

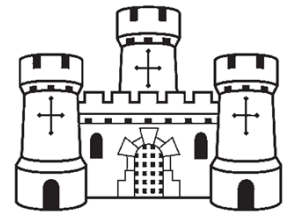
Public Document Pack

Date of meeting Tuesday, 15th August, 2017

Time 6.30 pm

Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG

Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

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

Planning Committee

SUPPLEMENTARY AGENDA

PART 1 – OPEN AGENDA

- | | |
|--|-----------------|
| 4A APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY. BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS). 16/001101/FUL | (Pages 3 - 4) |
| 5A APPLICATION FOR MAJOR DEVELOPMENT – NEWCASTLE BAPTIST CHURCH. GAVIN DONLON. 17/00162/FUL | (Pages 5 - 6) |
| 6A APPLICATION FOR MAJOR DEVELOPMENT – FORMER BRISTOL STREET FORD GARAGE, LONDON ROAD, NEWCASTLE. ADOBE RESIDENCIES. 16/01106/FUL | (Pages 7 - 8) |
| 8A APPLICATION FOR MAJOR DEVELOPMENT - FORMER EX-SERVICEMEN'S CLUB, HEATHCOTE STREET, CHESTERTON. ASH GREEN HOLDINGS LTD. 17/00417/FUL | (Pages 9 - 10) |
| 10A APPLICATION FOR MINOR DEVELOPMENT - 8 BARFORD ROAD, NEWCASTLE. MR A MOSS. 17/00483/FUL | (Pages 11 - 14) |
| 11A APPLICATION FOR OTHER DEVELOPMENT – LAND BETWEEN 33 & 48 HIGH STREET, NEWCHAPEL. TELEFONICA LTD & CTIL. 17/00548/TDET | (Pages 15 - 16) |

- 12A FIVE YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE-UNDER-LYME FROM 1 APRIL 2017 TO 31 MARCH 2022 (Pages 17 - 28)
- 18A TREE PRESERVATION ORDER - PARKHOUSE INTERCHANGE, PARKHOUSE ROAD WEST, CHESTERTON. TPO 181 (Pages 29 - 30)
- 19A TREE PRESERVATION ORDER - WOODLAND OFF JAMAGE ROAD, TO THE SOUTH OF ARBOUR FARM, TALKE. TPO 183 (Pages 31 - 32)

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

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Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

FIELD_TITLE

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

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

15th August 2017

Agenda item 4

Application ref. 16/01101/FUL

Land off Meadow Way, Baldwin's Gate

Following the preparation of the main agenda report, **six further letters of representation** have been received. The following is a summary of the comments made in addition to those already detailed in the agenda report:

- The timing of the site visit outside of school term time is inappropriate.
- It is unclear from the documentation submitted regarding the stabilisation of peat deposits whether the proposal is a suggestion or a firm proposal. Objection is raised on the grounds that no indication of noise levels, vibration, dust levels, gas emissions and treatment, contamination or time scales have been submitted. These points need to be addressed before a decision is made on this full planning application and not simply left to be determined later.
- The vehicle swept path analysis does not show movements for the left turn off the A53 into Meadow Way or the right turn out of Meadow Way onto the A53. It has been suggested that site traffic would approach Meadow Way from the west and exit to the west but as Sandy Lane, Woodside and Manor Road have weight restrictions on them, vehicles would have to travel significant distances which is unsustainable in terms of time, fuel and emissions.

Further comments have been received from **Staffordshire Wildlife Trust** in response to comments from the applicant's Ecologist (Ecology Solutions) received on 18th July 2017. A summary of the points made in addition to those already made in previous correspondence is as follows:

- Paragraph 118 of the NPPF refers to all irreplaceable habitats 'including' ancient woodland and veteran trees. There is no definitive list of habitats considered irreplaceable but this is probably because any habitat has potential to be so classified if it meets certain criteria. If it is considered that Chorlton Moss is not of sufficient age, uniqueness or species diversity, or could be re-created, the evidence for this should be presented.
- The only standing advice provided by Natural England is for ancient woodland and veteran trees but the standing advice can be applied generally to any irreplaceable habitat. As this is the only guidance on irreplaceable habitats it should be referred to, while also referring to specific impacts and threats/requirements of lowland raised bog.
- While it is true that the moss is not statutorily protected, it is not known when or how it was last assessed and the lack of statutory protection for degraded lowland raised bog is however recognised as a serious problem in protecting it.
- The moss is physically capable of restoration and whether there are 'foreseeable' prospects of this happening in the future is irrelevant. It is argued that a smaller development that avoids impacts to the moss with a planning obligation to manage a part of the Local Wildlife Site (LWS) would be an ideal solution which would deliver net gain and a sustainable development.
- Without quantified information it is not possible for Ecology Solutions to conclude that the cost/benefit exercise of true restoration would result in the benefits outweighing the costs.
- In terms of habitat creation, a SuDS wetland feature would appear to be a better position than a degraded area of peat bog, however new wetlands should not be

created on habitat that is already of value. The SuDS pond itself could not be considered restoration and therefore the feature should be located elsewhere and the area be included in the general management/mitigation area.

- It would appear that the need to make best use of the space on the site for housing is the main driver for placing the SuDS pond in the moss. Designing SuDS into the landscaping throughout a development is generally more beneficial to the landscape and to its function than having one treatment feature. The detailed design should be considered now rather than as a planning condition.

