

# Public Document Pack

<b>Date of meeting</b>	<b>Tuesday, 2nd October, 2012</b>
<b>Time</b>	<b>7.00 pm</b>
<b>Venue</b>	<b>Council Chamber, Civic Offices, Merral Street, Newcastle Under Lyme, Staffordshire ST5 2AG</b>
<b>Contact</b>	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 MEETING** (Pages 1 - 6)  
To receive the minutes of the previous meetings held on 21 August 2012.
- 4 Application for Major Development- Former Thistleberry House Residential Home, Keele Road, Newcastle. Taylor Wimpey North Midlands. 12/00466/FUL** (Pages 7 - 26)
- 5 Application for Minor Development-Land to Rear of 11A-19 Moorland Road, Mow Cop. Aspire Housing. 12/00282/OUT** (Pages 27 - 36)
- 6 Application for Other Development - The Coach House, Butterton Road, Butterton. Mrs S Bradbury.** (Pages 37 - 42)  
12/00494/FUL
- 7 Application for Other Development - Allendale House, Milehouse Lane, Newcastle. Ms M Anderson.** (Pages 43 - 50)  
12/00504/FUL
- 8 Application for Other Development - Hall O 'th' Wood, Balterley Green Road, Balterley. Mr A Lane.** (Pages 51 - 58)  
12/00418/FUL
- 9 Application for Financial Assistance (Historic Buildings Grant) - Chest Tombs in the Churchyard of St Mary, Mucklestone** (Pages 59 - 60)
- 10 Open Enforcement Cases** (Pages 61 - 62)
- 11 URGENT BUSINESS**  
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972
- 12 DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from this meeting because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 6 in Part 1 of Schedule 12A of the Local Government Act 1972.

**13 Quarterly Report on Progress on Enforcement Cases Where Enforcement Action Has Been Authorised (Pages 63 - 70)**

**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 21 August 2012**

**Present:-** Councillor Andrew Fear – in the Chair

**Councillors** Miss Baker, Cairns, Clarke, Hambleton, Mrs Hambleton, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Mrs Williams and Williams

Also in attendance – Councillor Becket during consideration of planning application 12/00359/OUT only.

### **1. APOLOGIES**

Apologies for absence were received from Councillors Boden, Howells and Jones.

### **2. DECLARATIONS OF INTEREST**

Councillor Stringer declared an interest in planning application 12/00395/FUL indicating that his wife was employed by the applicant.

### **3. MINUTES OF PREVIOUS MEETINGS**

**Resolved:-** That the minutes of the meetings held on 19 June and 10 July 2012 be approved as correct records subject to the addition of Councillor Baker's name to the list of apologies for the meeting held on 10 July 2012.

### **4. VARIATION OF CONDITION 1 ATTACHED TO PERMISSION 12/00245/FUL TO ALLOW TRADING ON SUNDAYS BETWEEN 10:00 HOURS AND 18:00 ON SUNDAYS DURING THE 2012 LONDON OLYMPIC AND PARALYMPIC GAMES. ALDI, LIVERPOOL ROAD, KIDSGROVE. ALDI STORES. 12/00414/FUL**

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

- (i) No opening of the store to the public other than between 08:00 and 22:00 hours Monday to Saturday and 10:00 and 16:00 hours on Sundays, other than on Sundays falling between 22 July 2012 and 9 September 2012 when there shall be no opening of the store to the public other than between the hours of 10:00 and 18:00 hours.
- (ii) All other conditions attached to planning permission 12/00245/FUL shall remain.

### **5. VARIATION OF CONDITION 1 ATTACHED TO PERMISSION 97/00863/FUL AND CONDITION 9 OF PERMISSION 96/00178/FUL TO ALLOW SUNDAYS AND BANK HOLIDAY TRADING BETWEEN 09:00 HOURS AND 20:00 HOURS DURING THE 2012 LONDON OLYMPIC AND PARALYMPIC GAMES. TESCO, LIVERPOOL ROAD, KIDSGROVE. TESCO STORES LTD. 12/00395/FUL**

**Resolved:-** That permission be granted subject to conditions relating to the following:-

- (i) The opening times of the store shall be limited between 07:00 hours and 22:00 hours Monday to Saturday and no more than 6 hours between 09:00 hours and 18:00 hours on Sundays except on Sundays between 22 July 2012 and 9 September 2012 when there shall be no opening of the store to the public other than between 09:00 and 20:00 hours.
- (ii) Other conditions in permission 96/00178/FUL and 97/00868/FUL to continue to apply.

