoins the Silverdale Conservation Area and the Grade II Listed Building, St Luke's Church.

The statutory determination period expires on 6 August 2009.

RECOMMENDATION

Permit the application and remove condition 7 of planning permission 08/00975/FUL subject to the following conditions:-

- (i) Provision of the raised 'platform', benches and interpretation board prior to the railway line being brought into use as a walkway/cycleway.**
- (ii) All other conditions of 08/00975/FUL shall remain.**

Reason for Recommendation

The condition is not considered to meet the tests of necessity and reasonableness as set out in Circular 11/95 and as such retention of the condition is not justified. The development itself provides improved sustainable links within the local community.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE1: Conserving and Enhancing the Environment
Policy QE2: Restoring Degraded Areas and Managing and Creating High Quality New Environments

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable Forms of Development
Policy D2: The Design and Environmental Quality of Development

Newcastle under Lyme Local Plan 2011 (NLP)

Policy T9: Rail Freight
Policy C11: New Footpaths, Horse Routes and Cycleways
Policy B8: Other Buildings of Historic or architectural Interest

Other Material Considerations Include:

National Planning Policy

PPS1: General Policy and Principles (February 1997)
PPG15: Planning and the historic environment (1994)
PPG17: Planning for Open Space, Sport and Recreation (July 2002)

Companion Guide to PPS1 "The Planning System: General Principles"

North Staffordshire Integrated Transport Strategy

Staffordshire Historic Environment Record

No recordings for the Mineral Railway line where the platforms are located.

Relevant Planning History

Planning permission was granted earlier this year for engineering works associated with the reclamation of a derelict rail line to a tarmac track for public access, reference 08/00975/FUL. The planning permission was subject to a number of planning conditions including the following, condition 7, which is copied in full;

"7. Notwithstanding the details on the approved Master Plan, Drawing No 01 Rev A, the existing railway station platforms, HATCHED IN ORANGE on the attached Master Plan, shall be restored and retained in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before any engineering works commence.

Reason 7 In the interests of retaining a historical record of the former use of the site and to increase the likelihood of the railway line being reinstated in the future if that becomes desirable."

In 1998 planning permission was given, reference no. 98/00129/DEEM, for the change of use of the railway line to walkway and cycleway from A34 Liverpool Road to behind dwellings on Newcastle Street, Silverdale.

In 2007 application reference 06/00337/OUT was permitted on part of the former Silverdale Colliery site, for:-

- (a) Full planning permission for engineering and remediation works in preparation for redevelopment for housing, community uses and greenspace; and associated landscaping.
- (b) Outline planning permission for the erection of buildings for residential and community uses, with all matters of detail reserved for subsequent approval with the exception of the access points into the site from Scot Hay Road.

Views of Consultees

The **Landscape Development Section** has no objections but suggest that the platform feature is connected to the cycle path and that its surface utilises the same material. A request is also made that the design and content of the interpretation sign and its mounting is agreed with the Borough Council prior to its fabrication and installation.

Silverdale Parish Council has no objections.

The **Chair of the Conservation Advisory Working Party** raised no objections to the proposal

Representations

A letter of representation has been received strongly objecting to any further erasing of the rich history of North Staffordshire's most important branch line railway station and that it would be a travesty and betrayal to future generations to deny them an insight into what importance this line once held. The restoration of the platform, re-siting the signal, providing a couple of benches, and providing an information marker is the least which should be done.

Applicant/Agent's Submission

The application is supported by a document which is summarised as follows;

- The original application included the regrading and soiling of the existing platforms to form part of the boundary embankments at the side of the Greenway. Consideration had not been given to retaining the platforms as it is the view of the applicant that the condition of the platforms is too poor to make restoration a viable proposition.
- The platforms have suffered the loss of their surface, damage caused by track removal, tree routes and subsidence, and a lack of maintenance which has led to the current poor structural condition.
- Current Building Regulations and health and safety requirements for public areas are such that the only feasible option is complete reconstruction. The cost of such works would outweigh the conservation benefits and would fail to preserve the spirit of the conservation aspirations.
- The location of the restored railway sign, interpretation board, and two benches has been chosen to be close to the main concentration of pedestrian traffic. However there is sufficient stand-off from the crossing point and entrance into Silverdale village so as not to affect or interfere with any proposal for the creation of a high quality design for this feature.
- They propose the reconstruction of a small section of the northern platform using blue and dark red engineering bricks which could be reclaimed in the construction of a new platform seating area/viewing point. A 7m long seating platform, with two 7m long ramps each side is proposed providing a 21m platform front wall is shown.
- The signal is re-sited as a point of interest. The ladder would be removed and the signal arm restored with advice of a local railway enthusiast group.
- The interpretation board would be in the style of a railway signboard and would be sited on the platform showing maps and routes of various paths on site and a summary of local history.

This document is available for inspection at the Guildhall and on www.newcastle-staffs.gov.uk.

Key Issues

This is an application to effectively vary a condition of a planning permission relating to the formation of a footway/cycleway as a continuation of the existing greenway. The proposed greenway is to be maintained by the Borough Council, as is the existing greenway.

The Council as the Local Planning Authority has a number of options. If it considers that the original condition should remain it should refuse the application, if it considers the condition should be removed the application should be permitted, alternatively the Authority can amend/vary the condition if it considers that this is appropriate and if that is the case then it should approve the application subject to the amended condition. In legal terms a new consent is granted, but the old permission still remains extant.

The existing platforms are located to the north and south side of the railway line and measure approximately

100-150m in length. The platforms are in a varying state of disrepair.

The condition in question requires the retention and restoration of the railway platforms in accordance with details to be approved. Whilst the route of the railway line abuts the boundary of Silverdale Conservation Area and passes, in close proximity, to the Listed St Luke's Church, the platforms themselves are far enough away from these features so as to have no effect upon the setting of these statutorily designated features. The issue to address, therefore, in the determination of this application is whether the principle of the development remains acceptable without the retention and restoration of the railway platforms.

Principle of the development without the retention and restoration of the railway platforms

The formation of the public access route along the former railway line was permitted earlier this year in acknowledgement that this extension to the existing greenway would provide benefits through improved sustainable links within the area. In addition it would also enable the provision of a direct at grade pedestrian link from the village of Silverdale into the residential development which has been granted outline planning permission on the adjoining former Silverdale Colliery site – a link which is considered important to ensure the integration of the residents of the new development into the existing community.

The condition requiring the restoration and retention of the platforms was attached to the planning permission by the Planning Committee in the interests of retaining a historical record of the former use of the site; and to increase the likelihood of the railway line being reinstated in the future if that becomes desirable. The proposal to vary the condition to enable the removal of the platforms will therefore be considered against these two reasons for the imposition of this condition.

The platforms are neither Listed structures nor are they within a Conservation Area. They are therefore not afforded any statutory protection. Local Plan policy B8 does however indicate that the Council will ensure the conservation of locally important buildings and structures by encouraging their retention, maintenance and appropriate use and restoration, and PPG15 does refer to the wider "heritage". Members may remember that the Silverdale station building itself was dismantled several years ago, planning permission gained for its reerection at the Apedale Heritage Centre, and it is understood that this project is now proceeding. The point of relevance to this application is that it has been considered appropriate to date to relocate such features to the Apedale Heritage Centre site where the Moseley Railway Trust have permission for a railway heritage museum and a narrow gauge railway, and to concentrate effort at this location. Local Plan Policy C13 is recognition of this. In contrast there is no specific planning policy for the retention of historical features onsite at the former Silverdale Station.

The applicant indicates that the platforms could not be renovated to a suitable standard for public recreational use given their poor state of repair. The platforms would need to be rebuilt and this and the future maintenance of the platforms would be additional costs over and above those anticipated by the applicant.

It is accepted by your officer that the retention of the platforms would provide a historical reference to the former use of the pedestrian/cycleway. According to the applicants they would however effectively have to be rebuilt, because of their condition, which would of course lessen their "historical" value. As already indicated there is no substantive planning policy base for the condition as currently drafted and indeed the focus of this type of work has been very much at Apedale – the station building having been removed to Apedale. The submitted option of a rebuilt 'platform' on which will be located the restored signal and an interpretation board could still provide a suitable reminder of the history of the line. The cost involved in both retaining the platforms (and subsequently maintaining them) whilst not specified in the application would no doubt be substantial and this could have a bearing on the viability of the railway line project. That is a material planning consideration which the Council needs to take into account.

Turning to the second reason for the imposition of the condition, Members are reminded that in reaching the conclusion that the formation of the pedestrian/cycleway was permissible it was accepted that the proposed development would not materially jeopardise the prospect of the future use of this rail connection and as such the proposal would not conflict with Policy T9 of the Local Plan.

The removal of the southern platform and the removal and replacement of the northern section with a short 'platform' upon which benches, an interpretation board and the signal (required to be restored under another condition of the planning permission) are to be located sited would not, in your Officer's opinion, reduce the likelihood that the railway line would be reinstated. It is extremely unlikely that if the rail line was brought back

into use, either for freight or passenger use, that the platforms would be reused if they had been retained. It is more likely that modern platforms, which might be of a different height, would be provided in a location best suited for their purpose, which would not necessarily be where the historic platforms were located. It therefore could not be concluded that the removal of the condition and the ultimate loss of the platforms will jeopardise the prospect of the future use of this rail connection contrary to Policy T9.

