

Public Document Pack

Date of meeting	Tuesday, 13th November, 2012
Time	7.00 pm
Venue	Council Chamber, Civic Offices, Merrial Street, Newcastle Under Lyme, Staffordshire ST5 2AG
Contact	Peter Whalan

Planning Committee

AGENDA

PART 1– OPEN AGENDA

- | | | |
|---|--|------------------------|
| 1 | Apologies for Absence | |
| 2 | DECLARATIONS OF INTEREST | |
| | To receive Declarations of Interest from Members on items included on the agenda. | |
| 3 | MINUTES OF PREVIOUS MEETINGS | (Pages 1 - 8) |
| | To receive the minutes of previous meetings held on 2 and 23 October 2012. | |
| 4 | Application for Major Development - Former Highgate Works, Brownhills Road, Tunstall. Norcross Estates Ltd and Optimisation Developments Ltd. 348/192 | (Pages 9 - 16) |
| 5 | Application for Major Development - Former Thistleberry House Residential Home, Keele Road. Taylor Wimpey North Midlands. 12/00512/FUL | (Pages 17 - 26) |
| 6 | Application for Minor Development - Land Adjacent 18 Sands Road, Harriseahead. Newcastle-under-Lyme Borough Council. 12/00490/DEEM4 | (Pages 27 - 34) |
| 7 | Application for Minor Development - Safex House, 46 Church Street, Audley. Safex Supplies Ltd. 1200575/FUL | (Pages 35 - 42) |
| 8 | Application for Other Development - 2 Upper Marsh, May Bank, Newcastle. Mrs J Davis. 12/00496/FUL | (Pages 43 - 50) |
| 9 | URGENT BUSINESS | |
| | To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972 | |

Members: Councillors Miss Baker, Boden, Cairns, Clarke (Vice-Chair), Fear (Chair), Hambleton, Mrs Hambleton, Howells, Jones, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Williams and Mrs Williams

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

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

PLANNING COMMITTEE

Tuesday 2 October 2012

Present:- Councillor A Fear – in the Chair

Councillors Boden, Mrs Hambleton, Hambleton, Howells, Jones, Matthews, Miss Reddish, Studd, Sweeney, Mrs Williams and Williams

Councillor Eastwood in attendance during consideration of planning application 12/00504/FUL only.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss Baker, Cairns, Clarke and Stringer.

2. DECLARATIONS OF INTEREST

Declarations of interest were made by Councillors Mrs Hambleton and Williams in respect of planning application 12/00282/OUT (members of Aspire Board) and they left the meeting during its consideration.

3. MINUTES OF PREVIOUS MEETING

Resolved:- That the minutes of the meeting of this Committee held on 21 August 2012 be approved as a correct record.

4. APPLICATION FOR MAJOR DEVELOPMENT- RESIDENTIAL DEVELOPMENT AND NEW ACCESS. FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD, NEWCASTLE. TAYLOR WIMPEY NORTH MIDLANDS. 12/00466/FUL

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

- (i) The proposal would cause additional parking, congestion and reversing movements on Greenock Close resulting in unacceptable harm to pedestrians and highway safety.
- (ii) The proposal, by virtue of the removal of the hedgerow fronting onto Greenock Close and treatment of that frontage, would cause harm to the residential amenity of the occupiers if Greenock Close and because of the removal of this feature and the form of the development would not contribute towards improving the character and quality of the area and thus be contrary to the guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance.
- (iii) In the absence of a Section 106 Agreement securing them, the development would fail to secure the provision of adequate affordable housing, adequate public open space, measures to ensure that the development achieves sustainable development outcomes or provision for education facilities.

5. **APPLICATION FOR MINOR DEVELOPMENT - TWO DETACHED DWELLINGS, ACCESS IMPROVEMENTS AND PROVISION OF TURNING AREA. LAND TO REAR OF 11A-19 MOORLAND ROAD, MOW COP. ASPIRE HOUSING. 12/00282/OUT**

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

- (i) The residential development of this backland site which is prominent in an elevated position would be harmful to the character and appearance of the area and would erode the landscape quality contrary to policy.
- (ii) Failure to make an appropriate financial contribution towards the Newcastle (Urban) Transport and Development Strategy (NTADS).

6. **APPLICATION FOR OTHER DEVELOPMENT - REPLACEMENT DETACHED GARAGE. THE COACH HOUSE, BUTTERTON ROAD, BUTTERTON. MRS S BRADBURY. 12/00494/FUL**

Resolved:- That permission be granted subject to the undermentioned conditions:-

- (i) Standard time limit.
- (ii) Approved plans.
- (iii) Materials to match original dwellinghouse.
- (iv) Removal of existing garage within 3 months of commencement.
- (v) Submission and agreement of a plan showing roof protection areas.
- (vi) Submission and agreement of an arboricultural impact assessment and method statement.
- (vii) Submission and agreement block surfacing and edging details.
- (viii) Submission and agreement of tree protection plan.
- (ix) Removal of existing garage within 3 months of commencement.
- (x) Submission, approval and implementation of amended plans providing a hipped roof and extending bargeboards.

7. **APPLICATION FOR OTHER DEVELOPMENT - CHANGE OF USE FROM RESIDENTIAL CARE HOME TO DAY CARE CENTRE WITH ANCILLARY OVERNIGHT RESPITE CARE AND ASSOCIATED CAR PARKING. ALLENDALE HOUSE, MILEHOUSE LANE, NEWCASTLE. MS M ANDERSON. 12/00504/FUL**

Resolved:- (a) That permission be granted subject to the undermentioned condition:-

- (i) The parking for the new use as a Day Care Centre being provided on land referred to in the existing Section 52 Agreement (relating to a permission granted in 1987) in accordance with details to be submitted and approved.

(b) That the request to release/remove the landowner from the requirement in the existing section 52 Agreement be refused because the applicant has failed to demonstrate that adequate alternative parking could be provided in perpetuity for both the existing and the approved alternative use.

8. **APPLICATION FOR OTHER DEVELOPMENT - GREENHOUSE IN GARDEN OF HALL O 'TH' WOOD, BALTERLEY GREEN ROAD, BALTERLEY. MR A LANE. 12/00418/FUL**

Resolved:- That permission be granted subject to the undermentioned conditions:-

- (i) Standard time condition.
- (ii) Approved plans.
- (iii) External materials to be as indicated in the submission.
- (iii) Glazing and final details.

9. **APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CONSERVATION AND HERITAGE FUND - HISTORIC BUILDINGS GRANT. CHEST TOMBS IN THE CHURCHYARD OF ST MARY'S CHURCH, MUCKLESTONE**

Consideration was given to an application for financial assistance from the above fund towards the cost of repairing four historic sandstone chest tombs in the churchyard at St Mary's, Mucklestone.

It was indicated that since submission of the application, it had been necessary, for public safety reasons, to carry out the works as a matter of urgency but that the cost of works on one of the tombs had been met privately by the family. Accordingly, the application now before the committee related to three chest tombs.

Resolved:- (a) That having regard to the special health and safety circumstances leading to the works being undertaken as referred to in a letter from the Parochial Church Council and to the fact that part of the cost had been met by relatives, a grant of £393 be approved subject to the usual standard conditions excepting that which requires no work to be carried out prior to an application being approved by the committee.

(b) That the committee re-affirms its general policy that grants will not be made where the works in question have already been undertaken.

10. **OPEN ENFORCEMENT CASES**

The Committee considered a report advising on the current position with regard to the enforcement caseload.

It was indicated that the number of open cases was currently at its lowest for a number of years and that this was providing an opportunity for officers to concentrate on older and sometimes more complex enforcement matters.

Resolved:- (a) That the report be received.

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

11. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration of the following matter because there is likely to be disclosure of exempt information as

defined in paragraphs 1, 2 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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

Consideration was given to a report on providing details of progress made on cases where enforcement action had previously been authorised by the committee or under delegated powers.

Resolved:- That the information be received.

**A FEAR
Chair**

PLANNING COMMITTEE

Tuesday 23 October 2012

Present:- Councillor A Fear – in the Chair

Councillors Miss Baker, Boden, Cairns, Clarke, Mrs Hambleton, Howells, Jones, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Williams and Mrs Williams

Councillor Mrs Winfield in attendance during consideration of planning application 12/00475/FUL only.

1. **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Hambleton.

2. **DECLARATIONS OF INTEREST**

There were none.

3. **MINUTES OF PREVIOUS MEETING**

Resolved:- That the minutes of the meeting of this committee held on 11 September 2012 be approved as a correct record.

4. **APPLICATION FOR MINOR DEVELOPMENT - ERECTION OF DETACHED DWELLING. PLOT 34, EASTWOOD RISE, MADELEY PARK WOOD. MR N BASKEYFIELD. 12/00301/FUL**

Resolved:- (a) That subject to the securing, by 2 November 2012, of a unilateral undertaking ceding any right to construct a bungalow on this site pursuant to planning permission TP3226, the application be permitted subject to the undermentioned conditions:-

- (i) Three year time limit.
- (ii) Approved plans.
- (iii) Materials to be as specified or otherwise agreed.
- (iv) Implementation of landscaping scheme.
- (v) Root Protection Area Plan.
- (vi) Arboricultural Impact Assessment.
- (vii) Provision of Parking and Turning Areas.
- (viii) Location of soakaways/septic tank.
- (ix) Drainage details.
- (x) Removal of permitted development rights.

(b) That in the event of the above undertaking not being received within the timescale indicated, the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such an undertaking the possibility of two dwellings being built upon the plot would exist contrary to a number of policies on residential development and development within the countryside or, if, he considers it appropriate, to extend the period of time within which the undertaking can be secured.

5. **APPLICATION FOR OTHER DEVELOPMENT - CHANGE OF USE FROM DOCTOR'S SURGERY (USE CLASS D1) TO HOT AND COLD FOOD RESTAURANT/TAKEAWAY (USE CLASS A3/A5). 123 LIVERPOOL ROAD, CROSS HEATH, NEWCASTLE. MR S SRITHARAN. 12/00475/FUL**

Resolved:- That the application be refused for the undermentioned reasons:-

- (i) Highway Safety issues resulting from on-street parking associated with the proposed use.
- (ii) Overintensification of takeaways in the locality.
- (iii) Increase in anti-social behaviour.

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

Consideration was given to the above quarterly report that updated Members on those applications where the Head of Planning and Development had exercised his delegated authority to extend periods within which planning obligations could be secured rather than refusing to grant planning permission.

The following planning applications were specifically referred to in the report:-

- (i) 11/00284/FUL – Residential development at the former Silverdale Goods Yard Site

The Head of Planning and Development had agreed to an extension of time for completion of the S106 Obligation to 28 November 2012. This was considered to be ample time to enable the obligation to be completed failing which the Head of Planning and Development could decide whether to exercise his delegated authority in consultation with the Chairman and Vice-Chairman to refuse the application or to grant a further time extension.

- (ii) 11/00627/FUL – Extension to Kidsgrove Ski Slope, Bathpool Park

It was indicated that the Obligation had been completed on 7 September 2012 following which the planning permission had been issued.

- (iii) 11/00611/FUL – Demolition of existing warehouse units, distribution unit and redundant methane pumping station and construction of new retail store with ancillary refreshment facilities with new and altered car parking servicing and sewerage facilities at Wolstanton Retail Park

It was indicated that two obligations had been completed on 18 and 19 October 2012 following a decision taken by the Head of Planning and Development to extend the time period to 25 October 2012.