The applicant has submitted a draft Unilateral Undertaking.

Your Officer's comments

It is considered that the issues raised within the additional representations and the further submission by Staffordshire Wildlife Trust have been addressed in the agenda report. With respect to the holding of the Committee's site visit outside of term time, assessments of the highway position have been undertaken during term time. If members wish to have sight of the Revised Transport Assessment which includes detailed observations of school related on-street parking in its section 3.5, it is available to view on the Council's website. There is no substantive reason to consider that the Planning Committee cannot determine the application based on an appropriate evaluation of the proposal in the light of this Assessment and the views of the Highway Authority upon it, without the Committee having itself undertaken a site visit during term time.

The draft Unilateral Undertaking is being reviewed by your Officers and information on "title" is being obtained (to confirm who would need to enter into such an undertaking). It is neither possible at this stage to confirm whether the draft delivers the obligations which your officers consider are required, nor is it signed. There is no completed Unilateral Undertaking "on the table" for the Committee to take into account. However the submission of the Draft is indicative of a willingness by the applicant and the landowners, in principle, to enter into planning obligations referred to in the recommendation, although the details have yet to be agreed.

On this basis the recommendation that is given to the Committee remains that which was provided in the main agenda report

SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th August 2017

Agenda item 5

Application ref. 17/00162/FUL

Site previously occupied by Baptist Church London Road, Newcastle

Due to the short notice given of the request by your Officer and the current holiday period the revised design details have not yet been able to be provided. The applicants expect such revised design details to be available in sufficient time for them to be appropriately considered and reported to the September meeting

Discussions with the applicant have confirmed that they do not wish to be in a position where there will definitely will have to be a viability reappraisal upon substantial commencement of the development being achieved. They have indicated that no funder will proceed on that basis because of the degree of uncertainty that it involves. They would rather proceed with a reappraisal at this time. They recognise that there will still need to be, as there was previously, a Section 106 agreement requiring, in the event of substantial commencement not being achieved within 18 months, a yet further appraisal and, depending upon its results, the payment of appropriate policy compliant contributions. It is however critical to them that the reappraisal, which they consider will come to the same conclusion as did the previous one, takes place now.

Whilst it may not be possible to obtain a reappraisal by the date of the next committee (because of capacity issues in the District Valuers Office), the applicants have requested that a decision on this application be deferred until the next meeting. The decision is one for the Committee to make. Your Officer considers such a request to be a reasonable one in the circumstances of this particular application and accordingly are supportive of it.

Revised recommendation

Defer the decision on this application until the next meeting

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th August 2017

Agenda item 6

Application ref. 16/01106/FUL

Former Bristol Street Ford Garage, London Road, Newcastle

A representation has been overlooked in the relevant section of the main agenda report. The representation expresses concerns about the height of the development.

If any further representations are received by the end of the most recent publicity period on this application (11th August) they will be reported to the Committee by means of a further supplementary report

The recommendation on the application remains as per the main agenda report, the design of the development having been considered within that report

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th August 2017

Agenda item 8

Application ref. 17/00417/FUL

Former Ex-Servicemens Club, Heathcote Street, Chesterton

Since the preparation of the main agenda report the **Highway Authority** has indicated that the amended plan which shows the refuse truck turning pattern is not acceptable and a plan which shows the following should be submitted;

- A swept path for a refuse vehicle entering the site from the Sandford Street, turning within the site and exiting the site onto Sandford Street in the opposite direction to entry.
- Full wheel tracks plus bodywork overhang in a different colour or contrasting line type.
- The test vehicle should be modelled on the largest refuse vehicle used by waste/recycle collection services in this area and be accurate in terms of length, width and turning radii.

The **applicant** has indicated that the access road would be designed to adoptable standards and the **Waste Management Section** now raises no objections.

Officer Response

The applicant has not submitted an amended set of plans but the layout and design of the access and road layout is the same as the previously approved scheme. Therefore there is no reason to believe that a refuse lorry cannot manoeuvre the site safely but for the avoidance of doubt a plan should be submitted for approval. Therefore a further condition is recommended requiring the submission and approval of a swept path drawing.

The recommendation remains as set out in the main agenda report with the addition of a further condition requiring the submission and approval of a swept path drawing.

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th August 2017

Agenda item 10

Application ref. 17/00483/FUL

8 Barford Road, Newcastle

Since the preparation of the main agenda report the **Landscape Development Section** (LDS) have served a provisional Tree Preservation Order T183 (2017) for a Scots Pine (T12) on the application site.

The LDS consider the tree to be of a good shape and form, with a full and healthy crown which is of sufficient quality and makes a valuable contribution to the local landscape and its loss would have a detrimental effect on the visual amenity of the area.

They object to the application on the grounds that the proposed development would result in the loss of the Scots Pine. They indicate that the layout of the proposed development should be altered to allow for the tree to be retained and protected and to allow space for its future growth. However, should planning permission be granted they would request a financial contribution towards public open space improvements and maintenance of £5,579 per dwelling at Guernsey Drive Play Area, and/or Wye Road Playing fields, and conditions to secure a landscaping scheme and tree protection measures.