Members are reminded of Circular 11/95 which offers policy advice on the use of conditions in planning permissions. The Circular advises that as a matter of policy, conditions should only be imposed where they satisfy all six tests which are set out in this policy document. All conditions should be

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.

In recommending the variation of condition 7 your Officer considers that its imposition is not necessary, in that the development would not be rendered unacceptable without this condition, and as such the condition would need special and precise justification which your officer does not consider exists in this case; nor is it reasonable given the cost involved in retaining the platforms.

Background Papers

Planning Policy documents referred to

Planning files referred to

Date Report Prepared

8 June 2009

Part 1 (b) – Planning Applications (Minor)

1. 25 LADYGATES, BETLEY
MR D BECKET. 09/233/FUL

The Application is for full planning permission for the installation of a solar hot water collector panel at this property. It is located within the village envelope of Betley, outside of the Betley Conservation Area.

The statutory eight week period for the determination of this application expires on 1 July 2009.

RECOMMENDATION

Permit with no conditions.

Reason for Recommendation

The proposal accords with provisions of the development plan for the locality indicated below and there are no other material considerations which would justify a refusal of planning permission.

Policies and Proposals in the Development Plan Relevant to This Decision

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D 1: Sustainable Forms of Development

Policy D 2: The Design and Environmental Quality of Development

Newcastle-under-Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to Planning Control

Other Material Considerations

Relevant National Policy Guidance

PPS1: Delivering Sustainable Development (February 2005)

Companion Guide: "The Planning System: General Principles" (February 2005)

PPS 22: Renewable Energy

Supplementary Planning Guidance (SPG)

Space Around Dwellings (2004)

Relevant Planning History

1978	N05690	Permit – 2 May 1978 - conversion of garage to dining room, conservatory and garage (Permitted Development Rights Removed)
2000	00/593/FUL	Permit – 28 September 2000 - conservatory

Views of Consultees

Betley, Balterley and Wrinehill Parish Council – supports the application.

Representations

None

Applicant/Agent's Submission

A Supporting Statement accompanies the planning application, outlining the following:

- The application is for a solar hot water collector to be fitted to the south facing roof of 25 Ladygates, Betley.
- The installation is in accordance with national, regional and local policies for the use of renewable energy and the reduction of carbon footprint.
- Were it not for the removal of Permitted Development Rights from this property in 1978 following an extension, the development would be permitted development. The reason for removing rights was to prevent overdevelopment of the site..
- This installation does not contribute to overdevelopment of the site, making no difference to the size of the property.

The full document is available for inspection at the Guildhall and on the Council's website www.newcastle-staffs.gov.uk.

Key Issues

The application seeks permission for a roof mounted solar hot water collector panel at 25 Ladygates, Betley, which is a detached house situated within the Betley village envelope, just outside of the Conservation Area of Betley. The solar panel would be located on the south facing side roof slope to the side of the property, visible within views from the street.

This proposal would normally be classed as "permitted development" and therefore not require an application for planning permission. However, in this case an application is required as permitted development rights have been removed from the property by a previous planning permission, in the interests of preventing overdevelopment at the property.

PPS 22 "Renewable Energy" is the Government's national policy guiding renewable energy. The key aim is to cut the UK's carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The proposal, which will generate energy for the property to produce hot water, is in accordance with the key aims of PPS 22.

Reflecting on policy PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy D2 of the Structure Plan requires development to be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design.

Policy H18 of the Local Plan refers to the design of residential extensions and alterations, where subject to planning control. The policy states that the materials and design of each extension or alteration should fit in with those of the dwelling to be extended and the extension or alteration does not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting." The proposed solar hot water collector panel would be of a standard design comprising a series of tubes within a frame, although visible, the solar panel would not materially detract from the character or appearance of the dwelling, being a modest addition to the property, and viewed from a lower level given that the houses are elevated in the street.

The proposal is in accordance with Policy H18 of the Local Plan, Policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan and the aims and objectives of PPS 1 and PPS 22.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

8 June 2009.

2. **2 LANSDELL AVENUE, PORTHILL**
MR HOLDCROFT. 09/272/FUL

The Application is for full planning permission for the erection of a two storey side extension and ground floor rear extension. The site lies within the urban area of Newcastle as indicated on the Local Plan Proposals Map.

The application has been called before the Planning Committee at the request of two elected members due to public interest that extensions with similar separation distances from neighbouring dwellings have been approved by the Planning Authority and that the plans if permitted will improve the character of the area and neighbouring privacy levels by removing an existing bedroom window.

The statutory eight week period for the determination of this application expires on 7 July 2009.

RECOMMENDATION

Refuse for the following reason:

- (i) The proposal is considered unduly overbearing and un-neighbourly, resulting in an unacceptable loss of amenity for the occupiers of Nos.13 and 15 Clare Avenue due to the unsatisfactory separation distance between the proposed two storey side extension and the principal windows of these dwellings.

Reason for Recommendation

The proposal is considered to be unduly overbearing and un-neighbourly, resulting in an unacceptable loss of amenity for the occupiers of Nos.13 and 15 Clare Avenue due to the unsatisfactory separation distance between the proposed two storey side extension and the principal windows of these dwellings. Accordingly the proposal fails to comply with Supplementary Planning Guidance Space Around Dwellings and the aims and objectives of PPS1.

Policies and Proposals in the Development Plan Relevant to This Decision:

West Midlands Regional Spatial Strategy 2008

PolicyQE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy T13: Local Roads

Newcastle-under-Lyme Local Plan 2011

Policy H18: Design of Residential Extensions

Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance

PPS1: Delivering Sustainable Development (February 2005)

Companion Guide to PPS1 “The Planning System: General Principles”

Supplementary Planning Guidance (SPG)

Space around Dwellings (July 2004)

Relevant Planning History

2008	08/618/FUL	Refuse - two storey side extension and ground floor rear extension
2009	09/24/FUL	Refuse - two storey and single storey side extensions - with side and front canopy

Representations

One letter of objection has been received raising concerns that the proposal is overbearing to neighbouring occupiers and would result in an unacceptable loss of amenity.

A neighbouring occupier has stated that they have no objections to the proposal.

Applicant/Agent's Submission

None.

Key Issues

The proposal seeks full planning permission for the construction of a two storey side extension and a single storey rear extension.

The two storey side extension projects forward of the front elevation of the existing dwelling by 0.5m at ground floor level, and is set back by 0.3m at first floor level with the ridge height of the roof approximately 0.15m lower than that of the main dwelling. The side extension extends out to the side of the dwelling by 3.7m at ground floor for the first 4.9m measured from the front elevation, with the first floor element above stepping in and measuring 2.9m from the side elevation of the existing dwelling. The rear section of the two storey extension measures 2.3m, and extends to the rear elevation of the dwelling. The stepped design of the two storey extension reflects that the site is wider at the front boundary and tapers inwards towards the rear boundary, and results in a further drop in ridge height. The single storey extension replaces an existing lean to outbuilding at the rear of the existing dwelling and also extends out to the rear of the proposed two storey extension. It projects 1.7m beyond the rear elevation of the existing dwelling.

This application follows two previous planning applications involving proposals for a two storey side extension (application reference numbers 09/00024/FUL and 08/00618/FUL). Both of these previous planning applications were refused on the grounds that the proposal would result in an unacceptable loss of amenity for the occupiers of Nos.13 and.15 Clare Avenue due to the unsatisfactory separation distance between the proposed two storey side extension and the principal windows of these dwellings. Given that the proposal now under consideration is for a two storey side extension substantially the same as that proposed within application 09/00024/FUL, with the exception of the introduction of a small set back from the front elevation at first floor, the sole issue for consideration in the determination of this application is:-

- The impact of the proposal upon neighbouring occupiers amenity levels

Impact upon neighbouring occupiers in terms of amenity

Supplementary Planning Guidance (SPG) 'Space Around Dwellings' was adopted by the Borough Council in July 2004 following public consultation, and consideration by the Council's Cabinet and Planning Committee. The SPG provides guidance on new dwellings including the need for privacy, daylight standards, and environmental considerations. This guidance is also used to assess the impact of extensions on neighbouring properties.

The guidance recommends that a "minimum" separation distance of 13.5 metres should be provided where principal windows face the wall of a two storey dwelling that contains no windows or windows which are occluded such as bathrooms. In this case the affected dwellings are number's 13 and 15 Clare Avenue as

their rear elevations, containing principal windows, face towards the side elevation of the proposed extension. The purpose of the guidance is to ensure that a suitable separation distance is achieved to avoid any development having an overbearing and un-neighbourly impact on the living conditions of adjoining residents. As such it is considered that it is the first floor of the proposed extension which has the potential to affect the neighbours and it is this element of the proposal which is measured against this guidance below.