- (iv) 12/00127/FUL – Residential development on land off West Avenue, West of Church Street and Congleton Road and north of Linley Road, Butt Lane

It was indicated that the time period for completion on the S106 Obligation had been extended to 15 November 2012.

Resolved:- (a) That the information be received.

(b) That the Head of Planning and Development continue to report on a quarterly basis on the exercise of his delegated authority, to extend the period of time for an applicant to enter into Sections 106 Obligations, and of any similar decisions made the Chairman and Vice-Chairman.

7. **REGISTER OF LOCALLY IMPORTANT BUILDINGS AND STRUCTURES IN NEWCASTLE-UNDER-LYME - 2012 REVIEW**

Consideration was given to a revised report recommending that the undermentioned 11 buildings and structures be added to the Register of Locally Important Buildings and Structures:-

The Old Vicarage, Vicarage Lane, Madeley
1 & 2 Castle Lane, Madeley
School House, Newcastle Road, Madeley
The Nook and View Fields, Newcastle Road, Madeley
Scot Hay Chapel, Scot Hay (Leycett Road)
Telephone box and post office, Scot Hay (junction Leycett Road/Crackley Lane)
Shraley Brook Chapel, Shraley Brook Road, Halmerend
Miles Green Chapel, Miles Green
Wood Lane, Wesleyan Chapel, Wood Lane
Bus shelter, Bignall Hill, Bignall End
Fingerpost, junction of Great Oak and Bignall End Road, Bignall End
The Old Swan, Swan Bank, Madeley Heath

Resolved:- That the 11 buildings and structures referred to above be added to the Register of Locally Important Buildings and Structures.

8. **APPEAL DECISION - TWO STOREY REAR EXTENSION AT 72-74 WERETON ROAD, AUDLEY. 77TH AUDLEY SCOUT GROUP. 11/00632/FUL**

It was reported that an appeal against the committee's refusal to grant planning permission for the above development had been allowed by the Planning Inspectorate.

Resolved:- That the information be received.

9. **APPEAL DECISION - LANDSCAPING/MOUNDING OF 9-HOLE GOLF COURSE AT KEELE GOLF CENTRE, KEELE ROAD, KEELE. MR N WORRALL. 11/00257/FUL**

It was reported that an appeal against the committee's decision not to grant planning permission for the above development had been allowed by the Planning Inspectorate.

Resolved:- That the information be received.

10. **EXCLUSION OF THE PUBLIC**

Resolved:- That the public be excluded from the meeting during consideration of the following matter because there is likely to be disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

11. TREACLE ROW, PARKSITE, SILVERDALE

The committee considered the expediency of enforcement action in respect of a breach of planning control consisting of the erection a fence across a pedestrian link between Treacle Row and Moffatt Way in contravention of conditions 2 and 10 of planning permission 04/00047/OUT and conditions 1 and 8 of planning permission 04/01007/FUL.

Resolved:- That, having regard to the provisions of the development plan and to all other material considerations, and to the decision of the Planning Authority to refuse application 12/00023/COU, the Head of Central Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to require the landowner to submit the required details of the link for the approval of the Local Planning Authority, carry out any further works as may be required to the link, and remove the fence obstructing the link.

**A FEAR
Chair**

FORMER HIGHGATE WORKS, BROWNHILLS ROAD, TUNSTALL
NORCROS ESTATES LTD AND OPTIMISATION DEVELOPMENTS LTD. 348/192

The Borough Council has been consulted by Stoke City Council on an application for full planning permission for retail development including a retail foodstore of 6,688 sqm gross (to be operated by Wm. Morrison Supermarkets plc), 3,716 sqm gross non food retail development, 1,705 sqm gross food/drink establishments (Use Class A3/A4/A5), petrol filling station, car park and other ancillary development at the former Highgate Works, Brownhills Road, Tunstall.

The 5.5 hectare site is located to the south-west of the town centre of Tunstall.

For the Borough Council's comments to be taken into account by the City Council they must be received by them by 14 November 2012.

RECOMMENDATION

That Stoke City Council be advised that the Borough Council OBJECTS to the application on the grounds that there are available and suitable sequentially preferable sites, namely Blackfriars Bakery, Ryecroft and the former Cannons site in Newcastle that could accommodate respectively all or part of the non-food retail and food and drink elements of the proposed scheme. The proposal fails to comply with national planning policy in terms of the sequential approach therefore. In the event that the City Council resolve to approve the application, the Borough Council requests that consideration be given to the imposition of a condition requiring Morrisons to be the first occupier of the foodstore and that they occupy the building for a period of 5 years.

Reason for Recommendation

Although it is considered that the proposal would have no significant impact on the vitality or viability of either Newcastle or Kidsgrove Town Centres, it is considered that there are sequentially preferable sites, namely Blackfriars Bakery, Ryecroft and the former Cannons site in Newcastle that could accommodate respectively all or part of the non-food retail and food and drink elements of the proposed scheme.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR3: Enhancing the Role of City, Town and District Centres
Policy PA13: Out of Centre Retail Development

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

Policy TC1: Ensuring the Future of Town Centres

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Stoke-on-Trent City Plan 1993

Nil

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

The Newcastle-under-Lyme Retail and Leisure Study 2011

Applicant/Agent's Submission

The application is supported by the following:

- Planning Statement
- Retail Assessment
- Employment Statement
- Design and Access Statement (including Refuse Disposal Statement and Lighting Assessment)
- Coal Mining Assessment
- Ecology Report
- Contaminated Land Assessment
- Noise Impact Assessment
- Flood Risk Assessment
- Healthy Urban Planning Assessment
- Statement of Community Involvement Addendum
- Sustainability and Climate Change Checklist/Report
- Transport Assessment
- Travel Plan
- Refuse Disposal Statement
- Landscaping Details
- Topographical Survey
- Air Quality Assessment

These documents are available to view both at the Stoke-on-Trent City Council Offices and on their website at www.stoke.gov.uk under reference 54248/FUL.

Key Issues

As indicated above, the Borough Council has been consulted by Stoke City Council on an application for full planning permission for retail development including a foodstore of 6,688 sqm gross; 3,716 sqm gross non-food retail development (split into 4 units ranging in size from 697 sqm to 1,394 sqm); 1,704 sqm food/drink establishments (Use Class A3/A4/A5 split into 5 units); petrol filling station; car park; and other ancillary development at the former Highgate Works, Brownhills Road, Tunstall.

The Borough Council were consulted by Stoke City Council on a similar, but not identical, application earlier this year. The Borough Council objected on the basis that there were available and suitable sequentially preferable sites that could accommodate all or part of the non-food retail element of the proposed scheme. That application was withdrawn. That application proposed some 7,432 sqm of non food retail and two food/drink establishments of some 557 sqm.

The principal issue that could adversely affect the interests of Newcastle Borough remains the matter of whether the proposal conforms to policies on retail and leisure development.

The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development and for decision-making this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The guidance on retail and leisure development within the Framework could be considered to be an example of such specific policies.

Paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

Paragraph 26 states that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, LPAs should require an impact assessment in certain cases such as development of this scale.

The proposed development involves main town centre uses including the erection of a food store of 6,688 sqm (gross area) (3,530 sqm net sales area) and four non-food retail units totalling 3,716 sqm gross floorspace. In addition the proposal involves 5 units totalling 1,704 sqm for leisure uses including use as restaurant/café (Class A3) and drinking establishments (Class A4) all of which are defined within the NPPF as main town centre uses and should be considered in the same way as the retail elements of the proposal. In this location the proposal could have the potential to have an adverse impact on the vitality and viability of existing retail centres. As far as the Borough Council is concerned it is Kidsgrove and Newcastle Town Centres that could potentially be most affected.

Sequential assessment

In addressing this consideration, the sites within Newcastle Borough that are considered in detail in the Retail Assessment are the Blackfriars Bakery site, Ryecroft, and the former Cannon site. (The retail assessment in the previous application only considered the Blackfriars Bakery site).

Blackfriars Bakery site

The Assessment in so far as it relates to this site is similar to that set out in the previous application. It highlights that the current application site is approximately 4.5 miles to the north of the Blackfriars Bakery site and therefore is anticipated to have a completely different market and trade draw. It states that Morrisons have a shortfall of provision of their foodstores in the north of the city and that trade draw assumptions indicate that the convenience element of the foodstore would draw minimal trade from the Newcastle catchment area. It concludes that the Blackfriars site falls outside the primary catchment area of the proposed retail development and, as it would not perform the same role and function, it would therefore be entirely unsuitable for the proposed development. The Assessment also notes that as Morrisons already have a foodstore directly adjacent to the Blackfriars site, it would be commercially unsuitable for Morrisons.

In terms of availability, the Retail Assessment states that it is understood that a scheme is being drawn up for Blackfriars backed by a national retailer that is likely to be submitted in the foreseeable future, and therefore the site is not available. In relation to viability, it is again suggested that as Morrisons operate a store directly adjacent to the site, it is not commercially viable for that element to be located at the Blackfriars site.

In terms of the Blackfriars Bakery site, your Officer agrees, as previously, that taking a pragmatic approach it would be commercially unsuitable for Morrisons to open another large foodstore adjacent to one of their existing stores. However, there is no suggestion that the foodstore and the non-food retail /leisure elements of the scheme need to be on the same site and therefore consideration should be given to splitting the development so that the non-food units could be located on a separate site to the foodstore, and indeed there is no reason why the non-food units and food and drink units have to all be on the same site. On this basis, it is considered that the Blackfriars site may be suitable for this element of the scheme. In terms of availability, no plans have been submitted for the Blackfriars site by any national retailer to date and in any event, there is no evidence that the landowner would be unwilling to consider an alternative scheme.

Ryecroft

The Retail Assessment considers that the site does not meet the retail need that has been identified in Tunstall and is not of a suitable size to accommodate the proposals as a whole. The Assessment considers that the site is a failed supermarket retail site and that the new Sainsburys would compete directly with any supermarket proposal at this site. It states that the site suffers from several inherent problems with redevelopment, notably the location of the store on site, and the multi-storey car park, which splits the car park and poor access. It is stated that the site is not commercially viable for a foodstore operator as evidenced by Sainsburys relocation. It goes on to quote from the Committee report regarding the M&S application at Wolstanton indicating that it has been accepted that this site is not available for retail development within a reasonable period of time. It is concluded that the site is not suitable or commercially viable.

The Retail Assessment only addresses the food retail element of the proposal at the former Highgate works, and makes no attempt to assess the site for the non-food retail elements. Whilst the Ryecroft site was discounted as a sequentially preferable site for the M&S store this was on the basis that the site of the former Sainsburys store and car park was not of a suitable size for the M&S store and that the larger site needed for this development, including the Civic Offices, would not be available in a reasonable timeframe. Whilst the circumstances have not materially changed and there remains questions as to the whole Ryecroft site's availability, if that is taken to include the Civic Offices site, and the proposals are at an early stage of development, the quantum of non-food floorspace and food and drink floorspace proposed at the former Highgate works site, particularly if disaggregated, could be accommodated at least in part on this site. Certainly no clear evidence has been advanced to demonstrate that the sequential test is satisfied.