A further letter of **representation** has also been received raising similar objections to those previously reported but also includes a series of photographs and a response to the applicant's tree report. The objection seeks to demonstrate that the Scots Pine and other trees and hedgerows are prominent features in the landscape and the loss would be harmful to the visual amenity of the area, residential amenity levels and wildlife. It also seeks to demonstrate that the proposed development would be visible from a number of vantage points including Bunny Hill. It is suggested that the Committee should carry out a site visit before making a decision, on the grounds that would give a true perspective of the scale of the development and its impact

Officer Response

The Scots Pine is now covered by a TPO and the applicant's tree report indicates that it be affected by the proposed development and would need to be removed. This view is shared by the LDS.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree unless the need for development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting and design. It also states that where trees are to be lost through development then replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

The Scots Pine is located to the rear of 8 Barford Road and houses that front Stockwood Road. The LDS have drawn attention to what they describe as the important contribution that the tree makes to the local landscape. The topography of the area and the dominating size of the Scots Pine results in it being visible from a number of vantage points. In particular, the tree is elevated significantly above Stockwood Road and it does represent a visually significant tree of high value. It can also be viewed from Ridgmont Road but its impact and quality is less due to views being long distance ones and it assimilates more readily within the landscape. The tree can also be viewed from Barford Road and Bunny Hill but it is less prominent compared to other vantage points.

The loss of the tree to accommodate the proposed development would have a negative impact on the streetscene and visual amenity of the area due to its appearance, quality and prominence.

As identified in the main agenda report there are several factors that do weigh in favour of the development. The proposal would make a contribution toward boosting housing land supply within the Borough in the context of an identified shortfall. Some limited economic benefits would arise during construction and as a consequence of the occupation of the dwellings. However, following the receipt of the tree report which confirms that the tree would be lost with the current scheme, the serving of a TPO and the objections from LDS, your Officer has reflected further upon the planning balance to be struck here. It is considered that the loss and harm to the character of the area would significantly and demonstrably outweigh the benefits of the development with regards to the supply of housing even if the tree was replaced (which could be secured through a condition). Accordingly the application is now recommended for refusal on this basis.

With respect to the request from LDS that a financial contribution of £5,579 per dwelling be sought towards public open space improvements and maintenance, there is no unilateral undertaking providing such a contribution “on the table” (the requirement having only very recently having been indicated) so notwithstanding the above recommendation the Committee needs to consider whether such a developer contribution is required. Your Officer notes first of all that saved Local Plan policy C4 (part of the approved development plan) does not support the seeking of a contribution for developments of less than 10 units or less than 0.4 ha. The site covers 0.2ha. The more recent Core Spatial Strategy (also part of the development plan), in CSP5 indicates that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery interalia of the Urban North Staffordshire Green Space Strategy and any approved revisions or replacement strategies. There is such a replacement strategy the Open Space Strategy that was adopted by Cabinet at its meeting on the 22nd March 2017

The recommendation contained within the Development Strategy of the OSS was that as good practice for residential development 0.004 ha per dwelling of open space should be provided for the total number of dwellings; and that such open space will be provided in areas of not less than 0.1 ha regardless of development size. It goes on to indicate that a cost model for offsite contributions will need to be agreed based upon a Table that is itself an update of the cost model that was contained within the 2007 Urban North Staffordshire Green Space Strategy.

In this case LDS are not seeking open space on the site itself but instead are requesting a contribution of £5,579 per dwelling.

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

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

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

A tariff style contribution is defined as one where the intention is to required contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The LDS have indicated that the contribution in this case would be applied to Guernsey Drive Play Area, and/or Wye Road Playing fields so whilst the amount is calculated on a “sum per dwelling” basis it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

Turning back to the three statutory tests indicated above, the contribution being sought is considered to meet them. It is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy.

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

In that, for the reason indicated above the planning balance is now considered to fall against the proposal, in the absence of there being a unilateral undertaking on the table delivering the public open space contribution, there should be an additional reason for refusal reflecting the Council's view that such a contribution should be obtained

Members should note that the agent, having only very recently become aware of the views of the LDS, wished to submit additional information, and having been advised that such information, at least with respect to the tree issue would not be reported to the Committee, because it would be received after the Committee's guillotine on late submissions, has requested that a decision on the application is deferred.

The decision on whether or not the application should be deferred is for the Committee alone to make. Members will want to consider whether having regard to when the application was received further time should be allowed, having regard to the duty to determine applications in a timely manner, and also to consider whether it is likely that if further time were allowed for the submission of additional information a different conclusion might be reached. It is always appropriate to consider whether by the application of conditions development that is unacceptable can be made acceptable, and it has to be assumed that the LDS will have considered whether having regard to the submitted layout of the three houses that are proposed, the use of conditions for example in relation to foundations and tree protection matters could have resulted in the tree being successfully retained, and that they have concluded that the development cannot be made acceptable in that manner.

For this reason your Officer does not see any merit or clear purpose in a deferral of a decision on this application.

REVISED RECOMMENDATION

The application should be **refused** for the following reasons

- 1) The proposed development by virtue of its layout and design would result in the loss of a visually significant and protected tree which will have a harmful and adverse impact on the character and appearance of the area contrary to saved Local Plan policy N12. This negative impact would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies of the NPPF including those on requiring good design and conserving and enhancing the natural environment. It would therefore not be a sustainable form of development of the site and being contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and policy CSP1 and CSP4 of the Core Spatial Strategy and the policies the NPPF
- 2) Without a planning obligation having been secured the development would not make an appropriate contribution to addressing the additional demands upon public open space that it would make, as required by policies C4 and IM10 of the Local Plan, Policy CSP5 and CSP10 of the Core Spatial Strategy, and the requirements of the Open Space Strategy

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SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
15th August 2017

Agenda item 11

Application ref. 17/00548/TDET

Land Between 33 and 48 High Street, Newchapel

Since the preparation of the main agenda report the applicant has sought to open discussions about whether a change to the design of the telecommunications structure would change the officer's recommendation.