A separation distance of approximately 12.8m would be achieved between the first floor component of the extension and the ground floor bay window of number 13 Clare Avenue when measured in a straight line from the centre point of this window. A greater separation distance is achieved between the part of the side wall of the two storey extension and the principal bedroom window of number 15 Clare Avenue because the extension steps back at this point but the amount of separation achieved still falls below that set within the SPG. A rear conservatory has been erected in front of the lounge window of number 15, but this is not considered to form a principal room.

The view taken is that the shortfall of 0.7m below the minimum separation distance of 13.5m is not immaterial and would result in a material impingement to neighbouring amenity levels and given that there are no ground levels difference which would reduce the impact of the proposed extension there are no circumstances to justify a reduction in this requirement.

In the determination of previous application 09/00024/FUL the applicant pointed to other several other extensions in the vicinity approved by the Planning Authority where compliance with the SPG recommended separation distance was a factor. Other relevant applications were taken into account in the determination, under delegated powers, of the previous application and in all cases where the minimum standards were not achieved there were mitigating factors which reduced the impact of the extensions to an acceptable level. The recommendation to refuse this application is not, therefore, considered to be inconsistent with decisions of the Local Planning Authority to permit other extensions within the locality and within the current policy context.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

8 June 2009.

3. 16 OLD BUTT LANE, KIDSGROVE
MR D MAYER. 09/213/FUL

The Application is for full planning permission for a single storey side and two-storey rear extension at a property which is located within the urban area, as designated by the Local Plan Proposals Map. The application site adjoins the Newcastle Borough/East Cheshire Council boundary.

The statutory eight week period for the determination of this application expires on 13 July 2009.

RECOMMENDATION

Permit subject to the following condition:-

- (i) Materials to be used shall match those of the existing building.**

Reason for Recommendation

The proposal accords with provisions of the development plan for the locality indicated below and there are no other material considerations which would justify a refusal of planning permission.

Policies and Proposals in the Development Plan Relevant to This Decision:

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 1996 - 2011

Policy D1: Sustainable Forms of Development

Policy D2: The Design and Environmental Quality of Development

Policy T13: Local Roads

Newcastle-under-Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to Planning Control

Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance

PPS1: Delivering Sustainable Development (February 2005)

Companion Guide: "The Planning System: General Principles" (February 2005)

Supplementary Planning Guidance (SPG)

Space Around Dwellings (2004)

Relevant Planning History

N20475 Permit – 11 January 1991 - porch and bay window extension

Views of Consultees

Kidsgrove Town Council and **Congleton Borough Council** – comments awaited.

Representations

None.

Applicant/Agent's Submission

None.

Key Issues

The application seeks permission for a single storey side extension to form a garage, and a two-storey rear extension at 16 Old Butt Lane, Kidsgrove, which is located within the Urban Area. The dwelling is detached, and the street is characterised by a variety of detached and semi detached properties.

The side extension would form a single garage, WC and utility room and would project 4.25m from the side elevation of the dwelling. Its lean-to roof would be hipped at the front, there would be three windows in the side elevation. The extension would leave approximately 1.2m to the boundary, allowing external access to the rear of the property. The existing detached garage is proposed to be demolished.

To the rear of the dwelling, a two-storey extension is proposed, to create a dining room at ground floor level and a bedroom extension at first floor level. The eaves and ridge height of the two-storey extension would match the existing dwelling, and a lean to hipped roof is proposed to the existing flat roof kitchen.

In terms of materials, the applicant proposes to use new or reclaimed bricks to be as close a match as possible, and tiles are proposed to be reused on the new rear roof extension, and new or reclaimed tiles (of a

close match) are proposed for the garage extension.

The key issues in the determination of this application are:

- Visual amenity
- Residential Amenity
- Parking

Visual amenity

Reflecting on policy PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy D2 of the Structure Plan requires development to be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design.

Policy H18 of the Local Plan refers to the design of residential extensions, where subject to planning control. The policy states that "Proposals to extend dwellings will be favourably considered, subject to other policies in the plan, so long as the form, size and location of each extension should be subordinate to the design of the original dwellings, the materials and design of each extension should fit in with those of the dwelling to be extended and the extension does not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting."

The single storey side garage extension would appear subordinate to the existing dwelling when viewed from the street, and the lean to roof would complement the design of the existing dwelling well, tying in with the lean to roof over the existing porch. The garage extension would be generously stepped back helping to lessen the impact of the bulk of the extension when viewed from the street.

The design of two-storey rear extension to the rear would be in keeping with the overall design of the dwelling. The proposed lean to hipped roof over the existing kitchen would improve the appearance of the current flat roof.

Overall, the proposal is considered to comply with the aims and objectives of Policy H18 of the Local Plan and the aims and objectives of PPS 1.

Residential amenity

The guidance contained within the Council's Supplementary Planning Guidance "Space Around Dwellings" is aimed at protecting amenity of residents and neighbours to development proposals.

In terms of the side garage extension, this would not lead to a material loss of privacy or light to neighbouring principal windows. Similarly, the two storey rear extension and the proposed lean to hipped roof to the kitchen would not result in a detrimental effect on amenity, and no overlooking issues would arise from the proposals.

Overall, the proposed extensions are considered to be acceptable in terms of residential amenity.

Parking

Policy T16 of the Newcastle-under-Lyme Local Plan includes an appendix of maximum car parking standards for various types of development, with the maximum car parking spaces for a 2 to 3 bedroom dwelling being 2 car parking spaces. The proposed garage could accommodate 1 car, and there would be adequate space for the parking of one further car as well. Therefore, the proposal would comply with the Local Plan car parking standards, and with Policy T16 of the Local Plan.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

5 June 2009.

4. UNIT 8B BROCK WAY, KNOTTON
ADC (FM) LTD 09/258/FUL

The Application proposes the change of use of an existing office building (233m²) to D1 (Dental Surgery) and the erection of a two storey extension (99m²) to accommodate surgeries, video assessment and ancillary welfare facilities.

The application site lies within an area of Employment Development as indicated on the Local Plan Proposals Map. The site is covered by Policy E5 and is known as Church Lane, Knutton. The site is in the process of being developed with many of the units already complete and some already occupied.

The site is located on the edge of Knutton although it lies within the parish of Silverdale.

The Statutory determination period for this application expires on 3 July 2009.

RECOMMENDATIONS

(a) That subject to an obligation being completed by 30 June 2009 securing a contribution of £5,000 towards the Newcastle (urban) Transport and Development Strategy (NTADS)

permit subject to conditions relating to the following:-

- (i) Commencement within 3 years**
- (ii) Materials as specified**
- (iii) Appropriate surfacing and delineation of parking/turning areas**
- (iv) Contaminated Land**
- (v) Recyclable Storage**
- (vi) Use to be for dental facility only and for no other D1 use**

(b) That should the obligation not be secured within the above period, the Development Control Manager be given delegated authority to refuse the application on the grounds that without the obligation being secured, the development would fail to make an appropriate contribution to NTADS thus improving local accessibility and the promotion of the most sustainable modes of travel.

Reason for Recommendation

Although the proposal is contrary to employment policies specified within the Local Plan, other material considerations have been demonstrated by the applicant to outweigh the loss of employment land within the Borough. Those considerations include the acute and immediate need for the local population to have access to oral health services. An appropriate contribution to NTADS is however required.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy PA1: Prosperity for All
- Policy PA4: Development related to Research and Higher/Further Education Establishments
- Policy PA6: Portfolio of Employment Land
- Policy QE3: Creating a High Quality Built Environment for all
- Policy T2: Reducing the need to travel

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

- Policy D1: Sustainable forms of Development
- Policy D2: The design and environmental quality of development
- Policy E1: Employment Land Provision and Distribution
- Policy E8: Loss of Employment Land and Buildings
- Policy T1A: Sustainable Location
- Policy T13: Local Roads

Policy T18A: Transport and Development

Newcastle under Lyme Local Plan 2011 (NLP)

Policy E5: Church Lane, Knutton

Policy E11: Development of Employment Land for other uses

Policy T16: Development – General Parking Requirements

Other Material Considerations Include:

National Planning Policy

PPS1: Delivering Sustainable Development (2005)

Companion Guide to PPS1 “The Planning System: General Principles”

PPG4: Industrial and commercial development and small firms (November 1992)

PPG13: Transport (March 2001)

Draft PPS4 – Planning for Sustainable Economic Development (Draft)

Circular 11/95 The Use of conditions in planning permissions

Circular 02/2005 Planning obligations

Newcastle under Lyme (Urban) Transport and Development Strategy 2008/09 – 2012/13 (NTADS)

Supplementary Planning Guidance or Documents

Supplementary Planning Document on Developer Contributions – adopted October 2007

Relevant Planning History

There have been several permissions relating to this wider employment area however the most pertinent relating to this application is a permission granted in 1997 for a proposed office building for sampling and testing of building materials. This is the unit that appears to have been developed.

Views of Consultees

Highway Authority – no objection to the proposed development on highway grounds subject to a condition relating to appropriate surfacing and delineation of parking bays. A contribution of £5,000 is requested in line with the Newcastle under Lyme (Urban) Transport and Development Strategy (NTADS).