Former Cannons site

Again the Retail Assessment refers to the M&S application and that this site was not considered to be sequentially preferable site to the proposed site at Wolstanton Retail Park. However, again the assessment only addresses the availability and suitability of this site for the whole development proposed at the former Highgate works site and no evidence has been advanced to demonstrate that the site is not available or suitable for some of the non-food retail floor proposed. As such it is considered that the application does not demonstrate that the sequential test is satisfied.

In conclusion, the Blackfriars Bakery site, the former Cannon's site and the Ryecroft site in Newcastle are considered suitable and available for the quantum of comparison or non-food floorspace proposed and it is not considered that the applicant has submitted sufficient evidence to prove otherwise. The proposal fails to comply with national planning policy in terms of the sequential approach therefore.

Impact assessment

As referred to above, the NPPF states that for retail and leisure development outside of town centres of more than 2,500 sqm, an impact assessment should include assessment of :-

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

In relation to the first point, it is not considered that there is any existing, committed or planned public and private investment in Kidsgrove centre that would be affected. Limited information has been submitted by the applicant to enable an assessment upon any investment in Newcastle but notwithstanding this, your Officer has no robust evidence that the proposal would have a negative impact on the planned investment in the Ryecroft site, particularly given the stage that proposal has reached.

In relation to the impact of the proposal on town centre vitality and viability, the Retail Assessment suggests that trade diversion from Newcastle and Kidsgrove Town centres would be 1.2% and 2.6% respectively. Although it is unclear whether this figure relates to just comparison or convenience goods spending or

combined spending, it would be difficult to argue that this level of trade diversion would have a *significant* impact on the vitality or viability of either Newcastle or Kidsgrove Town Centres.

Conclusions

Overall, it is considered that there are sequentially preferable sites, namely Blackfriars Bakery, the former Cannon's site and Ryecroft in Newcastle that could accommodate the non-food retail and the food and drink elements of the proposed scheme. The proposal fails to comply with national planning policy in terms of the sequential approach therefore.

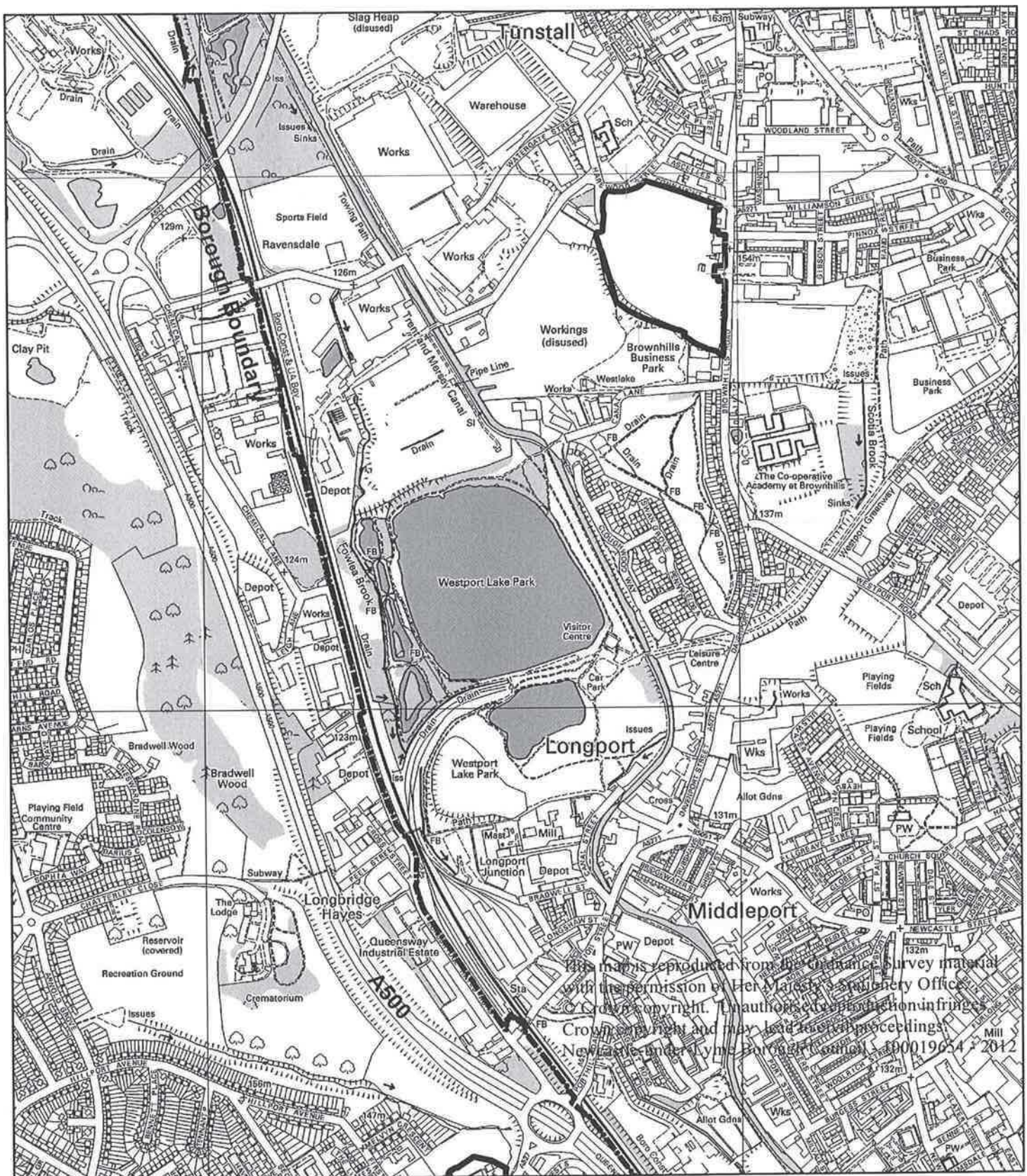
Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

29 October 2012

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FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD
TAYLOR WIMPEY NORTH MIDLANDS. 12/00512/FUL

The Application is for full planning permission for 37 dwellings with the creation of a new access off Keele Road (the A525). 31 of the dwellings would be served by this access with 6 properties fronting onto and accessed off Greenock Close. The proposals involve the demolition of the existing Thistleberry House building.

The application site, of approximately 0.79 hectares in extent, is within the Newcastle Urban Neighbourhood as indicated on the Local Development Framework Proposals Map.

The proposal would provide 28 open market dwellings and 9 affordable dwellings.

Keele Road, as part of the A525 is on the Strategic Highway Network as indicated on the Key Diagram of the Structure Plan and on the Regional Primary Route Network referred to in the Regional Spatial Strategy.

The application follows the refusal of 12/00466/FUL, that decision now being the subject of an appeal to the Planning Inspectorate.

The 13-week period for the determination of this application expires on 11 January 2013.

RECOMMENDATIONS

(a) That subject to the applicant entering into S106 obligations by agreement by 7 January 2013 to secure the following:

- (i) Security in perpetuity provision of 9 of the dwellings as affordable housing, with such provision in terms of unit type and tenure to be agreed by the Local Planning Authority.**
- (ii) A financial contribution of £26,224 towards the Newcastle (urban) Transport and Development Strategy (NTADS).**
- (iii) A financial contribution of £108,891 towards public open space improvement.**
- (iv) A financial contribution of £88,248 towards the provision of education facilities.**

Permit subject to conditions relating to the following matters:

- (1) Standard Time limit condition.**
- (2) Approved plans/drawings/documents.**
- (3) External facing and roofing materials.**
- (4) Details of boundary treatments.**
- (5) Construction method statement including dust control/mitigation – Environmental.**
- (6) Recommendations of Contaminated land Phase 1 desk top study.**
- (7) Details of design measures to achieve acceptable internal noise levels in dwellings.**
- (8) Waste and recyclables storage and collection details.**
- (9) Landscaping scheme including soft hard landscaping details.**
- (10) Tree works to be undertaken in accordance with tree reports.**
- (11) Arboricultural impact assessment and arboricultural method statement including any proposed landscaping works to the rear gardens.**
- (12) If the trees within plots 2 and 4 are removed within 5 years of occupation of these dwellings, a replacement to the approval of the LPA shall be agreed.**
- (13) Prior to commencement details of:**
 - **Minimum width of 5.5m for the entrance for 10m from the carriageway of Keele Road.**
 - **6m radius kerbs.**
 - **Give way road markings.**
 - **Tactile pedestrian crossing points and implementation.**
- (14) Closing of redundant Keele Road access.**
- (15) Prior to commencement details of:**
 - **Area for adoption.**

- Details of construction.
 - Street lighting.
 - Drainage details.
- (16) Prior to commencement details of 2m wide footway/service verge across plots 16 to 21.
- (17) Drive length for plots 1, 2 and 5.
- (18) Retention of garages/car ports for parking of motor vehicles and cycles.
- (19) Construction method statement – Highways.
- (20) Surface water interceptors.
- (21) Bat survey and implementation of its recommendations should the building not be demolished within 6 months.
- (22) Installation of gates to rear paths and provision of boundary gate to the path to rear of plots 18 to 20.
- (23) Prior approval of a 2.4m boundary treatment and associated landscaping between plots 21 and 22 and its retention/replacement for the life of the development.
- (24) Removal of property's permitted development rights for extensions on identified plots.
- (25) Finished levels in accordance with plans.
- (26) Retention of proposed landscaping along Greenock Close frontage and removal of permitted development rights for additional hardstanding on this frontage.
- (27) Construction traffic to use Keele Road access.
- (b) That should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, that the Head of Regeneration and Planning Services be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure the provision of adequate affordable housing, adequate public open space, measures to ensure that the development achieves sustainable development outcomes or provision for education as applicable, or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.
- (c) That with respect to the appeal against the refusal of the planning application 12/00466/FUL, that the Borough Council, should the appeal not be withdrawn, pursues the above obligations (including if necessary entering into an appropriate agreement) but otherwise does not any longer oppose the development referred to in that appeal.

Reason for Recommendations

(1) Following the refusal of planning application 12/00466/FUL additional plans in relation to landscaping and supplementary highway information have been submitted to overcome the previous reasons for refusal, illustrating that the development is acceptable in highway safety terms as well as its layout and orientation in relation to Greenock Close. No other concerns were raised by the Planning Authority with respect to this proposal and there has been no material change in planning policy in the interim, and the proposed development would still therefore make an efficient use of brownfield land in a sustainable location in accordance with the aims and objectives of both local and national policy. The imposition of planning conditions to control other parts of the development would also ensure that the proposal has no adverse impact upon the character of the area or other interests of acknowledged importance. The proposed development therefore accords with Policies H1, T16, N12, N13 and N17 of the Local Plan, Policies D1, D2, NC13 and T1A of the Structure Plan, and policies SP1, ASP5, CSP1, CSP5 and CSP6 of the Core Spatial Strategy as well as the aims and objectives of the NPPF. Appropriate obligations are however required to make the development acceptable.