They have also submitted an appeal which was allowed by the Planning Inspectorate which they consider to be relevant and they indicate that the proposal that forms part of this application is a more sensitive/discrete proposal than the appeal site example.

Officer Response

The applicant has not submitted an amended set of plans and the scheme before the authority remains as that submitted.

The appeal decision is for a site in Preston and whilst the decision is acknowledged your officers are not in a position to draw direct comparisons with the application site.

The recommendation remains as set out in the main agenda report.

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Report to Planning Committee

5 year Housing Land Supply Statement for the Borough of Newcastle-under-Lyme covering the 5 year period from 1st April 2017 to 31st March 2022

Purposes of the Report

To present updated information on the current 5 year housing land supply position as set out accompanying Statement.

Recommendations

- 1) That members note the content of the 5 year supply statement.
- 2) That members note the significance of the 5 year supply position in Development Management decision making.

Reasons

To ensure the Council makes decisions in line with up-to-date planning policy and its latest 5 year housing land Supply Statement.

- 1.0 Member's attention is drawn to the accompanying 5 year Housing Land Supply Statement and its Appendix. The purpose of this report is not to repeat the content of the Supply Statement but rather to draw attention to the key elements of it
- 1.1 Whilst the Statement is a Supply Statement it is a measurement of the area's supply of deliverable housing sites against the housing requirements or needs of the area. To this end the Statement explains that evidence relating to the housing need for both Newcastle and Stoke has been published in the Strategic Housing Market Assessment and the Strategic Housing Market Assessment Review 2017. At this stage the evidence is only a recommendation to the two authorities. Both documents have been published, as part of the Joint Local Plan Strategic Options public consultation exercise.
- 1.2 These studies indicate that Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council share a single housing market area (HMA). The SHMA Review, 2017, recommends a full Objectively Assessed Need (OAN) of 1,390 dwellings per annum across the HMA for the period 2013 to 2033. This need draws on the implications of employment growth on housing need and supporting a return to a higher level of household formation for younger people.
- 1.3 The SHMA Review, in order to identify a recommended OAN for the housing market area, is comprised of an up-to-date assessment of Newcastle's housing need. The assessed housing need for Newcastle-under-Lyme is 586 dwellings per annum from 2013 through to 2039. This assessment does not represent a full OAN as the recommended requirement does not apply across the HMA. In simple terms the recommended figure of 586 dwellings per annum is the Borough's component of the recommended OAN.
- 1.4 As a result, this Statement provides only an interim and indicative picture of potential housing land supply in Newcastle-under-Lyme Borough alone, and not across the housing market area. That would require a Joint five year housing land supply calculation across both local authority areas in order to encompass the HMA, see Figure 1. It is intended to prepare such a statement at the Preferred Option stage of the Joint Local Plan process. Nevertheless it is considered appropriate to prepare a 5 year housing land supply statement for the Borough alone in order to support development management, and comply with paragraph 47 of the NPPF. There is a requirement to produce such a Supply Statement on an annual basis and the Council last produced such a Statement (in the form of a Mid-year update) in January 2016.
- 1.5 The new Statement reports that the level of completions in 2015/16 was relatively low (154) whilst the figure was considerably higher (412) in 2016/17. When compared with the latest

indication of housing need there has been a consistent and persistent underdelivery of housing against that need with the result that in calculating the amount of housing land required it is appropriate to use a 20% buffer. Taking this into account and the underdelivery that there has been since 2013, the starting year of the SHMA, the requirement or need figure for the area for the next 5 years comes to just over 5,000 dwellings – an annual requirement of 1,007 per year.

- 1.6 To be included in an area's 5 year housing land supply statement, sites have to be deliverable which means that they should be available now, offer a suitable location for development now, and be achievable with a reasonable prospect that housing will be delivered on the site within the 5 years and in particular that development of the site is viable. In addition to those sites with planning permission (which could contribute 1523 units over the next 5 years), it is considered reasonable to include some 5 further sites that did not have planning permission as at 1st April 2017 (giving an additional 175 units over the next 5 years). After adding in what is termed a windfall allowance, a supply of 1,816 units is considered to have existed as at 1st April 2017.
- 1.7 **In terms of the number of years' worth of its housing requirements that is equivalent to 1.8 years. It is therefore clear that the Borough is currently unable to demonstrate a five year housing land supply according to the latest available evidence regarding its housing need.**
- 1.8 Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be "considered in the context of the presumption in favour of sustainable development" and that "relevant policies for the supply of housing should not be considered to be up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".
- 1.9 The NPPF describes housing supply policies as either up to date or not by reason of whether or not a planning authority can demonstrate a five year supply of housing sites. There is no middle ground anticipated in national policy. A Local Planning Authority either can or cannot demonstrate such a supply. The directive in paragraph 49 of the NPPF must be considered to be engaged – the Council's housing supply policies cannot be considered to be up-to-date.
- 1.10 If housing supply policies (which include most particularly saved Local Plan Policy H1 and its reference to village envelopes, and CSS policy ASP6 with its reference to Rural Service Centres and a maximum amount of dwellings within the Rural Area) are not up-to- date then, according to the NPPF in paragraph 14, insofar as development management or decision-taking is concerned, this means, unless material considerations indicate otherwise, granting planning permission for sustainable development unless;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

Date report prepared : 7th August 2017

Newcastle-under-Lyme Borough Council

5 Year Housing Land Supply Statement: 2017-2022

1.0 Background

- 1.1 This is the fifth detailed annual statement of the five year housing land supply that Newcastle-under-Lyme Borough Council has produced. It sets out new information on the delivery of residential development in the Borough for the period 1st April 2015 through to 31st March 2017 and the availability of land for housing development looking forward over the next five years from 2017 to 2022.