Environmental Health Division – no objection subject to conditions relating to contaminated land and recyclable storage.

Silverdale Parish Council – no objections.

Representations

No representations received to date.

Agent’s Submission

The application is supported by the following documents:-

- A Design and Access Statement.

This details how the proposed extension has been designed to ensure it assimilates with the existing building. It also details how the site is accessible to all with close public transport links and adequate parking facilities including disabled provision.

- Letter of Support from the NHS Primary Care Development Manager/Primary Care Trust Dental Lead

Officer.

This letter details the existing inadequate access to dental facilities, and poor oral health of the residents of Silverdale, Knutton and Cross Heath. The PCT have on the basis of this evidence tendered for a dental contract in the area, and in awarding preferred bidder status have stipulated that the new dental facility should be as close as possible to the new recent LIFT development on Milehouse Lane which is unable to accommodate dental facilities. They confirm that the PCT owned Knutton clinic building is neither suitable nor large enough to deliver the dental services that the PCT is looking to provide. The PCT consider the Brock Way site to be an ideal location as it is easily accessible and they support the application.

- Letter of Support from the Head of Neighbourhood and Partnerships at the Borough Council.

The Neighbourhood Management Pathfinder identified the need for dental services in this area from both from resident surveys and from evidence based information. They have worked closely with health partners to identify local solutions to meet this need.

They therefore wholeheartedly support the proposal for the establishment of a dental practice in the area and the employment opportunities this will bring for local people particularly as it offers qualifications and skills that would not normally be available in this area. They believe that it will contribute to the strategic priorities to reduce health inequalities for Newcastle and it will positively impact upon outcomes for local people.

- Financial Information

A breakdown of the anticipated costs of the project has been provided. The finance director of the Dental provider has specified that there is little or no tolerance in the costs shown and consequently there is no scope for reducing these further, let alone any allowance for contingencies that may arise.

The applicant has indicated that the requirement to contribute £5,000 will have a devastating effect on the project, and they ask that this not be sought.

Key Issues

The proposed development would result in a new dental practice within an allocated employment area. This use falls within Use Class D1 – the non-residential Use Class that includes the provision of any medical or health services, use as a crèche, day nursery or day centre, use for the provision of education, use as a public hall or exhibition hall, and use for, or in connection with, public worship or religious instruction. The applicants are the developers of the employment area, but they have specified the likely user.

The key planning issues to address in this instance are therefore:-

- The principle of the development
- Design
- Parking provision & NTADS Contribution
- If inappropriate development in development plan policy terms, do other material considerations exist to justify approval?

The principle of the development

The application site is located within an allocated employment area that is also the subject of policies which seek to preserve the stock of land and buildings attractive to Class B or “Business” users so that opportunities for inward investment and for the modernisation of existing local businesses can be maximised. The unit lies in a backland position relative to Brock Way which leads off Church Lane.

The policy allocating the Church Lane site (E5) stipulates that the development of that site will be permitted for Class B uses, subject to a number of requirements being met. The proposal is for a D1 or “non-residential institutional” use.

The development would result in the loss of 233m² of employment floorspace. SSSP Policy E8 indicates that development, which would lead to the loss of business or general industrial land considered necessary to meet market requirements and provide a diverse local portfolio of employment opportunities, will be resisted.

NLP Policy E11 reflects this policy indicating that the loss of good quality business and general industrial land and buildings will be resisted where this would limit the range and quality of sites and premises available. The policy outlines the criteria for considering what constitutes 'good quality', including accessibility, size, condition, location and relationship to adjoining uses. It is considered that the site here can be defined as 'good quality'. It should be noted that the submitted Core Spatial Strategy identified a shortfall of employment land against RSS requirements. There is currently a shortage of well located industrial land and buildings in the Borough relative to demand, when current market conditions are discounted, and it is considered that the proposed development would result in the loss of good quality industrial buildings contrary to policies regarding loss of employment land. In such circumstances strong justification is needed for the loss of what employment land the borough does have.

Although the unit is semi-detached the proposed D1 use should not create a conflict with any of the adjoining units that would prejudice the long term viability of the employment area due to the adjoining premises being predominantly office based. It is perhaps also relevant to note that one of the other units on the estate is occupied by a physiotherapists – planning permission having been granted for that development in 2001 at the start of the development of the estate, reference being made to the particular constraints on that part of the site, and the likelihood that any Business use of that part being limited.

Emerging guidance in the new draft PPS4 directs this type of use to town, district and local centres. As a draft for consultation purposes little weight can be given to this yet and in any case PPS6 on Planning for Town Centres, and the main town centre uses (which this use is not one), makes it clear that other objectives other than the key objective of the promotion of the vitality and viability of town centres need also to be considered including in particular the provision of local services meeting particularly the needs of socially-excluded groups, the promotion of social inclusion and ensuring that deficiencies in provision in areas with poor access to facilities are remedied, provided they are not inconsistent with the key objective. Although the site is not located in a local centre it will occupy a central position within the catchment area of the proposed surgery being equidistant between Silverdale and Cross Heath, is fairly well served by public transport particularly that serving the catchment area, and is in easy walking distance of the main residential area of Knutton. In terms of promoting sustainable forms of development, by giving the option of use of modes of travel other than the private motor car, the site is acceptable, although improvements to bus stops could enhance such modes for example.

Design

The proposed extension would not have an adverse impact upon the appearance of the building or the character of the area as the proposal is of an identical type and design to the existing with matching materials to be utilised. The development therefore accords with the principles of policy D2 of the SSSP.

Parking provision & NTADS Contribution

The Highway Authority has no objection to the proposed development with adequate parking spaces being provided for the development which adheres with the principle of policy T16 of the Local Plan, particularly when the access at this location to other modes of travel is taken into account. There is, it should be noted, no segregated pedestrian access to the building other than through the car park, but that is not a matter to which the Highway Authority objects.

The seeking of a financial contribution of £5000 towards NTADS would ensure that the proposed development improves local accessibility and the promotion of the most sustainable modes of travel, in line with the resolution of the Planning Committee in December 2008. Members will note the concerns expressed by the dental provider company about the requested £5000 contribution (in the context of an overall budget for the project of some £870,000). The Council's adopted SPD on developer contributions sets out the criteria to be considered when a developer considers what is being asked will render a development unviable. The criteria have not been fully addressed here, and whilst the public sector funding of the proposal may perhaps distinguish it from others (although the nature of the relationship between the dental provider and the PCT is not specified), your officer can see no substantive basis upon which he can recommend that the requirement be waived. The decision is for the Committee to make.

Do other material considerations exist to justify approval?

As already indicated the proposal does not accord with policies in the development plan on the use of

employment land and buildings. The decision should be made in accordance with the development plan unless other material considerations indicate otherwise.

The applicant's case that such other material considerations exist relates primarily to the need of the local community to have local access to dental services and the urgent need for this to be provided as soon as possible. It is clear to see from both the PCT's submission and that of the Head of Neighbourhoods and Partnerships that there is an acute need for local people to have improved access to dental services.

It is noticeable in recent times that changes to the provision of medical facilities has seen an increase in larger centres which cover wider areas rather than the previous method of individual smaller surgeries. The thinking behind this is to allow a mixture of different practitioners to operate in one location for transferable skills and it is noticeable that the proposed surgery has a dedicated training suite that will allow dental students from Keele University to gain invaluable knowledge from experienced professionals.

With regards to the choice of this particular site, the applicant previously submitted an application for a dental practice on Liverpool Road which was withdrawn. After this withdrawal, they explored several alternative sites including the community/medical centre in Church Lane Knutton, the pharmacy within Knutton, and the Milehouse Health Centre which were discounted for various reasons including size constraints and a lack of immediate availability. It would appear that the need as well as being acute is pressing with availability being a major consideration – hence the attractiveness of an existing empty building as here being considered

In conclusion, it is felt that on balance the loss of this relatively small amount of employment floorspace for a development that would provide an essential medical service that is urgently required within this area is acceptable, although the final recommended condition is considered appropriate given the circumstances leading to this recommendation.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

10 June 2009

5. **MICHELIN SPORTS GROUND, ROSE TREE AVENUE, TRENT VALE**
STOKE CITY FOOTBALL CLUB. 09/227/FUL

The Application proposes the development of a floodlit synthetic pitch and the provision of floodlighting to an existing football Academy match pitch. The application site is currently utilised by Stoke City Football Club as a training facility and in accordance with the terms of the resolution of the Planning Committee of the 12 May planning permission is about to be issued for the development referred to as application 09/00112/FUL.

The proposed floodlit synthetic pitch (105m x 68m) would be located adjacent to the eastern boundary of the site towards the north east corner and the proposed floodlights (6) to be positioned around the existing Academy pitch would be along the eastern boundary directly to the north of the proposed new main car park. The proposed floodlights would be 15m tall and would be positioned around each pitch with three located along each touchline. The proposed synthetic pitch would have 3m high ball stop fencing erected around its perimeter rising to a height of 5m behind the goals.