(2) and (3) To ensure that appropriate and required obligations are secured.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy UR1: Implementing Urban Renaissance – the Major Urban Areas (MUAs)
- Policy CF1: Housing within the Major Urban Areas
- Policy CF3: Levels and distribution of housing development
- Policy CF4: The reuse of land and buildings for housing

Policy CF5:	Delivering Affordable Housing and Mixed Communities
Policy QE1:	Conserving and Enhancing the Environment
Policy QE3:	Creating a High Quality Built Environment for all
Policy T2:	Reducing the Need to Travel
Policy T3:	Walking and Cycling
Policy T5:	Public Transport
Policy T9	The Management and Development of National and Regional Transport Networks

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 D3:	Urban Regeneration
Policy D8:	Providing Infrastructure Services, Facilities and/or Mitigating Measures associated with development
Policy H4:	Portfolio of Sites
Policy NC13:	Protection of Trees, Hedgerows and Woodlands
Policy T1A:	Sustainable Location
Policy T4:	Walking
Policy T5:	Cycling
Policy T7:	Public Transport Provision
Policy T12:	Strategic Highway Network
Policy T13:	Local Roads
Policy T18A:	Transport and Development

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

Policy SP1:	Spatial principles of Targeted Regeneration
Policy SP3:	Spatial principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1:	Residential development: Sustainable location and protection of the countryside
Policy T16:	Development - General Parking Requirements
Policy C4:	Open Space in New Housing Areas
Policy N12:	Development and The Protection of Trees
Policy N13:	Felling and Pruning of Trees

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012) sets out a presumption in favour of sustainable development where such applications are in accordance with the development plan and unless material considerations indicate otherwise. In seeking to deliver sustainable development it sets out policy under a number of headings including amongst others promoting sustainable transport, delivering a wide choice of high quality homes, and requiring Good Design.

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Circular 11/95 - The Use of Conditions in Planning Permissions

CIL Regulations, particularly Section 122

Manual for Streets

Manual for Streets 2

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Newcastle (urban) Transport and Development Strategy (NTADS) – adopted December 2008

North Staffordshire Green Space Strategy – adopted December 2009

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

Relevant Planning History

Application (12/466/FUL), also for 37 dwellings, was refused on 2 October 2012 and is now the subject of an appeal. The reasons for its refusal by the Authority were as follows:-

- (1) The development would cause additional parking, congestion and reversing movements on Greenock Close causing unacceptable harm to pedestrian and highway safety. Therefore, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012) (NPPF) as well as policies SP3 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.
- (2) The development by virtue of the removal of the hedgerow fronting onto Greenock Close and the proposed treatment of that frontage would cause material harm to the residential amenity of the occupiers of Greenock Close. The removal of this feature and the form of the development would not contribute towards improving the character and quality of the area and would thus be contrary to guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance as well as the aims and objectives of the NPPF, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996- 2011.
- (3) In the absence of secured planning obligations the development fails to make an appropriate contribution towards:
 - The development, improvement and maintenance of off-site open space which is an essential component of creating sustainable communities as referred to in the Urban North Staffordshire Green Space Strategy (2007).
 - The provision of affordable housing which is required to provide a balanced and well functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document.
 - The Newcastle (urban) Transport and Development Strategy (NTADS) 2008/2009 – 2012/2013 which seeks to improve local accessibility and promote the most sustainable modes of travel.
 - Educational provision in the area having regard to the likely additional pupils arising from a development of this scale and the Staffordshire County Council Education Planning Obligations policy (November 2003, as subsequently updated).

For this reason the proposal is contrary to the aims and objectives of the NPPF, policies SP3, ASP5, CSP5, CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policies D1, D8 and T1A of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, and Policies C4 and IM1 of the Newcastle-under-Lyme Local Plan 2011. The proposal would also not adhere with the Supplementary Planning Document on Developer Contributions (2007).

Views of Consultees

The same consultations (with the addition of Severn Trent Water) as took place with respect to the previous application have been undertaken. This report only details any different responses received from these consultations as well as responses relating specifically to the previous reasons for refusal.

The statutory consultation period does not expire until 6 November, so it is anticipated that some responses will be received and provided within a supplementary report.

The **Police Architectural Liaison Officer** has provided the same comments as he did with respect to the original application however he has stated that the benefits of a rear access behind plots 14, 15, 19 and 20 would not outweigh the benefits in security terms that would be derived from gardens backing onto one another. Comments have also been received in relation to the 2.4m composite fence and landscaping between plots 21 and 22 and the need to ensure it is robust enough to serve its intended purpose and is not compromised.

Natural England have indicated, with respect to bats, that they consider permission could be granted and they support the recommendations made in the applicant's consultants bat report.

The **Landscape Development Section** have repeated their previous comments but they have advised that proposed choice of hedge species for the hedge on Greenock Close is not appropriate for this size of garden and suitable smaller growing plants should be substituted for these.

Representations

The last date by which representations can be made is 8 November

One letter of representation has been received querying the easement between plots 21 and 22 and whether this would lead to a right of way being created in the future if someone chose to enforce the easement. They then ask whether the council would assure her whether the fence would be re-erected should it ever be taken down to allow works to be undertaken in relation to the easement.

A separate letter on this easement area has been received from another resident specifying that a more substantial fence or preferably a wall should be erected between the two sections of the development. Comments are also raised in relation to the ownership of this fence/wall with the resident suggesting that if it was in the ownership of one resident it is much more likely to be maintained should it become damaged.

A further letter has been received reiterating the envisaged security concerns that would arise should the existing security fence be taken down and a frontage onto Greenock Close created.

Applicant/Agent's Submission

The same documents that were previously submitted for 12/00466/FUL have been submitted to support the current application together an addendum supporting planning statement that provides further policy justification for the proposal as well as responding to the reasons for refusal.

The main points within this document are as follows:-

- Central government have advocated recently within Eric Pickles Ministerial Statement (6/9/12) the importance of the housebuilding industry to job creation with not only onsite construction job opportunities created but that off site construction can create skilled jobs to.

- The development will provide various community benefits in the form of 9 new affordable homes as well as contributions towards local education services, open space and transport strategy as well as the New Homes Bonus.
- The site will contribute in three different aspects (Economic, Social & Environmental) towards sustainable development.
- The applicant highlights paragraph 32 of the NPPF which states that, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" They then state that no cumulative impacts were advanced by the Authority.
- The hedgerow (on Greenock Close) is not protected by the Hedgerow Regulations and the site in question is not in a Conservation Area. The referencing to the urban design guidance document is incorrect looking at the site in isolation rather than the context of the entire masterplan. They believe that it is inconceivable that the removal of the hedgerow would fall foul of criteria 2 of paragraph 14 of the NPPF.
- The hedgerow could be removed at any point outwith the planning framework as it is not protected in any way.
- The development would comply with the necessary contributions and in that regard the reason for refusal (No. 3) could not be sustained.

All the documents are available for inspection at The Guildhall, and on www.newcastle-staffs.gov.uk

Key Issues

This application is for full planning permission for 37 dwellings on this former residential care home site. Of the 37, 9 are being proposed as affordable dwellings, representing just under 25% of the dwellings. 31 of the new dwellings would be served by a new access off Keele Road whilst 6 properties would front onto and be accessed off Greenock Close.

The proposal differs from the previous one in that a detailed landscaping scheme fronting onto Greenock Close has been provided in this submission. In all other respects the actual proposal is the same. It is therefore considered pertinent to only deal in this report with those issues that were the basis for the Authority's refusal of previous scheme. To introduce any new reasons for refusal in the absence of any material change in circumstances or policy would clearly be unreasonable and potentially would bring with it a risk of an award of costs being made in any subsequent appeal proceedings.

Members will have noted that there were three reasons for refusal. The applicants have indicated a willingness to enter into the Section 106 obligations that have been requested and in the circumstances there appears to be no purpose in discussing that aspect further at this stage. The focus of the report accordingly is on the first two reasons for refusal.

The first reason for refusal was that:-

The development would cause additional parking, congestion and reversing movements on Greenock Close causing unacceptable harm to pedestrian and highway safety. Therefore, the development would be contrary to the aims and objectives of the National Planning Policy Framework (2012) (NPPF) as well as policies SP3 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 D2 and T13 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011.

At the time of writing this report the comments of the Highway Authority have yet to be received, but there is no reason to believe that they will retract from their previous advice – that the access arrangements for this development, including those from Greenock Close, are safe and that Greenock Close has the capacity to serve the 6 houses that it is proposed will take access from it. No specific submission in response to the above reason has been formally submitted by the applicant with this application however your officer is aware that a submission is being prepared, involving survey work, which the applicant will be asking the Authority to take into account. The expectation is that it will be available in good time to be reported in advance and so that other interested parties can take it into account and comment upon it.

To assist members your officers have undertaken a brief survey of Greenock Close since the last decision to establish the level of off street parking provision. With respect to the former although not a quantitative analysis of parking based upon measured highway specified standards, the survey does provide a

conservative estimate (in that it does not include garage spaces) of the existing off street parking available within the Close. The survey indicates that virtually all properties in the Close have 3 off street parking spaces. This is not a situation where there is an obvious shortage of off street parking spaces.

There is no doubt that vehicles parked on Greenock Close could obstruct other vehicles including refuse and recycling collection vehicles. This is however not in any way an unusual situation within a residential area and normally householders take appropriate steps to lessen such obstruction as it is in their self interest to do so. A "Tracking" assessment has confirmed that the carriageway can accommodate a turning movement of such vehicles (without the vehicles wheels having to go beyond the edge of the carriageway) and this must be the key consideration for the Planning Authority.

Whilst it is accepted that occasional visits can provide a false picture – if for some reason they are not representative of the general situation – and in reality on street parking levels will vary from hour to hour and by the day of the week, your officers have to report that site visits have not demonstrated a significant level of on-street parking on Greenock Close. In particular on two separate occasions on a refuse/recycling collection days either no cars were parked in the highway and or only two vehicles were parked in the highway. The Waste Management Division have also confirmed that there have been no complaints either by residents or waste operatives in relation to problems associated with refuse/recycling collections. Members are reminded that the 6 proposed dwellings each have at least 2 off street car parking spaces (in two cases they have three if their garages are included) – achieving the maximum standard of provision referred to in the Council's own policy (Policy T16 of the NLP).

Finally it has to be observed that given the sharp right angle bend at the bottom of Greenock Close, and its limited length it is likely that vehicle speeds will be very low. In such circumstances even if there were to be congestion or on street parking, notwithstanding the provision of off street parking within the proposed development, it is most unlikely that this would be harmful to either pedestrian or highway safety.

Members are reminded that paragraph 32 of the NPPF states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"

It therefore remains your Officer's view that the proposal is not detrimental to either pedestrian or highway safety and it will not be possible for the Authority to produce relevant evidence to support such a reason for refusal.

The second reason for refusal was that:-

The development by virtue of the removal of the hedgerow fronting onto Greenock Close and the proposed treatment of that frontage would cause material harm to the residential amenity of the occupiers of Greenock Close. The removal of this feature and the form of the development would not contribute towards improving the character and quality of the area and would thus be contrary to guidance contained within the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance as well as the aims and objectives of the NPPF, policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and policy D2 of the Staffordshire and Stoke-on-Trent Structure Plan 1996- 2011.

As the applicant has stated, the hedge has no statutory protection and could be taken down at any point. Members accepted when they considered the last application that through cutting through the Thistleberry House site – currently prevented by the hedge and the railings behind it and clearly a concern of many residents in Greenock Close – can be prevented by appropriate measures secured by conditions of an approval.