2. National Policy and Guidance

- 2.1 Paragraph 47 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to annually identify and update a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements for their area. To be considered 'deliverable', sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular the NPPF points out that the development has to be viable in order to be considered to be deliverable.
- 2.2 The Planning Practice Guidance (PPG) states that sites with planning approval can be considered to be deliverable but that this is not a prerequisite; sites without planning approval can be considered as deliverable if there is strong (robust and up-to-date) evidence that they will receive planning approval and can be delivered within five years. They must not have significant constraints to overcome, for example new infrastructure provision. Five such sites have been included in this year's housing land supply and these are detailed in section 7.
- 2.3 Assessments should take into account the anticipated trajectory of housing delivery and consideration of associated risks and an assessment of the local delivery record.
- 2.4 The PPG also states that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Such figures are considered to be the most robust because;
- a) they are derived from a full objective assessment of housing needs for the area which has taken into consideration both demographic and market trends;
 - b) they have taken into account policy constraints such as sustainability or environmental factors and housing land availability issues;

- c) they have been informed by duty to cooperate discussions with neighbouring local authorities, and;
 - d) they have been tested through public consultation and an independent examination.
- 2.5 The PPG also states that adopted Local Plan targets may not adequately reflect current housing needs where the evidence underpinning them dates back several years, such as that drawn from revoked regional strategies.
- 2.6 In the absence of a housing requirement derived from an up-to-date Local Plan, and where evidence in a Local Plan has become outdated, the PPG states that the latest full objective assessment of housing needs (OAN) should be considered instead. An OAN does not have full weight until it is set out in an adopted Local Plan.

3. Housing Need

- 3.1 Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are working in partnership to produce a Joint Local Plan. This will replace the Core Spatial Strategy and will set a new housing requirement which will take into consideration a full, up-to-date objective assessment of housing need for both authority's administrative areas, and constraints to development.
- 3.2 Evidence relating to the housing need for both local authorities is published in the Strategic Housing Market Assessment 2015 and the Strategic Housing Market Assessment Review (SHMA), 2017. At this stage this is only a recommendation. Both documents have been published, as part of the Joint Local Plan Strategic Options public consultation exercise (17th July to 22nd August 2017)¹.
- 3.3 These studies indicate that Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council share a single housing market area (HMA). The SHMA Review, 2017,² recommends a full Objectively Assessed Need (OAN) of 1,390 dwellings per annum across the HMA for the period 2013 to 2033. This need draws on the implications of employment growth on housing need and supporting a return to a higher level of household formation for younger people.
- 3.4 The SHMA Review, in order to identify a recommended OAN for the housing market area, is comprised of an up-to-date assessment of Newcastle's housing need. The assessed housing need for Newcastle-under-Lyme is 586 dwellings per annum from 2013 through to 2039. This assessment does not represent a full OAN as the recommended

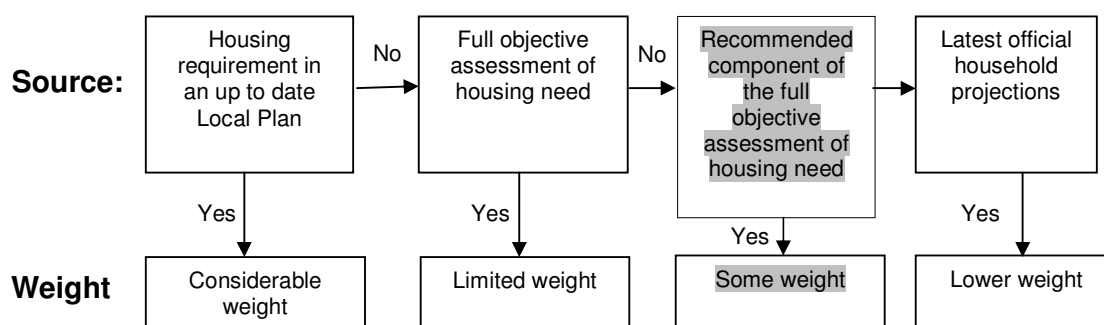
¹ <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy>

² SHMA Review 2017 - <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/joint-local-plan/joint-local-plan-supporting-evidence>

requirement does not apply across the HMA. In simple terms the recommended figure of 586 dwellings per annum is the Borough's component of the recommended OAN.