The application site lies within the Green Belt as well as an Area of Landscape Maintenance as indicated on the Local Plan Proposals Map.

The site lies fairly close to the administrative boundary with the City Council, but in that it all lies within Newcastle Borough, it is not cross boundary application. Vehicular access to the site from the Strategic Highway Network (the A34) is obtained via residential estate roads Riverside Road and Rose Tree Avenue.

The statutory determination period for this application expired on 15 June 2009.

RECOMMENDATION

That subject to the Environment Agency not raising any objections which cannot be addressed by appropriate conditions, permit subject to conditions relating to the following:-

- (i) Commencement within three years.**
- (ii) Prior approval of contractor's method statement.**
- (ii) Contaminated land conditions.**
- (iv) Fencing to be developed as specified unless otherwise agreed in writing by the LPA.**
- (v) Development to proceed in accordance with Flood Risk Assessment.**
- (vi) Floodlighting as specified.**
- (vi) Hours of operation of floodlights limited to 9:30pm.**
- (vii) Community use of facilities and playing field drainage.**

Reason for Recommendation

The proposed development constitutes appropriate development within the Green Belt and would not conflict with the purposes of including land within it. The development would also have no adverse impact upon the surrounding landscape and through the use of appropriate conditions would have no material adverse impact upon the residential amenity of properties in the vicinity. The proposed development therefore adheres with the provisions of the relevant national and local planning policies and there are no other material planning considerations to justify refusal of the planning permission.

Policies and Proposals in the Approved Development Plan Relevant to This Decision:-

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE4: Greenery, Urban Greenspace and Public Spaces
Policy QE6: The Conservation, Enhancement and Restoration of the Region's landscape

Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 (SSSP)

Policy D1: Sustainable forms of Development
Policy D2: The design and environmental quality of development
Policy D4: Managing change in rural areas
Policy D5B: Development in the Green Belt
Policy T1A: Sustainable Location
Policy T18A: Transport and Development
Policy T13: Local Roads
Policy NC1: Protection of the Countryside: General Considerations
Policy NC2: Landscape Protection and Restoration
Policy NC13: Protection of Trees, Hedgerows and Woodlands

Newcastle under Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy N2: Development and Nature conservation – site surveys
Policy N17: Landscape Character – General Considerations
Policy N19: Landscape Maintenance Areas

Other Material Considerations Include:

National Planning Policy

PPS1 Delivering Sustainable Development (2005)
PPG2 Green Belts (1995)
PPS7 Sustainable development in Rural Areas (July 2004)
PPS9 Biodiversity and Geological Conservation (2005) and its companion guide
PPG13 Transport (March 2001)
PPG17 Planning for Open Space, Sport and Recreation (2002)

PPS23 Planning and Pollution Control (January 2005)
PPG24 Planning and Noise (September 1994)
PPS25 Development and Flood Risk (2006)

Companion Guide to PPS1 "The Planning System: General Principles"

Stadia, Football Academies and Centres of Excellence – Sport England Planning Bulletin (2003)

Circular 11/95 The Use of conditions in planning permissions

Newcastle under Lyme B.C. Leisure Needs Assessment and Playing Pitch Strategy
Stoke City Council Playing Pitch Strategy

Urban North Staffordshire Green Space Strategy (2007)

Lighting in the Countryside: Towards Good Practice (1997)

Supplementary Planning Guidance

Planning for Landscape Change – Supplementary Planning Guidance to the SSSP (Staffordshire County Council)

Relevant Planning History

There have been several historic planning applications for developments relating to Stoke City Football Club at the site however the most pertinent is 09/00112/FUL that recently gained approval for a permanent Academy sports pavilion, ancillary buildings, car parks and fencing.

Views of Consultees

Staffordshire County Council as **Highway Authority** commenting on the effect of the development on roads for which they have jurisdiction - no objections on highway grounds to the proposed development.

Environmental Health Division – No objection to the proposed development subject to conditions relating to:-

- Floodlight details as specified in the application
- Hours of operation of the floodlights restricted to 9:30pm

Staffordshire Wildlife Trust – no comments having been received by due date it must be assumed that they have no observations to make upon the application.

Environment Agency – The Environment Agency have been consulted with regards to this application and a verbal indication has been given that if their recommendations of the previous application (09/00112/FUL) at the site are included, this would satisfy their requirements.

Stoke City Council– no comments having been received by due date it must be assumed that they have no observations to make upon the application.

Sport England – no comments having been received by due date it must be assumed that they have no observations to make upon the application, but their comments received on its previous application covered the issue of the synthetic pitch. Comments received stated that the proposed synthetic pitch might fall under one of the exceptions (where they would not object to loss of a playing field) No. 5 if it can be shown that its benefit is sufficient for the development of sport so as to outweigh the detriment caused by the loss of the playing field. The Borough's Playing Pitch Strategy does not identify the need for a synthetic pitch in this area therefore the benefit to sport will be constrained to the youth Academy rather than the wider community. The Stoke Playing Pitch Strategy identifies the nearest synthetic pitch at Thistley Hough, therefore this one is unlikely to duplicate/over provide in the context of current supply in Stoke. They then go on to state that due to the development partially complying with two of the exception policies they would not object to the development subject to a condition being included as part of any permission relating to community use of the

club's facilities, and details about the current and proposed quality of the sports pitches.

Representations

2 letters have been received. One is from a councillor (City Council Stoke and Trent Vale Ward) writing on behalf of their constituents. These concerns are highlighted below;

- Issues of light pollution in the area
- The application would take away their visual amenity
- The application would mean that the premises would be used at unreasonable hours causing a nuisance.

The other is from a local resident raising issues about an Environmental Impact assessment, traffic generation and parking on Rose Tree Avenue, flooding implications and the precedent of previous decisions.

Some of the representations received at the time of the previous application for the sports pavilion (09/00112/FUL) referred to elements within this application as detailed above.

Agent's Submission

The application is supported by the following documents:-

- A Design and Access Statement

Provides a detailed breakdown of the floodlight details as well as the perimeter fencing to the synthetic pitch. This should be read in conjunction with the Visual Impact Assessment illustrating how it contrasts with other similar developments.

- Planning Statement

Statement on the need of Stoke City Football Club to develop enhanced and permanent facilities in place of their existing temporary facilities to enable the Club to compete at the highest level and comply with the FA's requirements set out in the 'Charter for Quality'. Relates the proposed development to the wider application site which has recently been granted approval for a permanent Academy sports pavilion. The proposed development would further reduce the need for the club's Academy to travel between a number of existing dispersed facilities and consequently meet Football Association (FA) requirements and good practice and have a sustainable benefit in terms of reducing the need to travel.

- Transport Statement

Concludes that the traffic associated with the proposed development can be safely accommodated on the local highway network even assuming a worst case situation of four age groups training on the synthetic pitch whilst there is an Academy match taking place on the Academy pitch. It must be noted that the use of the floodlights is limited to certain periods of the year and when daylight allows the pitches are used by the club at present and therefore the extra over impact of the application proposals is limited to the times of year when currently the lack of daylight does not permit usage of the site.

- Visual Impact Assessment

A diagrammatic and photographic assessment of the proposed floodlighting upon the surrounding landscape as well as residential properties.

- Images of Perimeter Fencing used elsewhere

Details the specification of the fencing.

All of the above are available for inspection both at the Guildhall, and on the Council's website www.newcastle-staffs.gov.uk.

Key Issues

The proposed development would result in a new floodlit synthetic training pitch and floodlighting to an existing Academy pitch. The key issues which the Committee needs to consider are:-

- Whether the development constitutes appropriate or inappropriate development in Green Belt terms
- Impact upon the surrounding landscape and the countryside
- Residential Amenity
- Traffic and Highway Safety
- Ecological considerations

Appropriate or inappropriate development within the Green Belt?

PPG 2 states that,

"The statutory definition of development includes engineering and other operations and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt".

NLP Policy S3 reiterates this stance, it indicates that development for sport or recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area may be located in the Green Belt so long as they do not disrupt viable farm holdings.

The proposed synthetic pitch and floodlighting would be assessed as appropriate development within the Green Belt as it clearly linked to providing opportunities for outdoor sport and outdoor recreation near urban areas. The proposed use of the wider site is already as playing fields and with the development of these proposals it would allow the facilities to be utilised all year round for longer periods. It would also maintain the openness of the site and would not conflict with the purposes of including land within the Green Belt.

The consequence of this conclusion is that the applicant is not required to demonstrate that "very special circumstances" exist although compliance with other policies within the development plan and national guidance still falls to be considered

Impact upon the surrounding landscape and the countryside

The general planning policies controlling development in the countryside apply with equal force in Green Belts. PPG2 indicates that the visual amenities of the Green Belt should not be injured by proposals within the Green Belt which, although they might not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials and design. SSSP policy D4 refers inter alia to the objective of seeking to protect open countryside for its own sake, as does Policy NC1, and PPS7. New development in the countryside is to be strictly controlled and any development which is acceptable in principle should respect the character of the countryside and maintain or improve the environment. SSSP Policy NC1 and NLP Policy N17 set out a number of criteria to be considered in assessing the landscape impact of a development, whilst the Planning for Landscape Change SPG provides further guidance.