In terms of the proposed development and its compliance with both local and national policy and guidance, a good starting point is considered to be the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (an adopted part of the Local Development Framework). This document has an entire section on residential design guidance (Section 7) with a sub-section dealing specifically with integration (7.2). It provides the following salient points:

- It is important that living environments should be integrated into their surroundings....
- ...This needs to be based upon an appraisal of the site in its surroundings to ensure that development:

- (a) Relates well to existing facilities;
- (b) Connects to the surrounding context; and
- (c) Responds positively to the site/ surroundings.....
-R3 New housing must relate well to its surroundings. It should not ignore the existing environment but should respond to and enhance it...
- ...Designers should make sure that development
- (c) Faces outwards wherever possible, to address its surroundings rather than turning its back on the wider area....
- ...In many parts of the conurbation, open spaces and streets are lined by rear elevations, close boarded fences and service areas. This leads to an unsafe and unattractive environment. New housing should address and help to animate the public edges of the site, to help to create a sense of security

As the points above illustrate, it is clear in your Officer's opinion that the proposal complies with the guidance specified within the Urban Design Guidance SPD.

Reference was made by a Member at the previous Committee meeting, in support of the second reason for refusal, to a particular section of the Urban Design Guidance that refers to "green character" and the importance of establishing "a positive green character". The section referred to is actually a reference to the approach to be taken to development that is in-between settlements – which is not the situation here.

The Guidance then goes on to indicate that:

"In existing settlements, the character of new residential development should respond to any established positive townscape character of definite value. Where there is no such character, the character of new development should generally be urban, with the form and scale of development varying according to whether:

- (a) *It is located within the centres or the walkable area around them (800m); or*
- (b) *Elsewhere in existing settlements"*

In terms of this Guidance it is your Officer's view that the application site is seen within the context of an existing settlement (Newcastle urban area) with no definitive character or special value (e.g Conservation Area) and therefore new development within it should generally be "urban" in character. The applicant has illustrated within the recent application that limited landscaping would be provided to the frontage of the properties and that would help provide a balance of both urban and natural development.

Based upon the discussion above it is your Officer's view that the form and development of the proposals would have a beneficial impact upon the aesthetics of the streetscene and urban form and consequently would improve the character and quality of the environment with no adverse impact upon the residential amenity of the existing occupiers of Greenock Close.

Background Papers

Planning file

Planning documents referred to

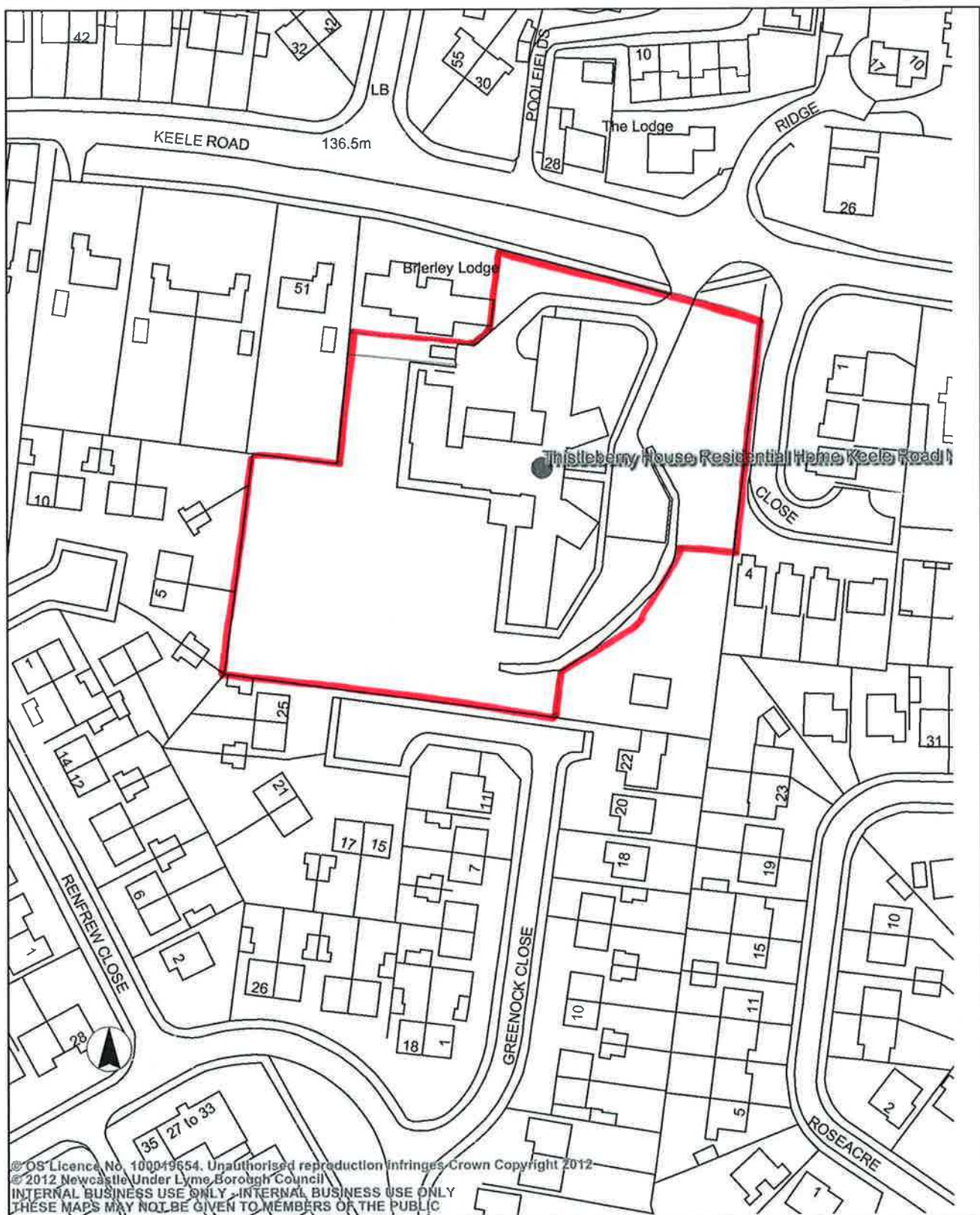
Date Report Prepared

26 October 2012



12/00512/FUL

Thistleberry House Residential Home Customer Services



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

Plan Produced 2.11.2012
Scale 1:1,250

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LAND ADJACENT 18 SANDS ROAD, HARRISEAHEAD
NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 12/00490/DEEM4

The Application is for outline planning permission for the erection of a detached dwelling. All matters of detail are reserved for subsequent approval.

The application site is located within the Rural Area, within the open countryside, and an Area of Landscape Regeneration, as indicated on the Local Development Framework Proposals Map, with a portion of the site lying within the Green Belt.

Sands Road is an unclassified road.

The 8 week period for the determination of this application expires on 10 December 2012.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- (i) **Standard outline conditions regarding the timetable of submission of the reserved matters application and commencement of development.**
- (ii) **Approved drawings.**
- (iii) **Arboricultural method statement.**
- (iv) **Tree protection measures.**
- (v) **Details of boundary treatments.**
- (vi) **Contaminated land conditions.**
- (vii) **Prior approval of foul and surface water drainage.**
- (viii) **Prior approval of surfacing materials.**
- (ix) **Removal of permitted development rights for outbuildings or enclosures (Part 1 Class**
- (x) **A of the General Permitted Development Order).**

Reason for Recommendation

The proposal involves in part the change of use of land in the Green Belt which constitutes inappropriate development. However the land is limited in size, is enclosed by existing buildings and the development would have a minimal impact on the openness of the Green Belt.

The remainder of the site is not within the Green Belt, but it is a greenfield site in a Rural area and not within one of the Rural Service Centres. In the context of the Council's inability to demonstrate an up to date 5 year plus 5% supply of deliverable housing sites, it is no longer inappropriate to resist the development on the grounds that the site is in part greenfield given that the site is in a sustainable location albeit in the rural area. It is considered that the proposed for residential development should be not be resisted in principle in such circumstances. It is considered that the site can be developed in a manner which would be visually acceptable; would not cause significant harm to the amenities of neighbouring occupiers in terms of impact on privacy or loss of light; and is acceptable in highway safety terms. In summary the required very special circumstances to justify approval exist.

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 QE3: Creating a high quality built environment for all
Policy CF2: Housing beyond the Major Urban Areas
Policy CF3: Levels and Distribution of housing development
Policy CF4: The reuse of land and buildings for housing
Policy CF6: Managing Housing Land Provision

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 NC1: Protection of the Countryside : General Considerations
Policy NC2: Landscape Protection & Restoration
Policy H11: Housing in Open Countryside
Policy T1A: Sustainable Location
Policy T18A: Transport and Development

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

Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP6: Affordable Housing

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt
Policy H1: Residential development: sustainable location and protection of the countryside
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N21: Area of Landscape Restoration

Other Material Considerations include:

National Planning Policy Framework (March 2012)

“The Planning System: General Principles” (January 2005)

Supplementary Planning Guidance/Documents

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)

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

The Secretary of State’s announcement of his intention to abolish RSS

The Secretary of State has made it clear that it is the Government’s intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

None considered relevant.

Views of Consultees

The **Landscape Development Section** has no objection subject to the agreement of works to existing trees and hedges and a landscaping scheme. Tree protection during the construction works should be as outlined in the tree report.

The **Highways Authority** has no objections subject to a condition requiring approval of details of the parking, turning and servicing within the site; means of surface water drainage; and surfacing materials and that the agreed details are completed prior to occupation.

The **Environmental Protection Division** has no objection subject to contaminated land conditions.

United Utilities has no objection to the proposed development but the following point should be adhered to:-

- If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Kidsgrove Town Council having been consulted and having provided no comments by the due date must be assumed to have no observations on the proposal

Applicant/Agent's Submission

The application is supported by the following information submitted by the applicant:

- Tree Survey and Assessment
- Design and Access Statement
- A Coal Authority report.
- A Phase 1 Environmental Assessment.

These documents are available for inspection at The Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

This application is for outline planning permission for one detached dwelling on land adjacent to 18 Sands Road, Harriseahead. All matters of detail (access, layout, scale, appearance and landscaping) are reserved for subsequent submission and consideration.

The application is accompanied by illustrative drawings showing how the site could potentially be developed but approval is not sought for such details within this application.

The site is located in the open countryside in policy terms and part of the rear of the site is within the Green Belt.

Given the above the key issues for members to consider are:

- The appropriateness or inappropriateness of this development in Green Belt terms.
- The principle of residential development on the site.
- Impact on residential amenity.
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

The appropriateness or inappropriateness of this development in Green Belt terms.

The National Planning Policy Framework (NPPF) advises that the erection of new buildings in the Green Belt is inappropriate unless they are for a limited number of certain identified purposes including;

"Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

Whilst the application does not include details of siting for approval at this stage a plan has been submitted, for illustrative purposes, showing the dwelling to be sited on land not within the Green Belt. To ensure that the construction of the dwelling does not affect trees within the site and is appropriately sited in the street scene

there are sound planning reasons to conclude that the dwelling would not be constructed in the Green Belt. As such it is not considered appropriate to consider the application as the erection of a new building in the Green Belt.