- 3.5 As a result, this Statement provides only an interim and indicative picture of potential housing land supply in Newcastle-under-Lyme Borough alone, and not across the housing market area. This would require a Joint five year housing land supply calculation across both local authority areas in order to encompass the HMA, see Figure 1. It is intended to prepare such a statement at the Preferred Option stage of the Joint Local Plan process. Nevertheless it is considered appropriate to continue to prepare a 5 year housing land supply statement for the Borough alone in order to support development management, and comply with paragraph 47 of the NPPF.
- 3.6 It is important to note that the recommended OAN has not been tested or moderated against relevant development constraints. Such constraints are identified in the Council's Strategic Housing Land Availability Assessment (SHLAA), 2017³. The SHLAA 2017 is informed by a desktop assessment of development constraints and their potential to influence a site's suitability for residential development. As a desktop assessment, the SHLAA should not be taken as an indication that a site will or will not obtain planning permission if an application for planning permission were to be submitted.
- 3.7 The diagram below gives an indication of the weighting that can be attached to different sources of housing requirement.

Figure 1: Weighting of the different sources of housing requirement



- 3.8 The recommended housing need for Newcastle, according to evidence underpinning the SHMA Review, while not a 'Full objective assessment of housing need', represents the most recent and accurate published indication of the Borough's housing requirement. With regard to Figure 1, it is considered reasonable that the weight attributable to this

³ Newcastle Borough Council SHLAA 2017 - <https://www.newcastle-staffs.gov.uk/all-services/planning/planning-policy/joint-local-plan/joint-local-plan-supporting-evidence>

assessment of need is between that of a full OAN and the latest official household projections (position indicated by the shaded text), which in accordance with PPG formed the starting point to calculate the area's housing requirement for the 2015-2020 5 Year Housing Land Supply Statement.

- 3.9 This interim requirement is not a substitute for an NPPF compliant housing requirement set out within an up-to-date Local Plan, but is the best currently available information of need against which to analyse the Borough's land supply.

4.0 Past delivery against the latest assessment of housing need

- 4.1 To ensure choice and competition in the market for land, the NPPF requires local planning authorities to add an additional 5% buffer to their housing requirements over the next five years. For local authorities where there has been a record or persistent under-delivery, this buffer is to be increased to 20%.
- 4.2 In order to determine whether or not we have persistently under-delivered and are therefore required to increase the buffer to 20% we need to measure our past housing delivery against the latest assessment of housing need for the Borough.
- 4.3 Table 1 below shows our annual dwelling completions as measured against the most recent assessment of housing need derived from the SHMA Review, 2017. This housing need applies from 2013.

Table 1: Housing Delivery 2013-2017

Monitoring year:	Net dwelling completions:	NUL Latest Indication of Housing Need:	Delivery against Need:
2013-14	295	586	- 291
2014-15	219	586	- 367
2015-16	154	586	- 432
2016-17	412	586	- 174
Total:	1,080	2,344	-1,264
Average per year:	270	586	- 316

- 4.4 As described above, the latest indication of housing need (586 dwellings per annum) suggested by the SHMA Review now forms the most up-to-date indication of need with which to compare historic housing delivery.

- 4.5 Table 1 shows that net completions for each year between 2013 and 2017 fell short of the level required, according to the most recent indication of the area's housing need. This under-delivery equates to a cumulative deficit of 1,264 dwellings over the past 4 monitoring years, which amounts to more than 2 years' worth of the latest indication of housing need.
- 4.6 Given the identified shortfall above and a historic record of under-delivery in general between 2008 and 2013⁴, it is considered appropriate to apply the 20% buffer to Newcastle's 5 year housing requirement. Although it related to the housing requirement of the Core Strategy it is relevant to note that the Inspector who determined the Gateway Avenue Baldwins Gate appeal in January 2015 took the same view concluding :-

"In assessing the correct buffer to apply, it is good practice to look at the Council's housing delivery figures over a significant period of time to iron-out short term fluctuations. The Council's own evidence is that the CSS target of 285 dwellings per annum has been met in only 2 of the last 8 years. Even though the Council can demonstrate a surplus in the last 2 published years, and Mr Bridgwood (the Council's planning witness) submits that the current year appears to be on a similar upward trajectory, the fact remains that there is a large cumulative deficit of some 303 dwellings, which amounts to more than a full year's requirement. To my mind, the evidence clearly demonstrates persistent under-delivery, thereby requiring a 20% buffer to be applied".

5.0 Housing Requirement over the Next Five Years

- 5.1 As described in section 3, the most recent published assessment of the area's housing need suggests that 2,930 net dwellings should be completed over the next five years (586 x 5). Furthermore, as the local authority has fallen significantly short of achieving 586 net dwellings per annum since 2013, when the SHMA took effect, this above deficit should be added to the housing target of the next 5 years and taken into account in the calculation. This approach is advocated by the Planning Advisory Service⁵.
- 5.2 In light of the cumulative deficit identified in section 4 and historic under-delivery, it is considered necessary, to accord with paragraph 47 of the NPPF, to apply a 20% buffer to the Borough's housing requirement over the next 5 years. The calculation of the 20% buffer includes both the housing requirement (2,930) along with the delivery shortfall (1,264). The calculation of the 20% buffer and the housing requirement for the next 5 years is summarised in the table below.

⁴ Newcastle-under-Lyme Borough Council Year Housing Land Supply Statement: 2015-2020

⁵ PAS website: <https://www.local.gov.uk/pas/pas-topics/local-plans/five-year-land-supply-faq#17>. Where an authority has persistently under-delivered in recent years, at what point in the calculation should the extra 20% be added? Should it be added to the backlog or not?