The Michelin Sports Club site lies at the foot of that part of the Lyme Valley where the presence of built development on both sides of the valley becomes less noticeable, with the wooded slopes up to Clayton hiding that part of the urban area from view although the back of the Trent Vale housing is an ever present feature. The site is just to the north of the A500 raised embankment which visually truncates the valley. Views into the site are across a fairly open almost level floodplain with the Michelin building being most apparent.

The proposed fencing around the synthetic pitch is identical to the site fencing approved in the previous application. Although its height would be higher in parts than the perimeter security fencing, it would not be readily noticeable from outside the site and would therefore have no adverse impact upon the openness of the Green Belt or the character of the surrounding landscape.

The proposed floodlights are specialist sports models that have been designed where light pollution control is an essential requirement and include several features such as anti-glare internal baffles and in-built line of sight aiming features to help achieve this. The applicant has stated that the proposed lighting level over the

playing pitch surfaces will be in the order of 300 lux in line with levels recommended by Sport England for external football use. The applicant has detailed within their design and access statement and visual impact assessment that the design of the lighting is such that the luminance is focused totally on the playing surface with no measurable overspill much beyond 5 metres back from the touchlines. The planning case officer has viewed similar floodlights in use at Everton Football Club and as can be seen in the photographs submitted as part of the visual impact assessment, the lights are well focused on to the pitch with minimal light spillage beyond this. This is demonstrated on a lighting plan submitted by Abacus as part of the application, this shows contours at 5m intervals with lux levels diminishing from 50 - 2 lux. Information obtained from the internet highlights that moonlight represents approximately 1 lux and lighting within a house is typically around 50 lux. As lighting intensity is related to the focus of light, the development would therefore have no significant impact much beyond the floodlit pitches due to the intensity of the light and the fact that it is light spillage and not a focused light source. It must also be noted that the proposed application site is not a deep countryside location given its position on the edge of an urban area. The elevated A500 which runs to the south of the application site is well lit to modern standards and there are residential developments located in more elevated locations than the application site to the north-east, north west and west of the application site that will already provide an element of light pollution within the surrounding landscape. In this context, the proposed development would not have a detrimental impact upon the Green Belt or surrounding landscape.

The proposed floodlights would also have no adverse impact during the day when not in use. Although they would be 15m in height, the proposed columns are relatively slimline and they are designed with a galvanised silver grey finish that will blend into the average typical British sky. When viewed from a distance they would therefore not dominate or appear visually intrusive within the surrounding landscape.

Residential amenity

SSSP Policy D2 indicates that development should generally conserve and where possible improve the quality of life.

The application site is currently utilised as playing fields and this application would not alter its use. The intensity of the use of the site and traffic flow from the site would therefore materially increase as a result of these proposals at certain times of the year due to the floodlights allowing use when lack of daylight would not otherwise allow such use. A noise impact assessment has been done on the proposals through a combination of background noise studies at certain times in different locations as well as noise prediction modelling techniques. The results of these have been considered by the Environmental Health Division and it is considered that subject to the use of the floodlights being limited to 9:30pm there would be no adverse impact upon the residential amenity of properties in the vicinity. It is reasonable to assume that this is an appropriate period and reflects the period of time they could reasonably use the playing surface in the summer months when hours of daylight are longer.

The proposed floodlighting would not have an adverse impact upon the residential amenity of any neighbouring properties. The nearest floodlights would be approximately 130m from residential dwellings and a light spillage diagram has shown that this would not reach anywhere near any of the rear gardens of these properties. Although the light source of the floodlights would be visible from these properties, it is felt that due to the separation distances discussed above, the operating hours specified by the applicant and the fact that the times when the floodlights are likely to be used is when one would expect curtains to be closed at these properties this would not adversely impact upon their amenity.

There would also be a possible increase in the intensity of use of the site relating to the development of the synthetic pitch as due to their man-made nature, they are able to cope with more regular activity than a traditional grass pitch. This would not have an adverse impact upon the residential amenity of the nearby properties due to the fact that the hours of floodlighting would be controlled by condition in the winter period and the fact that if the pitch were not granted, the club would have significant pitches to operate a rotation system to allow pitch recovery. It should also be noted that the club intend to improve the drainage of the pitches in the future which would also have the potential to improve the amount of use they can sustain.

Highway safety

SSSP Policy T18A indicates that development will not normally be permitted if it would cause demonstrable harm to the function of the highway network.

The Transport Statement submitted with the application indicates that the traffic associated with the proposed development can be safely accommodated onto the local highway network even assuming a worst case scenario of four age groups training on the synthetic pitch as well as an Academy match going on.

Staffordshire County Council has no objections to the proposed development whilst the City Council having not responded have to be assumed to have no observations similarly.

Ecological considerations

NLP Policy N2 does indicate that in determining applications for the development of previously undeveloped sites of over 1/4ha the Council will require an applicant to carry out and submit a preliminary habitat and protected species survey together with a data search of relevant ecological information, except where the Council is satisfied that such a survey is not necessary by virtue of the site's location, planning history and/or data records. In this case it was not felt necessary for an ecological survey to be undertaken for the development due to it being undertaken primarily on a well utilised and cultivated playing field that does not offer an ideal habitat for many wildlife species. The Staffordshire Wildlife Trust has been consulted and has made no observations upon this application. However it would be appropriate if permission is granted to include a condition requiring that a method statement be submitted and approved along similar lines to the one undertaken by the County Council to ensure that any parts of the development near to the boundary of the site where wildlife are present have been assessed to ensure they would not be adversely affected, and any appropriate mitigation works taken. This is particularly pertinent in light of a great crested newt having been spotted a relatively short distance away from the site albeit in a much more suitable habitat.

Other matters

It is not felt that the proposed development would have an adverse impact upon flooding in the vicinity with the synthetic pitches allowing water to drain through them and not increasing the amount of surface run-off. The previous permission granted at the site (09/112/FUL) includes a condition related to the Flood Risk Assessment and this would ensure that the overall development of the site would not have an adverse impact upon the surrounding area. The formal comments of the Environment Agency are however still awaited.

Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

10 June 2009

Part II Miscellaneous Items

1. DEALING WITH PLANNING POLICY MATTERS

Submitted by: Directorate for Strategy, Development and Regeneration

Portfolio Regeneration and Planning

Ward(s) affected All

Purpose of the Report

To agree a procedure for the consideration of planning policy items.

Recommendations

(a) To continue to use the Planning Committee as the key member group for scrutinising and approving LDF documents and all other planning issues.

(b) To set up meetings for all elected members as appropriate stages in the preparation of LDF documents.

(c) To retain the additional “strategic” meetings for 2009-10 but consider non development control items at the regular committee meetings if appropriate.

Reasons

The reduction of the size of Planning Committee and the introduction of compulsory member training provides an opportunity to review the way policy matters are dealt with.

1. **Background**

- 1.1 The Council’s recent decision to reduce the size of the committee, and to introduce compulsory training, provides an opportunity to review the way planning policy matters are dealt with.
- 1.2 In 2006, the decision was made to set up another series of meetings of the planning committee to deal with policy matters (the “strategic” meetings). These cover the preparation of Local Development Documents (“LDDs” see Appendix ‘A’ – printed on salmon paper) as well as a variety of other policy matters. The reason for a separate set of meetings was to enable full and detailed discussion on important and complex issues without interfering with the development control process. The principle of involving the Planning Committee was considered essential to ensure a link between development control decisions and the preparation of the policy that is intended to form the context for those decisions.
- 1.3 While committees to determine applications need to be held on a regular and frequent basis (currently every three weeks), those for policy matters are required far less regularly. This is largely because of the long time needed to prepare Local Development Documents and the irregular positioning of the key milestones in the programme where member decisions are required. The other consideration in programming these meetings has been to ensure a rapid turn-round to Cabinet or Council as appropriate to confirm recommendations. In the calendar for the current year, four “strategic” meetings have provisionally been timetabled: for September, October, December and February. The practice has been to cancel these meetings if there was not sufficient urgent business. It should be noted that attendance at these meetings has generally been significantly lower than at those dealing with planning applications.

2. **Issues**

- 2.1 If we carry on as before, it will mean that a group of 16 Members are the only ones who are involved closely in the consideration of policy matters, although, at the Chair’s discretion, all members are

allowed to attend the committee, without voting rights. However, if we no longer take Local Development Documents to the Planning Committee, there is a danger of losing the link between development control and policy making.

2.2 It is the officers' view that it is essential to see the whole planning system as one, and not create any undue divisions between the development control and the policy making operations. The Planning Committee represents a key group of specialist elected members with an interest in, and trained in, planning matters. This is the natural group to have a detailed scrutiny function in relation to policy decisions. However, in policy making, and in particular with the documents within the Local development Framework (LDF - see Appendix 'A'), there is also a corporate dimension, sometimes involving a wider community partnership. For this reason, there must be opportunities in the process for full member involvement, to mirror the inter-departmental liaison at officer level..