The proposal does, however, involve a change of use within the Green Belt and the NPPF does not identify this form of development as being appropriate. It is therefore concluded that the development is inappropriate within the Green Belt

The general policies controlling development in the countryside apply in equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. As to whether such very special circumstances exist requires a weighing up of any harm, against other material considerations

Whether the development provides a sustainable location for housing development

The NPPF advises that local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. This equated in the Borough to 1770 dwellings as at the end of March 2011

The Local Planning Authority is in a situation where it cannot demonstrate an up-to-date 5 year supply of deliverable housing sites. (The last published figures indicate that there is a 4.74 years supply which equates to 1597 gross additional dwellings, a shortfall of 173 dwellings when account is taken of the requirement to have an additional 5% buffer). In light of this shortfall it has taken a proactive approach of raising no objection in principle to proposals on greenfield sites within the urban area and Rural Service Centres (whereas when a 5 year housing land supply could be demonstrated only brownfield sites in such locations were considered favourably). The Council has therefore sought to put in place measures to address this problem. More recently the Council has concluded that residential development on a site in Moorland Road, Mow Cop, which is similarly defined as the rural area, was acceptable in principle as it was considered to be a sustainable location although the application was refused for other reasons (12/00282/OUT land rear of 11a-19 Moorland Road).

The site is located in Harriseahead next to Mow Cop and similarly has a reasonable bus service to Kidsgrove, Tunstall and Newcastle (13 per day on weekdays) and a limited service to Leek, Biddulph and Congleton. Also in the area there are a number of services and facilities and the site is in fact quite well served in this respect. It is therefore the case that the occupiers of the proposed dwelling will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. It is therefore considered that the site is in a sustainable location.

Despite part of the site being considered greenfield, the principle of residential development on this sustainable rural site outside of the defined rural service centres is considered acceptable at this particular time and a further adjustment to the approach taken to residential development is required in the current circumstances where a 5 year plus 5% housing land supply cannot be demonstrated. As already indicated this was the approach taken by the Planning Authority in the Moorland Road, Mow Cop case.

Impact on the character and appearance of the area

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

The site is the last open plot on this section of Sands Road and the proposed dwelling would be sited on an infill plot within a virtually continuous ribbon of development along Sands Road. The introduction of a dwelling on this site would relate well to its surroundings and as such it is considered that the proposal would in accordance with the design principles set out in the Urban Design SPD. For this reason it is also considered that the development would not further erode the quality of the landscape and the siting of the dwelling would not have a significant adverse impact on the character and appearance of the area.

Impact on residential amenity

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

With respect to the interrelationship of the proposed dwelling with the neighbouring properties, the outline nature of the application requires the decision-maker to anticipate the likely form of development. It is considered that subject to careful control over positioning of windows, sufficient distance can be achieved between dwellings to comply with the Council's Space Around Dwellings SPG.

The site is such that it is capable of accommodating a dwelling of a reasonable size and provide sufficient private amenity space and therefore, the proposal complies with the relevant SPG relating to space about dwellings.

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

The National Planning Policy Framework at paragraph 88 advises "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The applicants have provided no very special circumstances to justify why permission should be granted on this site, which is partly within the Green Belt. Only a small part of the rear of the site is within the Green Belt and the land is enclosed at the rear by agricultural buildings. As such the change of use of the land to residential curtilage would have a minimal impact on its openness. In these circumstances, taking into account that the actual dwelling would not be on the part of the site that is within the Green Belt, very special circumstances exist to justify the development of this site with one dwelling.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

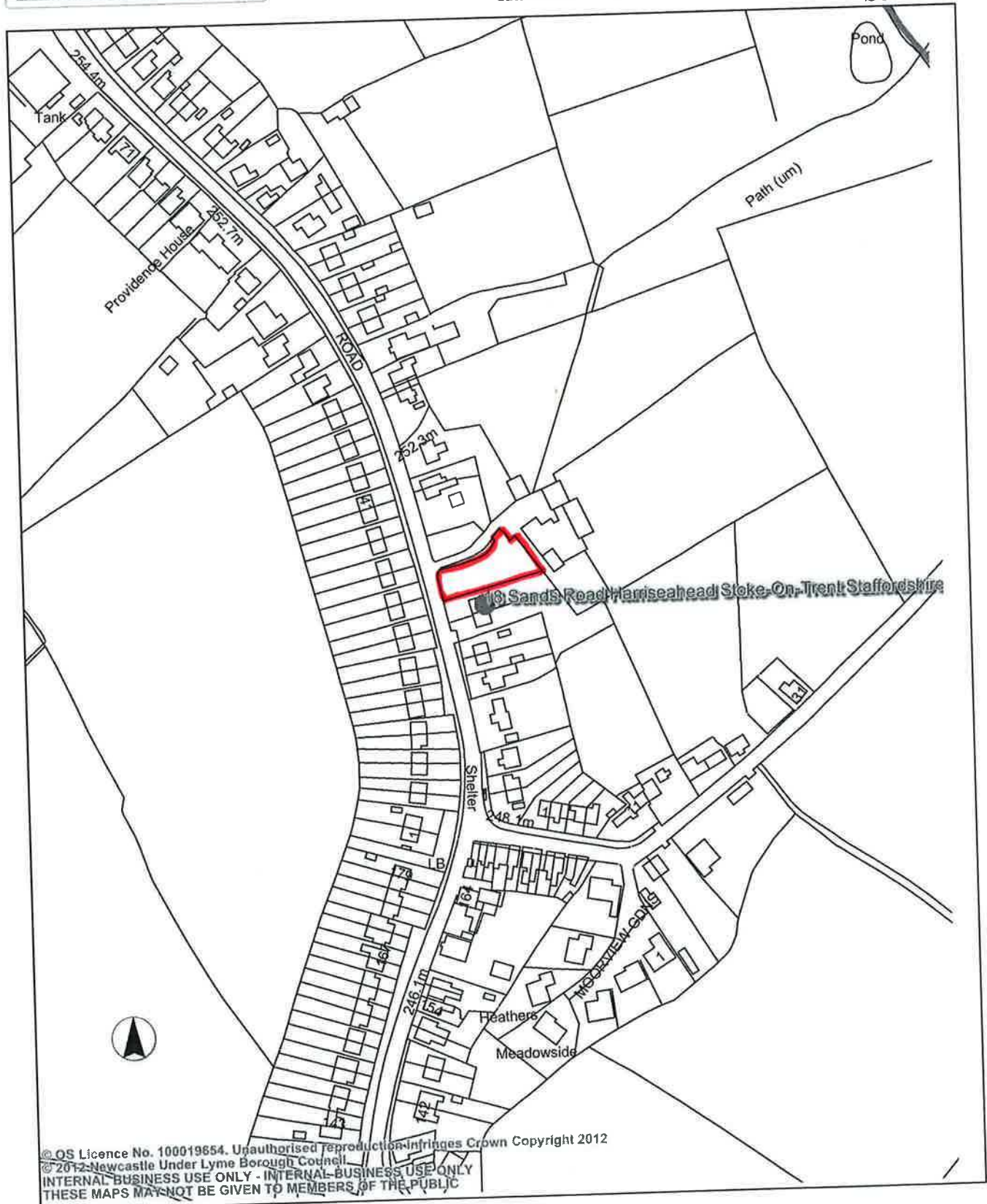
26 October 2012

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12/00490/DEEM4
Land adjacent 18 Sands Road,
Harriseahead.

**Customer
Services**



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

Plan Produced 2.11.2012
Scale 1:2,500

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SAFEX HOUSE 46 CHURCH STREET AUDLEY
SAFEX SUPPLIES LTD . 12/00575/FUL

The Application is for full planning permission for the subdivision of the existing ground floor office within Safex House into two offices and the erection of a two storey residential block accommodating two one bedroom flats in the rear car parking area of the property.

The site is within Audley Conservation Area and within a rural service area as indicated on the Local Development Framework Proposals Map.

The 8 week statutory determination period expires on 23 November 2012.

RECOMMENDATION

Refuse due to:

- (i) The proposal would adversely harm the character and appearance of the Conservation Area by virtue of its design, form, scale, height and siting.**
- (ii) The proposal would result in a development that is overbearing and oppressive when viewed from the adjoining dwelling and would adversely affect the level of amenity for the occupiers of that property.**
- (iii) The proposal fails to provide adequate private outdoor space to the detriment of future occupiers of the development.**

Reason for Recommendation

Whilst the principle of residential development on the site is considered acceptable it is considered the proposal would adversely harm the character and appearance of the Conservation Area by virtue of its design, form, scale, height and siting which is not informed by the character or qualities of the surrounding area and would be detrimental to the wider street scene. The proposal would result in an unacceptable overbearing and oppressive outlook to the adjacent residential occupiers and provides no private outdoor/garden space which is considered to be inadequate to provide reasonable living conditions for the future occupiers of the proposed development.

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 QE3: Creating a high quality built environment for all
- Policy CF2: Housing Beyond the Major Urban Areas
- Policy CF3: Levels and Distribution of housing development
- Policy CF4: The reuse of land and buildings for housing
- Policy CF6: Managing Housing Land Provision

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 NC1: Protection of the countryside: General Considerations
- Policy T1A: Sustainable Location
- Policy T18A: Transport and Development
- Policy NC19: Conservation Areas

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

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

Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy B9: Prevention of harm to conservation areas
Policy B10: The requirement to preserve or enhance the character or appearance of a conservation area
Policy B13: Design and Development in conservation areas
Policy B14: Development in or adjoining the boundary of Conservation Areas

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance Supplementary Planning Document (December, 2010)

Relevant Planning History

Views of Consultees

The **Highway Authority** has no objections subject to the provision of the parking and turning areas.

Audley Parish Council does not support the application advising that the two storey residential block does not preserve and enhance the character or appearance of the conservation area, due to the new build being orientated at right angles to the existing cottages in Dean Hollow and would present an unrelieved blank façade to the street, creating a pinch point in the street and would markedly restrict views in and out of the conservation area. The development would restrict the current off street parking available to business premises at 46 Church Street.

The **Conservation Advisory Working Party** objects on the grounds that the development by reason of its design and lack of fenestration and interest on prominent elevations fails to address its location and reflect the character of adjoining properties and would accordingly have a detrimental impact upon the appearance and character of the Audley Conservation Area.

The **Urban Design and Conservation Officer** advises that there are no adverse concerns to the alteration to Safex House itself. She goes on to advise the rear car park is visible from Hall Street and essentially Dean Hollow is a cross roads with the main street. Currently glimpses of the terraces and historic outbuildings can be seen from the main street. The character of Dean Hollow is quite different from the main street with simple modest terraces in linear plots. She considers that the proposed new building on the rear section of the car park is certainly an uninspiring design and given its slightly elevated position will appear fairly dominant despite not being that big. The square windows positioned right up to the eaves reflects the style of Safex House and which is not the right building to copy. The window proportions are wrong. The buff coloured cills, lintels and banding does not improve the design.

On the opposite side of Dean Hollow is the recently refurbished Indian restaurant. This building has a series of outbuildings and outriggers in its curtilage (mostly are historic with some modifications) which are close to the road and are without any window openings but the design steps down and follows the general pattern and grain of development within the village. In considering the context of the site the proposal does not do this and would probably harm the character and appearance of the Conservation Area in this location and would argue that it probably does not comply with NPPF (p.64) in that it misses an opportunity to improve the character and quality of the area.

Representations

Two letters of objections have been received raising the following concerns:-

- The lack of parking in the area generally.
- Loss of light to an adjacent property.
- The development would result in a blank gable wall at right angle to the street and would therefore seriously restrict the views both in and out of the Conservation Area.

A further letter of objection has been received from the local ward Councillor who is also an owner of a neighbouring property to the proposal.