Table 2: Additional housing requirements for next five years

Requirement for next five years: (586 dwellings per annum derived from SHMA, 2017)	2,930
+ existing shortfall (Apr 2013 – Apr 2017)	1,264
+ 20% buffer (2,930 + 1,264 / 5 = Historic under-delivery penalty)	839
Total:	5,033

6.0 Windfall Allowance

- 6.1 Paragraph 48 of the NPPF states that local planning authorities can make an allowance for windfall development in their five year supply if there is compelling evidence that such sites have consistently become available in the area and will continue to provide a reliable source of supply. Windfall sites are defined as those which have not specifically been identified as available in the Local Plan process. A windfall allowance should be realistic and have regard to the Strategic Housing Land Availability Assessment (SHLAA), historic windfall delivery rates and expected future trends.
- 6.2 Table 3 below shows the past trends in windfall site completions since 2008. These typically comprise of changes of use and conversions and sites not already identified in the published SHLAA.

Table 3: Calculation of the windfall allowance

Year:	Windfall Completions		Total:
	Change of use/ Conversions:	Sites not identified in the SHLAA:	
2008-09	18	30	48
2009-10	39	8	47
2010-11	3	18	21
2011-12	16	11	27
2012-13	25	6	31
2013-14	18	15	33
2014-15	24	2	26
2015-16	43	N/A	43
2016-17	232	20	252
Average per year:			59

- 6.3 Considering the monitoring data presented in Table 3 a windfall allowance of 59 dwellings per year for the last two years of the next five year period is carried forward in to the housing land supply calculation in the next section. This figure is only applied to the last two years (i.e. 2020-2022) in order to avoid double counting of existing planning approvals which are likely to be built in the next three years. This is greater than the allowance of 33 dwellings per year identified in the 2014-15 statement. This is due to the windfall completion figures for 2016-17 being higher than in preceding years. This increase is primarily as a result of a relaxation of permitted development rights regarding the conversion of offices and agricultural buildings to residential use⁶.

7.0 Current Five Year Housing Land Supply

- 7.1 The Appendix to this statement lists sites included in the five year housing land supply and all sites with existing planning approval as at 1st April 2017.
- 7.2 The inclusion of the five additional sites follows the guidance in the NPPF and PPG as described in section 2. Details of the five sites and the reasons for including them are as follows:
- Wilmot Drive, Cross Heath (60 dwellings out of total 276 expected to be delivered within 5 years – this is a deliverable SHLAA site CH4 considering an application had been made by a developer on the 31st March 2017 for full planning permission for 276 dwellings, the site is also identified as a development site in the Knutton and Cross Heath Development Sites (Phase 1) Supplementary Planning Document, and lies within the urban area.
 - Land off Eccleshall Road, Loggerheads (55 dwellings out of total 55 expected to be delivered within 5 years) – an application for outline planning permission was subject of a positive resolution by the Planning Committee in February 2017 – that planning permission be granted subject to the completion of a Section 106 agreement. The site was originally allocated to the developable supply (6-15 year period) of the SHLAA, 2017. However, considering the site's position within the development management process, it is appropriate to feature in the deliverable supply (0-5 year period).
 - Land off Deans Lane and Moss Grove, Chesterton (50 dwellings out of total 50 expected to be delivered within 5 years) – an application for outline planning permission was subject of a positive resolution by the Planning Committee in December 2016 - that planning permission be granted subject to the completion of a Section 106 agreement. The site was originally allocated to the developable

⁶ Planning case reference 14/00778/COUNOT involved the conversion of one site from office use to 147 residential apartments

supply (6-15 year period) of the SHLAA, 2017. However, considering the site's position within the development management process, it is appropriate to feature in the deliverable supply (0-5 year period).

- Chester Road (former Talke Library), Talke (5 dwellings) – this is a deliverable SHLAA site TK12 that has been included because it is understood the site has been recently sold with the intention of being developed in the short term and no constraints appear to prevent this from being achieved.
- Queensway, Westlands, Newcastle (5 dwellings) – this is a deliverable SHLAA site WL6 that appears to not be constrained.

- 7.3 Taken together, these five sites could contribute 175 new dwellings to the housing supply over the next five years.
- 7.4 The remainder of the deliverable housing land supply is made up of sites with planning approval. Some of these approved sites have had some housing development completed on them (these completions are taken in to account in the Appendix to this statement which indicates the proposed and remaining site capacity). Table 4 below summarises all of the capacity included within this Statement.

Table 4: Housing site supply 2017-2022

Source of Supply:	Dwellings:
Remaining capacity of sites with planning approval at 1 st April 2017 (sites identified in the SHLAA plus sites less than 5 capacity and sites with permission via change of use / conversions, taking account of build out rates as set out in the SHLAA Methodology:	1,523
Capacity of sites with no planning approval as at 1 st April 2017 but considered deliverable:	175
Windfall allowance (2 x 59):	118
Total:	1,816

8.0 Housing Land Supply Calculation

- 8.1 The previous sections of this statement explain all of the different considerations that need to be factored in to calculating the supply of housing land. This section brings together all of these factors to determine how the capacity of land for housing development in the Borough compares with the area's recommended housing need figure

(please note, as explained earlier in this statement, this is not the Objectively Assessed Housing Need) for the next five years.

- 8.2 The basic calculation to determine this is for the amount of housing land available (the deliverable supply) to be divided by the annual requirement (the demand). This is set out in Table 5 below.