3. **Options Considered**

3.1 Broadly speaking the options are:-

- Ceasing to bring all LDDs (and other policy matters) to Planning Committee
- Continuing as before with additional "strategic" meetings
- Continuing as before, but using the same meetings as for planning applications
- Holding meetings for all elected members to discuss LDDs (in conjunction with any of the first three options).
- Taking LDDs straight to Cabinet or Council as appropriate (in conjunction with option A).

3.2 There is also the opportunity to introduce, or in some cases finalise, issues through the Strategic Planning Consultative Group, as was the case with the Town Centre SPD.

3.3 It is worth noting that normal Planning Committees are already not limited only to determining planning applications. They also receive reports on a variety of other issues, such as performance in dealing with applications, enforcement, Article 4 Directions, appeals and conservation matters. It could be seen that there is something artificial about the separation between all these matters and policy making.

4. **The Proposal**

4.1 Bring all LDDs and other policy matters to Planning Committee. Use the additional "strategic" meetings, if appropriate, but look to eliminating these if this can be done without interfering with DC performance.

4.2 Set up meetings to which all elected members would be invited at key stages in the preparation of an LDD.

4.3 Full member meetings would be most likely to be scheduled prior to detailed consideration by the Planning Committee. Officers would bring, for instance, a draft DPD before a full meeting and elicit discussion on the key issues in the document. Changes may be made as appropriate and then the revised document would be submitted to Planning Committee for detailed scrutiny and approval. Subsequent ratification of the committee's recommendation would then be required by Cabinet or Council (see Appendix 'A') in the knowledge that all members had already had an opportunity to contribute and that the resulting report had been approved by experts within the elected Council. The Planning Committee would also approve the arrangements for the use of these full member meetings, including deciding at which stages such meetings would be held.

2. **TRAINING FOR MEMBERS OF PLANNING COMMITTEE**

Submitted by: Directorate for Strategy, Development and Regeneration

Portfolio Regeneration and Planning

Ward(s) affected All

Purpose of the Report

To agree an approach to specialised and compulsory training for members of Planning Committee.

Recommendations

- (a) That officers set up a programme of six training sessions over a first full year period on the basis set out in this report subject to any further details agreed by the Committee.
- (b) That Members be required to attend at least two thirds of the sessions.
- (c) That the Chair and Vice Chair of the Committee be allowed to use their discretion in considering whether a Member can remain on the Committee with full voting rights if that level of attendance is not attained.
- (d) That the training programme be reviewed after six months from commencement, so that preparation can be made for its continuation.

Reasons

The Council has approved the recommendation of the Planning Committee that compulsory training be established and left it to the committee to decide how this would be implemented.

1. **Background**

- 1.1 In accordance with a recommendation made by this Committee on 21 April 2009, the Council has resolved to make attendance at training events compulsory for members of the committee, at a level to be prescribed by the Committee.
- 1.2 The purpose of this report is to agree an approach to the training, to decide what level of attendance will be required of all members, and how that requirement will be maintained. It must be emphasised that the decision made on training for the Planning Committee is separate to discussions by the member Training Working Group. That group looks at general training and has taken on board the decision to make introductory training compulsory for “quasi judicial” committees. It has also looked at innovations such as online training, though this is currently not being pursued. Compulsory, continuous training has never previously been prescribed in the Council and it clearly raises a number of important practical issues.
- 1.3 A questionnaire was distributed to committee members at the end of May to elicit views on five issues:
 - timing of training,
 - frequency of training
 - the degree of attendance to be required
 - delivery of the training
 - subjects to be covered
- 1.4 Of 15 sent out, 10 were returned. The responses are discussed below, each issue needing a decision by the Committee.

2. **Timing**

- 2.1 Returns from the questionnaire indicate a strong preference for the period 6pm to 8pm. Both the other options attracted one “no” each. Two said “any” time would be convenient and two alternative suggestions were made of 7pm-9pm, or possibly 6:30 to 8:30. One said avoid Friday.
- 2.2 On the basis of the above, 6pm to 8pm would be the recommendation, though there is no reason not to consider the alternatives offered.

3. **Frequency**

- 3.1 The officer recommendation on the questionnaire was for 6 events per year. Half agree with this, while three feel it is too many, with one suggesting 4 instead. One notes that it depends on the quality of the training.
- 3.2 We should not overlook the resource implications of setting up the training programme, which increases with a higher number of sessions. However, if too few are programmed, it could make the prescribed level of attendance more sensitive. It is recommended that a maximum of six be programmed, depending on availability of appropriate speakers/trainers and financial resources.

4. **Minimum Requirement**

- 4.1 Again, the officer recommendation of an attendance level of four out of six was agreed by most, with one suggesting a reduced level of 3 – i.e. half the available sessions. Whatever figure is agreed, there still needs to be another decision as to whether that would be an absolute requirement or whether, for instance, the Committee could accept extenuating circumstances in any particular case.
- 4.2 There is no established practice on this issue here, as the requirement for continual training is new. The Council agreed in February an “elected member development strategy” which amongst other things requires training to be undertaken by members of “quasi-judicial” committees, including Planning Committee, *before they take part in their first committee meeting*. This would require only one session of training, and would not apply to previous/existing members. Moreover, this proposal has not yet been acted upon, due to staff vacancies.
- 4.3 Regarding discretion, regulations permit decisions to be delegated to an officer, or to more than one member. Therefore there are three alternatives if it is felt that some discretion should be allowed: to give the decision to the whole committee, to an officer, or to the Chair and Vice Chair. The latter proposal is recommended. It is recommended that discretion is allowed, at least during the first twelve months of the programme, as this is new ground, and issues may yet arise in the practicalities of maintaining the regularity of the training programme.

5. **Delivery of Training**

- 5.1 Clearly there are significant budgetary implications here. It has been indicated that we could use around £1,500 from the corporate member training budget. A training session for Planning Committee Members organised in 2006 through a private agency cost around £8,000, which was funded at that time by Planning Delivery Grant. It is possible that the same funding source could be used this time, but for this financial year at least, it is evident that training is having to be arranged “on a shoe string”
- 5.2 Response from the questionnaires gave unanimous support for a roughly 50/50 split in-house and external. This would appear to be a reasonable starting point, though budget pressure may push this towards a greater emphasis on in-house.

6. **Subjects to be Covered**

- 6.1 The response to the questionnaire in terms of priorities for issues is summarised below (scores awarded in reverse order of priorities – i.e. highest numbers are the most preferred).

Design	86
Development Control: the basics	79
Section 106s	73
The DC process	67
Appeals	62
Enforcement	61
Policy planning	57
Housing Market Renewal (Renew North Staffs)	48
Affordable housing	45
Climate change, Biodiversity	28
Green travel plans	23

- 6.2 Most respondents were interested in all subjects, though three specifically excluded Climate change etc (one expressly noting disapproval), and Green Travel Plans; two excluded affordable housing and Renew; and one excluded the DC process.
- 6.3 It is recommended that the programme for the first year should be taken as far as possible from the first seven issues listed, given their significantly higher showing. If possible, although one member suggested that he/she knew most of what would be covered in the second issue ("the basics") it is suggested that this would be the most appropriate first session.

3. APPEAL DECISION

- (i) **Change of Use of Land of Part of Existing Horticultural Site to Use for Short Stay Caravan Park at Elmside Plant Centre, Heighley Castle Way, Madeley. Mrs M Stanley**

Application Number: 08/523/COU

Recommendation: Permit subject to conditions

Decision: Refused by Planning Committee on 29 July 2009

Appeal Decision: Appeal dismissed

Date of Appeal Decision: 5 May 2009

The Inspector considered the main issues in the appeal to be whether the proposal would be inappropriate development in the Green Belt and if inappropriate whether the very special circumstances exist.

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

Inappropriate Development

- The most important attribute of the Green Belt is its openness. Openness goes beyond an assessment whether a proposal is visible from outside the site and involves the wider purpose of preventing encroachment of built development into the countryside.
- The introduction of caravans which, although temporary and transient features, would reduce the openness for at least part of the time, and the introduction of street lighting would give the site an urban character.
- The Inspector concluded that the proposal amounts to inappropriate development in the Green Belt, which would cause harm by reducing openness and by encroachment.

Very Special Circumstances

- Whilst the site is well screened the Inspector did not consider this to be a very special circumstance as it could be argued elsewhere in the Green Belt.
- In terms of farm diversification it was not considered that there was clear evidence that the existing business is unviable by itself.
- Whilst it was accepted that the development would contribute to the rural economy and provide opportunities for tourism, these wider benefits would not be enough in themselves to amount to very special circumstances. Again, such benefits could be repeated for similar proposals on other sites in the Green Belt.
- The Inspector concluded there were none of the required very special circumstances to outweigh the harm to the Green Belt.

Other Matters

- The Inspector gave little weight to the site accessibility to the motorway network.
- He was satisfied that the proposed in and out access arrangements would provide a safe entry and exit for vehicles.