Her concerns as ward councillor relate to:

- An ongoing issue of a lack of parking and the proposal would only aggravate the existing problem.
- No provision has been made for recycling etc resulting in the potential for one of the proposed car parking spaces being used.
- The existing parked vehicles restrict the visibility out of the site.
- The occupier of the proposed flats would have no outside space to cater for their needs.
- The proposal impact on the Conservation Area.

Her concerns as adjacent property owner are that the adjacent car park is at a higher ground level and with the proposal being so close to the boundary the development being overbearing will result in a loss of light to the adjacent property.

Applicant/Agent's Submission

A Design and Access Statement and Heritage Statement has been submitted with the application which is available for inspection at the Guildhall, and on www.newcastle-staffs.gov.uk.

Key Issues

The application is for full planning permission for the subdivision of the existing ground floor office of Safex House into two offices, an existing first floor flat would be retained. The proposal also seeks permission for the erection of a two storey residential block accommodating two one bedroomed flats. This building would be sited in the rear car park area of Safex House. The car park area would be reconfigured to provide six on site car parking spaces.

The site is within the Audley Conservation Area and within a Rural Service Area as identified in the Core Spatial Strategy.

The main issues to consider with this proposal are:

- Principle of the subdivision of the office use of Safex House
- Principle of residential development
- The character and appearance of the Conservation Area
- Highway safety
- Residential amenity

Subdivision of the office use of Safex House

The ground floor of Safex House is currently used as a single office and it is proposed to subdivide this in to two separate offices. No extensions are being proposed and as such all works are internal. The proposal will not, therefore, increase the amount office floor space raising and would not have any adverse harm on the character or appearance of the Conservation Area. It is therefore considered the subdivision of the office is acceptable.

Principle of residential development

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within a Rural Service Area location as identified by the Core Spatial Strategy.

Policy ASP6 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - sets a requirement for a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key rural service centres.

Policy SP1 of the Core Spatial Strategy (CSS) states that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling. The Core Strategy goes on to state that sustainable transformation can only be achieved if a brownfield site offers the best overall sustainable solution and its development will work to promote key spatial considerations. (Para 5.21) Priority will be given to developing sites which are well located in relation to existing neighbourhoods, employment, services and infrastructure and also taking into account how the site connects to and impacts positively on the growth of the locality.

This is a previously developed site in a sustainable location. The site is in easy walking distance of the shops, schools and services of Audley with regular bus services to larger urban centres beyond. It is considered that the site provides a sustainable location for additional residential development.

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

The Council is currently unable to demonstrate a five-year supply of housing land and the starting point therefore must be one of a presumption in favour of residential development. In this particular context as has already been stated the development is in a location which is close to services and facilities, promotes choice by reason of its proximity to modes of travel other than the private motor car, and in terms of environmental sustainability.

On the basis of all of the above, it is considered that the principle of residential development in this location should be supported.

The character and appearance of the Conservation Area

The local planning authority has a duty to pay special attention to whether a development would be harmful to the character and appearance of the Conservation Area.

Policy B9 of the Local Plan states that development that would harm the special architectural or historic character or appearance of Conservation Areas will be resisted. Additionally, Policy B10 of the Local Plan requires any new development to preserve or enhance the character or appearance of a Conservation Area, and states that the form, scale, bulk, height, materials, colour, vertical or horizontal emphasis and detailing must respect the character of the buildings in the area.

The site is located between the busy main street uses and the quieter residential character of the Dean Hollow. Safex House is a relatively modern introduction to the streetscape dating from the early 1970's. The other surrounding properties including the residential properties provide more of a historic context to this part of the Conservation Area. Immediately to the south of the application site (in Deans Hollow) are two storey residential cottages set back from the road frontage with small front gardens. There are no pavements in front of these cottages. Ground levels gently descend down Deans Hollow from a high point in Church Street.

The proposed residential block would be sited immediately adjacent to existing retaining walls at the rear of the car park area and at 90 degree to Deans Hollow frontage, it would have a similar set back from the carriageway of Deans Hollow as the adjacent cottages however this is due to there being a wide pavement adjacent to the application site.

The residential block is designed so that all the windows and doors are positioned to face the rear of Safex House, none of the other elevations have window or door openings. The appearance and position of the windows does not reflect the historic character of the area, but the character of Safex House which is not a building that is considered to have any architectural merit. The building includes two lines of contrasting brick work which assist in providing some visual relief to other wise plain brick wall but does not materially improve the appearance of the building. The design approach taken results in the proposed building turning its back on the lower part of Deans Hollow and would provide no active frontage to Deans Hollow. It would adversely harm the views both into and out of the Conservation Area

It is considered that the proposal fails to preserve or enhance the character or appearance of a Conservation Area, by virtue of its design, form, scale, height and siting and as such should be resisted on this grounds.

Highway safety

As stated the development would be sited on an existing car park area and involves the formation of a new car park layout providing a total of six spaces to serve the office use, the existing residential use of the upper floor of Safex House and the two proposed flats. Double yellow lines are provided around the application site road frontage. As stated above the site is well sited for both the services and facilities in Audley and public transport links to larger urban areas beyond.

The Highway Authority have not objected to the proposal subject to the provision of the car parking area and in reaching this recommendation they have taken into account the sustainability of the site, the proximity of Audley village centre with bus stops, the parking restriction around the site and the proximity of two public car parks

Given the above it is considered a refusal on highway grounds could not be sustained.

Residential amenity

Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, complement the built form and foster civic pride (point 6).

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on residential development including the need for privacy, daylight standards, and environmental considerations.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides advises at R16 that *“Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers”*.

In this particular instance this subject should be considered from two aspects:

Amenity of existing occupiers adjacent to the development

As stated above the proposed new build would be sited immediately adjacent to the retaining wall boundaries of the site this being only approximately 6 to 7 metres from the gable wall of the adjacent residential properties. The adjacent ground levels are lower than the application site by approximately 650mm, the proposed building wall would be a further 5 metres to eaves above this higher ground level with the ridge of the roof extending to 7 metres above the higher ground level.

There are number of windows in the side gable elevation of the existing adjoining property however it is not believed any of these are principal windows as defined by the guidance, nevertheless it is considered the proposal would have a detrimental impact on the occupiers of this existing property by virtue of the proximity of the proposed building which results in it being overbearing due its siting, height and massing and should be resisted as such.

Amenity of Future occupiers of the development

The proposal is for two one bedroom flats and no private outdoor space is being proposed other than potentially the car parking spaces at front of the proposal.

The Supplementary Planning Guidance (SPG) relating to Space about Dwellings only advises on the size of gardens for dwellings of 3 or more bedrooms, and as this current proposal involves one bedroom units it would not, technically, conflict with the adopted SPG. Proposal R16 of the urban design guidance provides further assistance with this issue advising the outdoor space should be usable and should relate to the house type and occupiers. The document indicates that the appropriate size of private external space to be provided for each dwelling should be determined in relation to the provision and location of local open spaces.

Given the proposal provides no outside space it would not serve all the requirements of future occupiers of the development for example the storage of refuse and recycling bins, an area to dry washing, etc. Your officers consider the proposed outdoor space at the front of the proposal, the car park does not meet these needs and as such the proposal would not provide adequate living conditions for the occupiers of the development and should be resisted.

Background Papers

Planning file

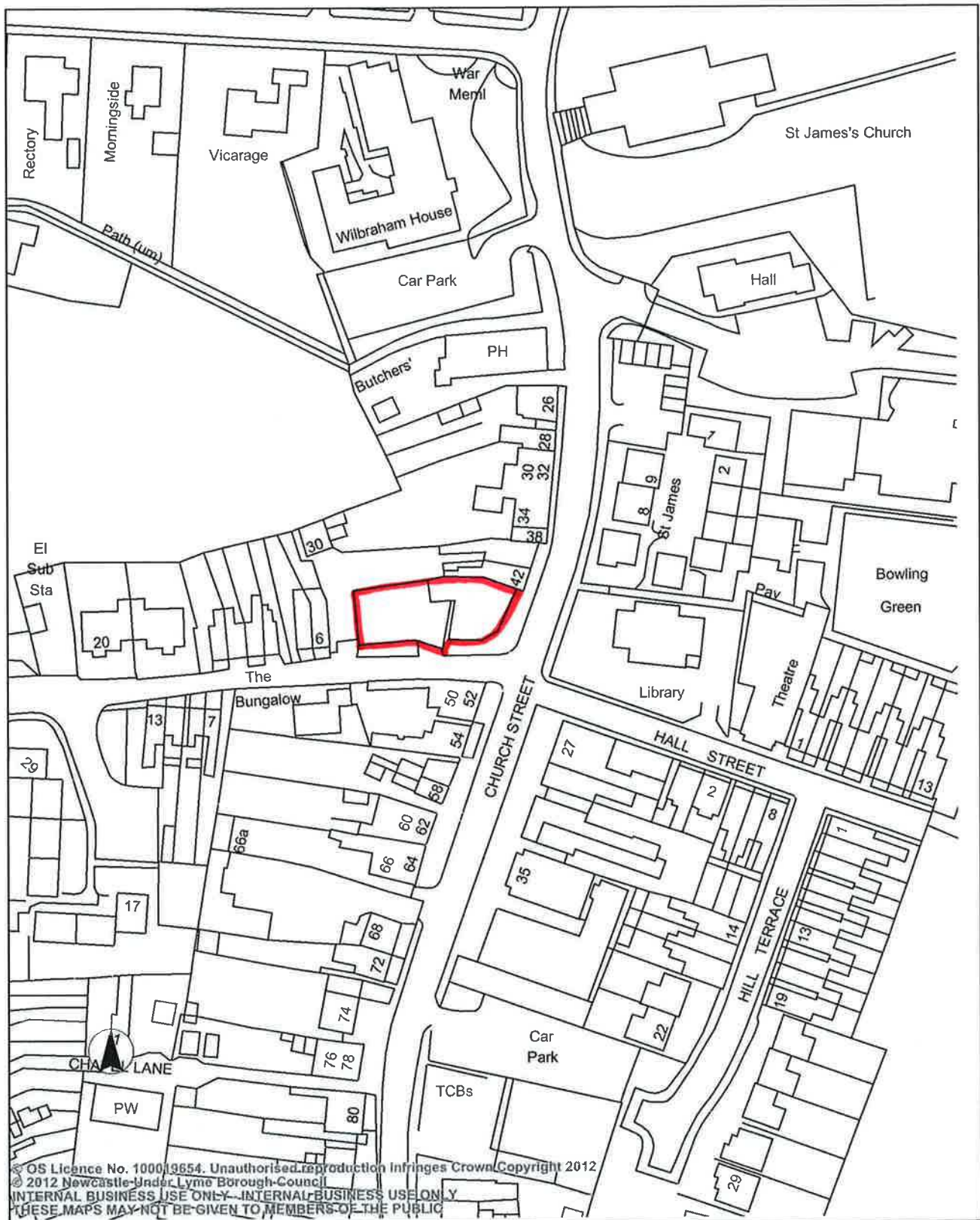
Planning documents referred to

Date Report Prepared

31 October 2012



12/00575/FUL

Safex House, Church Street, Audley. **Customer Services**

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

Plan Produced 2.11.2012
 Scale 1:1,250

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2 UPPER MARSH MAY BANK NEWCASTLE
MRS J DAVIES. 12/00496/FUL.