Table 5: Calculation of the housing land supply

Housing requirement 2017-2022 (Includes under-delivery 2013-2017 + 20%) – from Table 2:	5,033
Annual Requirement (i.e. 5,033 divided by 5 years):	1,007
Total Deliverable Supply Capacity (+ Conversions and Change of use permissions and a windfall allowance of 118 for years 4 and 5 of the supply) – from Table 4:	1,816
Number of years' worth of housing land supply against the requirement: (i.e. total supply of 1,816 divided by the annual requirement of 1,007)	1.8

- 8.3 Table 5 indicates that the Borough is currently unable to demonstrate a five year housing land supply according to the latest available evidence regarding its housing need.

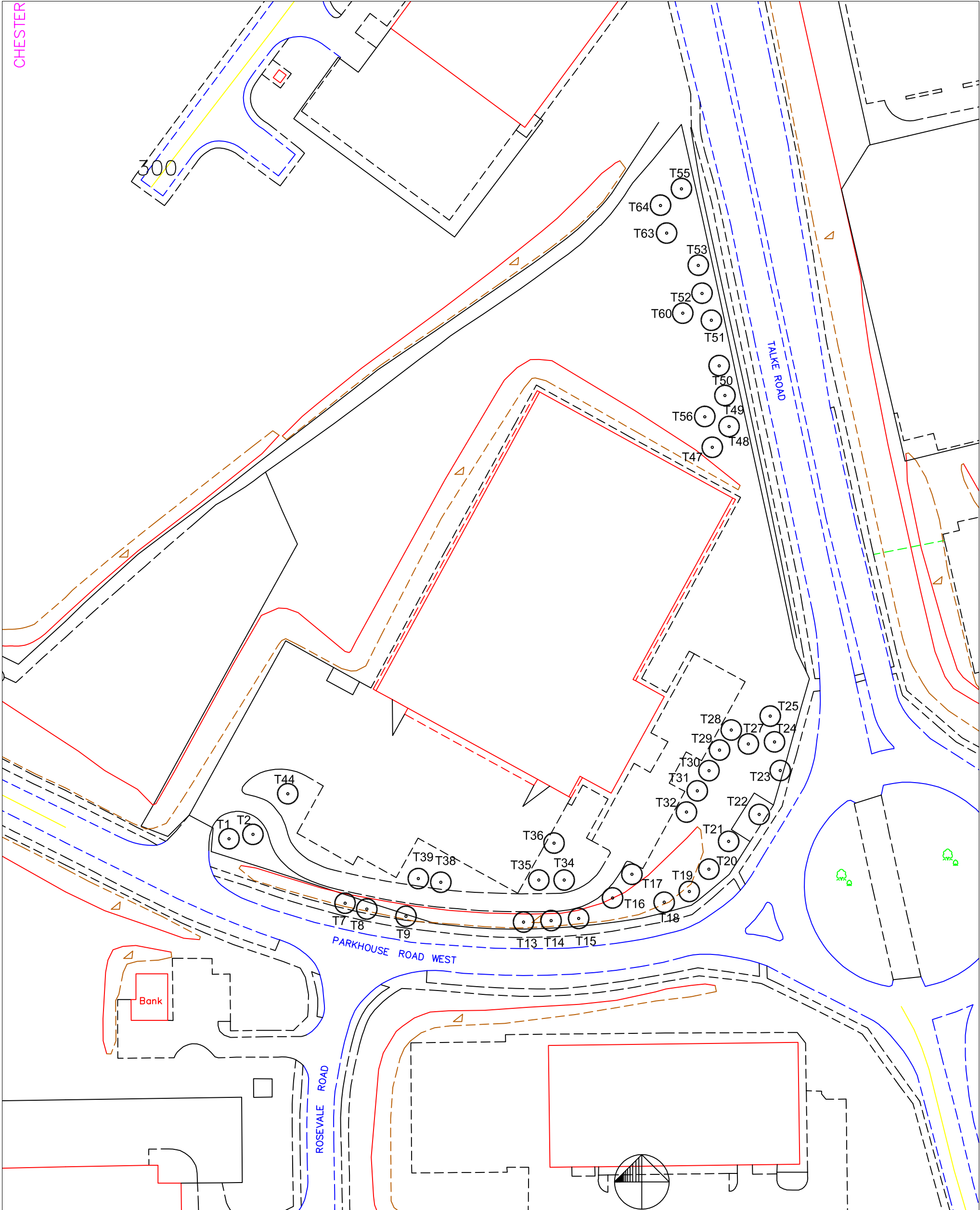
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SIGNED:

As Modified SIGNED:

DATED:3rd March 2017

DATED:



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DAVE ADAMS
EXECUTIVE DIRECTOR –
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL
STREET
NEWCASTLE, STAFFORDSHIRE
ST5 2AG

TITLE:
Parkhouse Interchange, Parkhouse Industrial Estate

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 181 (2017) as modified

SCALE:
1:1000

DATE:
Feb 2017

DRAWN BY:

Page 29

DRAWING NO.
TPO 181

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SIGNED: 

DATED:3rd March 2017



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DAVE ADAMS
EXECUTIVE DIRECTOR -
OPERATIONAL SERVICES
Civic Offices, Merrial
Street
NEWCASTLE, STAFFORDSHIRE
ST5 2AG

TITLE:
Land of Jamage Road, to the south of Arbour Farm,
Oaktree Lane, Talke

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 183 (2017)

SCALE:
1:1000

DATE:
March 2017
DRAWN BY:
J.H.

DRAWING NO.
TPO 183

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