(ii) **New Dormer Bungalow at 3 The Oaks, Pinewood Road, Ashley Heath, Market Drayton. Mr G Jones**

Application Number: 08/61/FUL

Decision: Refused under delegated powers on 31 July 2008

Appeal Decision: Dismissed

Date of appeal decision: 3 June 2009

In **dismissing** the appeal, the Inspector considered the main issues to be:-

(1) **Sustainability**

- The Inspector considered that the site is remote from, and has poor access to, key services and facilities and that it is very likely that access to services would require car journeys. In addition, and because her findings on the remoteness of the appeal site, the Inspector did not consider that the proposed dwelling would support local services.
- The Inspector found no reason to consider that the housing needs of the area are not being met by the provisions of the development plan. She considered that the presence of the village envelope and the associated Local Plan policies are not outweighed by any other consideration including the personal circumstances of the appellant.
- The Inspector concluded that the proposed development would result in an unacceptable increase in the number and length of travel movements, especially by car, and would not be adequately accessible by alternative means of transport such as buses, walking and cycling.
- The Inspector also noted that allowing this appeal would make it more difficult to resist further planning applications for similar developments, and considered that their cumulative effect would exacerbate the harm caused.

(2) **Character and Appearance**

- The Inspector considered that protected trees present on the site formed an important backdrop to the appeal site and made a positive contribution to the character and appearance of the surrounding area.
- It was considered likely that there would be future pressure to fell or severely prune

- trees, which would be difficult to resist once the dwelling was occupied.
- The Inspector took the view that the proposal would lead to an unacceptable loss of trees covered by a TPO and that this would be seriously detrimental to the character and appearance of the area.

For the reasons given above the appeal was **dismissed**.

RECOMMENDATION

That the decisions be noted

Terminology and the Difference Between the Types of Documents

Local Development Framework (LDF) Is the name given to the whole portfolio of formal plan making documents under the system brought in 2004 through the Planning and Compulsory Purchase Act.

A Local Development Document (LDD) is anything within the Local development Framework

These can be any of the following:

A Development Plan Document (The most important type of LDD – these form part of the “Development Plan ” which has a special significance in determining planning applications

A Supplementary Planning Document (These do not constitute part of the Development Plan and cannot set out new policy, but they expand on, or help to interpret, policy and are important material considerations in development control.

The Annual Monitoring Report (This is a requirement of the DCLG. It reports on a number of indicators laid down by government, and also reports on the performance of DPDs, which must contain details of how their success will be monitored.

The Statement of Community Involvement (This sets out how the community will be involved in the preparation of other LDDs.)

According to the Local Government Regulations, DPDs must be approved by the full Council, whereas other LDDs should be approved by the Executive. The protocol for approval of consultation documents prepared as preliminary stages of DPDs is less clear. Practice throughout the county is mixed.

**SUPPLEMENTARY REPORT OF THE EXECUTIVE MANAGEMENT TEAM
TO THE PLANNING COMMITTEE**

23 June 2009

1. 22A NASH STREET, KNUTTON
A.D. BOOTH AND SONS. 09/00092/OUT

The Application is for outline planning permission for residential development for 24 units. All matters of detail are being reserved for subsequent approval with the exception of access and layout approval of which is being sought at this stage.

The application was considered by the Planning Committee on 12 May 2009 and the Committee resolved that, subject to the prior completion by 12 June 2009 of planning obligations securing a minimum of 25% of the residential development for affordable housing in perpetuity, a financial contribution towards open space enhancement/improvements and a financial contribution for Newcastle urban Transport and Development Strategy (NTADS), planning permission is to be granted subject to a number of conditions. The Committee also resolved should the obligations not be secured in time the Development Control Manager should have delegated authority to refuse the application.

The 13 week statutory determination period for this application expired on 16 June 2009. This item is brought as an item of urgency to ensure that a major residential development, securing affordable housing, is not unnecessarily delayed.

RECOMMENDATIONS

(a) That the period for the completion of the planning obligations previously approved by the Planning Committee be extended to a date which your officer will indicate at the Committee meeting.

(b) That subject to the planning obligations being secured in the specified time period that the Development Control Manager be authorised to grant planning permission subject to the same conditions as agreed by the Planning Committee on 12 May 2009.

(c) That should the matters referred to above not be secured within the specified time period, the Development Control Manager be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of open space within residential development, the provision of affordable housing for local needs and the provision of improved highway infrastructure.

Reason for Recommendation

There has been no material change in planning policy since this application was last considered. It is currently considered appropriate in this instance to agree a short extension of time to enable the completion of the planning obligations, should that be necessary.

Key Issues

Members will recall this application being considered at your meeting on 12 May 2009 when it was resolved that, subject to the completion of planning obligations, by 12 June 2009, securing a minimum of 25% of the residential development for affordable housing in perpetuity, a financial contribution towards open space enhancement/improvements and a financial contribution for Newcastle urban Transport and Development Strategy (NTADS), planning permission could be granted. The Committee also resolved should the obligation not be secured in time the Development Control Manager should have delegated authority to refuse the application.

In this particular case a draft obligation document has been prepared by the Council and distributed to the applicants and their agents for comment and signature, including the applicant's bank.

Unfortunately the applicant's bank, over which neither party has any control or leverage, have delayed the process and this has resulted in the deadline of 12 June 2009 not being achieved. Whilst the Development Control Manager has delegated authority to refused the application it has been considered that both the

applicants, their agents and the local planning authority have been doing all that they can to bring this matter to a successful conclusion within the previously agreed timescale and concluded that to refuse the application would serve no real purpose other than to have maintained performance and would be unreasonable. The applicants have demonstrated the desire to complete the obligation as soon as possible.

Following a refusal the applicant has the option to re-apply within 12 months with no further application fee required but there would be a time delay in this option.

For the reasons above it is considered necessary, appropriate, and reasonable to seek an extension of the period within which the obligation can be concluded.

There have been no material changes in planning policy since the Committee last considered the application.

Background Papers

Planning file

Date Report Prepared

16 June 2009.

**ADVANCED SUPPLEMENTARY REPORT OF THE EXECUTIVE MANAGEMENT TEAM
TO THE PLANNING COMMITTEE**

23 June 2009

1. **2 LANSDELL AVENUE, PORTHILL**
MR HOLDCROFT. 09/272/FUL (Part 1(b) – item 2 on main agenda)

Since the preparation of the agenda report amended plans have been received reducing the width of the proposed extension at first floor level. Three additional letters of representation have also been received raising the following concerns;

- With respect to the amended plans received. One of the neighbouring occupiers most affected by the proposal does not object to the development provided that a separation distance of 13.5 metres is achieved between their principal lounge window and the proposed extension in accordance with the Councils own guidance and that the windows proposed on the side elevation of the extension are obscure glazed and non-opening to protect privacy levels.
- The other neighbouring occupier most affected still objects to the amended proposal on the basis it is still unduly overbearing and un-neighbourly and also draws attention to a kitchen window that faces towards the extension.

Your Officer's Comments

The amended plans received show that the proposed extension would comply with the Councils recommended separation distance of 13.5 metres when measuring the distance between the principal lounge window belonging to number 13 Clare Avenue and the first floor component of the extension directly facing this window. It is only the lounge window which is defined as a principal window in the Councils Supplementary Planning Guidance – kitchen windows are not defined as principal windows in accordance with the terms of this guidance.

The amended plans also show that a distance of 13.4 metres would be achieved between the principal first floor bedroom window belonging to number 15 Clare Avenue and the first floor component of the extension proposed. When measured against the advice of the SPG a marginal shortfall of 10cm is not considered to be significant as to warrant refusal of the application also taking into account the increased separation distance achieved on the side of number 13.

The amended plans therefore satisfactorily address the reason for refusal of the previous application and recommended within the agenda, as such your Officer considers that the recommendation can now be revised.

Revised Recommendation

Permit subject to conditions relating to:

- (a) External facing materials.**
- (b) The first floor window and roof light proposed on the side elevation of the extension shall be obscure glaze and non-opening unless the parts of the window to be opened are more than 1.7 metres above the floor of the room which the window is installed.**

2. **UNIT 8B BROCK WAY, KNOTTON**
ADC (FM) LTD 09/258/FUL (Part 1(b) – item 4 on main agenda)

Since the preparation of the agenda report, a letter has been received from an adjoining unit stating the following concerns;

- The application with 17 car parking spots would not provide sufficient parking for the staff at the site as well as the amount of patients that it would serve (Catchment of 8,000)
- The application does not appear to address the health and safety and insurance problems of the general public flowing across a right of way on private land where commercial vehicles come in and out all day.
- The contractor ADC is now in receivership thereby leaving a car park requiring tarmacadam plus some extension to a pathway

Your Officer's Comments

In addressing the parking issue raised above, it must be noted that the Highway Authority had no objection to the application. Consideration was also given to the location of the site and its access by other modes of transport.

Issues relating to health and safety and insurance would be a civil matter and would need to be settled by the interested landowners of the wider site.

The car park would need to be completed prior to occupation of the premises. The issue of the pathway relates to the scheme not having been developed in accordance with the approved plans. This has been separately raised with the applicant's agent.