The Application is for full permission for the change of use from a betting office (Use Class A2) to a café (Use Class A3).

The site is within the urban area of Newcastle and adjoins Wolstanton Marsh which is part of the Green Heritage Network as defined on the Local Framework Proposal Map.

The application has been called to Committee for decision due to increase in traffic and lack of parking, increases in anti social behaviour and litter, noise and odour issues.

The statutory 8 week determination period expires on 16 November 2012.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- (i) **Standard Time limit.**
- (ii) **Approved plans/drawings/documents.**
- (iii) **Hour of use restricted to 8 am to 7.30 pm on any day.**
- (iv) **The use restricted to Class A3 use only (to clarify the extent of the permission which does not include permission for a hot food takeaway, Class A5).**
- (v) **Control over the food types prepared and equipment used.**
- (vi) **Control over refuse storage and collection arrangements.**
- (vii) **Control over arrangements for the collection and disposal of litter resulting from the use.**
- (viii) **Prior approval of colour of external flue to fume extraction system, and implementation in accordance with the approved details.**
- (ix) **Prior approval of the kitchen ventilation system.**
- (x) **Cessation of cooking in the event of an extraction failure.**
- (xi) **Control over the installation of air cooling/air extraction equipment.**
- (xii) **Control over food and grease debris from entering the drainage system.**

Reason for Recommendation

Subject to conditions, it is not considered that there would be any significant adverse impact on residential amenity. Whilst no on site customer parking is proposed it is not considered that highway danger as a result of vehicles parked on the highway and as such it is not considered that an objection could be sustained on the grounds of impact on highway safety. Subject to a condition requiring the finished colour of the proposed extract flue and matching materials for the window to be bricked up it is considered that the proposal will not result in any visual harm. The proposal accords with Policies D1, D2 and TC4 of the Staffordshire and Stoke-on-Trent Structure Plan 1996 – 2011, Policy R15 of the Newcastle-under-Lyme Local Plan 2011 and the aims and objectives of the National Planning Policy Framework 2012.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Nil

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 T12: Strategic Highway Network

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

Strategic Aim 5: To foster and diversify the employment base;

Strategic Aim 7: To help Newcastle Town Centre to continue to thrive;
Policy SP1: Spatial Principles of Targeted Regeneration.
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhood Area Spatial Policy.
Policy CSP1: Design Quality

Newcastle under Lyme Local Plan 2011 (LP)

Policy R15: Non-retail uses in District Centres and other Groups of Shops
Policy T16: Development – General Parking Requirements.
Policy N16: Protection of a Green Heritage Network.

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)
Hot Food Takeaways (February 1996)

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

1963 NNB6028 Permit – change of use to betting office

Views of Consultees

The **Highway Authority** has no objections on highway grounds to this proposal. They further advise that no NTADS contribution is required as the proposed development will not generate sufficient additional trips onto the highway network within the PM peak than the permitted use of the site.

The **Environmental Health Division** recommends refusal due to potential noise and odour impacts from the proposed development. They further advise this matter can be easily and adequately controlled by the installation of a silencer connected to the kitchen ventilation/extraction system the applicant is proposing and following this they would not have any objections to the proposal subject to conditions relating to the following:

- Restrictions on the nature of the food business to ensure the food types prepared and the equipment used within the kitchen is limited to that proposed.
- Hours of operation restriction to between 8am and 11pm Monday to Saturday and 8am to 10.30pm on Sundays.
- Waste collection and deliveries shall not take place before 8am on any day or after 10.30pm on Monday to Saturday and 10pm on Sundays.
- Litter disposal and collection arrangements to be agreed.
- Prior approval of a fume extract system which shall be provided before the premises opens and thereafter maintained.
- Cessation of cooking in the event of ventilation failure.
- Control over air cooling and air extraction equipment.
- Prevention of food and grease debris from entering the drainage system.
- Prior approval of refuse storage.

The views of the **Police Architectural Liaison Officer** have been sought and if received will be reported.

Representations

A petition containing 168 signatures and objecting to the proposal has been received raising concerns in respect of traffic and parking, litter, anti social behaviour, devaluation of property and as a takeaway is already trading next door and others in the community.

Thirteen letters of objection have been received raising the following concerns:-

- Increase in a litter problem in the area.
- Increase in anti social behaviour.
- Increase in traffic.
- Lack of parking.
- Additional vehicles visiting premises will make visibility difficult at school times endangering lives.
- Too many other similar uses.
- Increased litter.
- Control of vermin.
- Odour issues.
- Noise nuisance.
- Competition for the existing businesses in the area.

Two letters of support have been received advising:-

- The proposal would be very good for the area.
- Would bring an empty eye sore of a building adjacent to the Marsh back into use.
- There is no other café in May Bank
- The concern regarding anti social behaviour and litter should not be an issue given it is intended as a daytime use.
- There is an existing car park close to premises.
- Concerns regarding who has been asked to sign the submitted petition against the proposal

Applicant/Agent's Submission

Since the submission of the application the applicant has provide further information/details regarding the proposal, namely:-

- Sample menu
- Confirmation they seek planning permission for a café use only
- Alterations to opening hours from 7 am to 8 am and opening to 7.30 pm (to cater the occasional birthday party etc.)
- Percentage breakdown of envisaged business
- Details of grease traps
- Details of extraction units
- Waste and Litter Plan

Key Issues

The application is for the change of use of a vacant betting shop (use class A2) to a café (use class A3). As initially submitted the application was seeking permission for a change of use to a hot food takeaway (use class A5) and café (use class A3) however this was later amended by the applicant to a café use only. No.2 Upper Marsh is a single storey flat roofed detached property. It is located adjacent to existing two storey fish and chip shop to one side and two storey residential properties to the rear and other side.

The proposal also involves the installation of an extraction system. The majority of this system would be contained within an enclosed area of the premises with a 300mm diameter pipe protruding 1 metre above the level of the flat roof.

The key issues to be considered in the determination of this application are the following:-

- Is the principle of the change of use acceptable?
- Would the proposal cause harm to the occupiers of neighbouring properties and the wider area?
- Would the proposal be detrimental to highway safety?
- Is the introduction of an extraction flue acceptable in visual terms?

Is the principle of the change of use acceptable?

The proposed use is located in a group of 2 buildings. The application premises have been vacant for some time, before that it was in use as a betting shop. The neighbouring property is hot food takeaway use.

With the exception of the two above uses Upper Marsh serves as access to residential property, in addition there is a vehicular exit onto Upper Marsh serving the May Bank Infants School. Upper Marsh also front onto Wolstanton Marsh.

Policy R15 of the Local Plan relates to the consideration of this type of proposed use in the district centres of Chesterton, Silverdale and Wolstanton and other groups of 3 or more shop units. Whilst the site is within a group of two buildings it is in close proximity to other commercial property in May Bank and as such Policy R15 should be taken into consideration. The policy, however, relates to the change of use from retail to non-retail uses and as the lawful use of the premises is a betting shop falling within Class A2 the proposal will not conflict with this policy.

Policy N16 of the Local Plan relates to development within or adjacent to green heritage areas. Wolstanton Marsh is such an area and in accordance consideration must be given to whether the proposal will harm the integrity of the Marsh its ecological and landscape value as an area of open space. It is not considered that the proposed use would have such adverse affects on the Marsh and as such there is no conflict with this policy.

Overall it is considered that the introduction of a café use would be acceptable in land use terms subject to the considerations set out below.

Would the proposal cause harm to the occupiers of neighbouring properties and the wider area?

The Supplementary Planning Guidance on Hot Food Takeaways gives advice on the suitability of this type of use in different areas. Whilst the proposal is not for a hot food takeaway, it is considered this guidance can be used as a starting point for the decision maker.

As indicated above, the property is within a predominately a residential area and in considering the advice in the SPG it is considered that the site falls within Category C1 of that Guidance which are distinguished by the degree of homogeneity of the surrounding residential areas.

The Guidance recommends the opening hours of the use should be restricted to no later than 11pm on Monday to Saturday and 10.30 pm on Sundays and Bank Holidays. The applicant is not seeking open beyond these times and is suggesting a closing time of 7.30 p.m. It is considered that by conditioning such opening hours there will be no adverse effect to the living conditions of nearby residents that would justify the refusal of the application.

The representations received on this proposal raise a number of other concerns relating to the proposed use. Some of which are not material planning considerations such as the devaluation of property and the introduction of a business competitor. Those issues which are material planning considerations are:-

Litter

The applicant has submitted a waste and litter plan in which a number of measures are proposed to control both the waste and litter generated by the proposal including the provision of litter bins both inside and immediately outside the premises and a regular litter pick of the immediate area. The Environmental Health Division supports this approach and recommends imposing a condition relating to this matter.

Anti Social Behaviour

Whilst the views of the Police Architectural Liaison Officer are awaited, the proposed café use would be a predominantly a day time use and as such it is unlikely result in any increase in anti social behaviour in the area particularly if the hours of operation as proposed are restricted through the imposition of conditions.

Similar uses in the area

A survey of the area carried out by your officer found two hot food takeaways uses, one adjacent to the application and the other at the southern end of the High Street. Approximately in the centre of the High Street frontage there is a delicatessen/sandwich bar use which probably falls into a retail A1 use. There are no other cafes in this area. It is considered there is still a good mix of uses within the May Bank High Street and within the immediate street and the introduction of this proposed use would not adversely affect this mix.

Odour and noise nuisance

As stated the proposal includes the introduction of fume extraction system which includes filters to remove any odours for the cooking process. Whilst not part of the submitted detail to date any noise generated by the extraction system can be appropriately controlled with the installation of silencer on the extraction system. The applicant has indicated a willingness to install the appropriate ventilation system and associated noise reduction measures.

Given that the proposed use is predominantly during the daytime, and that existing ambient noise level is mainly from road noise, any other noise generated by the proposed use or the users of the premises would not have an adverse impact on adjacent residential properties.

Would the proposal be detrimental to highway safety?

There is no off-street parking associated with the premises, on street parking is possible outside the premises and adjacent residential properties in the area, there is a small public car park adjacent to Wolstanton Marsh within easy walking distance of the premises. The Highway Authority has raised no objections to the proposal.

On street parking currently takes place in connection with the adjoining hot food takeaway and as such could take place at any time during the day and night. In addition the current lawful use of the premises would generate a demand for parking which cannot be met on site. Any additional on street parking over and above that generated by the existing lawful use would not be to the extent where obstruction or danger to other highway uses would occur. As such and in light of the recommendation of the Highway Authority it is considered that the proposal would not be detrimental to highway safety.

Is the introduction of an extraction flue acceptable in visual terms?

As discussed above the proposal involves the introduction of an extraction flue outlet through the flat roof of the premises. The flue would extend 1 metre above the level of the flat and would have an overall diameter of 300mm. This would be positioned in the middle of the building and as such when viewed from the street level the full extent of the flue would not be seen.

It is considered appropriate to impose a condition to any approval requiring the external part of the flue to be finished in a recessive colour.

With this condition imposed it is considered this part of the proposal would adversely harm the visual amenity of the area.

Background Papers

Planning File
Development Plan
National Planning guidance/statements

Date Report Prepared

30 October 2012

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12/00496/COU
2 Upper Marsh, May Bank.

Customer Services



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

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Scale 1:1,250

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