6. **REMOVAL OR VARIATION OF CONDITION 8(S) OF PERMISSION 04/01007/FUL IN ORDER TO RETAIN AN APPARENTLY UNAUTHORISED FENCE THAT OBSTRUCTS A PEDESTRIAN LINK BETWEEN MOFFATT WAY AND TREACLE ROW AND TO CHANGE THE USE OF THE LAND COVERED BY THE FOOTWAY TO RESIDENTIAL GARDEN. LAND BETWEEN MOFFAT WAY AND TREACLE ROW, SILVERDALE (NORTH WEST) LTD. 12/0023/COU**

**Resolved:-** That the application be refused on the grounds of loss of public amenity (connectivity and permeability).

7. **CONSTRUCTION OF BUSINESS PARK CONTAINING A MIX OF B1(BUSINESS), B2 (GENERAL INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION) USES. ETRURIA VALLEY - PHASE 2, FORGE LANE, ETRURIA. STOKE-ON-TRENT REGENERATION LTD. 348/187 (SOT/52732)**

The Committee was invited to make formal comments on the above application that was to be considered by Stoke-on-Trent City Council.

Comments were required to be submitted by not later than 22 August 2012.

**Resolved:-** That Stoke-on-Trent City Council be advised that this Council wishes to re-affirm its previous objection to the application.

8. **REMOVAL OF CONDITION 7 OF PLANNING PERMISSION SOT/28087. UNIT 1 SPRINGFIELD RETAIL PARK, NEWCASTLE ROAD, TRENT VALE. PROPINVEST SPRINGFIELD LIMITED PARTNERSHIP 348/190**

Reference was made to the Committee's earlier consideration, of planning application SOT/53546/VAR.

In this latest report it now appeared to the officers that the Committee's earlier resolution to ask the Secretary of State to modify the permission so as to restrict the use of the unit to non-food retailers was unduly cautious and that it would be more appropriate to ask the Secretary of State to instead impose a condition that no more than 10% of the sales area of the extended store be used for the display and retailing of ancillary bulky goods such as soft furnishings and textiles.

**Resolved:-** That the Head of Planning and Development be now authorised to write to the Secretary of State asking that he use his powers under Section 100 to modify planning permission SOT/46524 so as to include a condition restricting the use of the unit in the same manner as was done in the 1992 permission, whilst allowing for no more than 10% of the sales areas of the building to be used for display and retailing of ancillary non-bulky goods such as soft furnishings and textiles.

9. **DEMOLITION OF FORMER PUBLIC HOUSE AND ERECTION OF 9 DWELLINGS INCLUDING FORMATION OF A VEHICULAR ACCESS, ASSOCIATED GARAGING, CAR PARKING AND LANDSCAPING. FORMER BLUE BELL PUBLIC HOUSE. WRINEHILL. C LITTLETON AND SONS. 12/00357/OUT**

**Resolved:-** (a) That the application be refused for the following reasons:-

- (i) Inappropriate development in, and harmful to, the Green Belt, and the required very special circumstances do not exist to justify a permission.
- (ii) No appropriate mechanism has been put forward with the application submission to secure affordable housing in perpetuity.

(b) That in respect of resolution (a) (i) the Head of Planning and Development, in consultation with the Chair and Vice-Chair of the Planning committee, be authorised to agree the detailed wording.

10. **DEMOLITION OF SINGLE STOREY HAIRDRESSING SALON AND ERECTION OF RESIDENTIAL PROPERTY. 34A HILLPORT AVENUE, BRADWELL. MR J HORWELL. 12/00360/FUL**

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

- (i) Standard time limit.
- (ii) Approved plans.
- (iii) Approval of facing materials/boundary treatments.
- (iv) Removal of permitted development rights.
- (v) Highway conditions relating to access and parking.
- (vi) Contaminated land condition.
- (vii) Control over the importation of soil/material.
- (viii) Approval of finished ground and slab levels.

11. **REPLACEMENT BOWLS PAVILION. WESTLANDS SPORTS GROUND, WEDGWOOD AVENUE, WESTLANDS. NEWCASTLE BOROUGH COUNCIL. 12/00361/DEEM3**

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

- (i) Standard time limit.
- (ii) Approved plan.
- (iii) Materials as detailed in the application.
- (iv) Permission shall be for the benefit of Newcastle-under-Lyme Borough Council only.

12. **TWO STOREY REAR EXTENSION AND INCREASE IN HEIGHT TO THE POST RIDGE TO FACILITATE A LOFT CONVERSION INCLUDING A REAR DORMER WINDOW AND VELUX WINDOWS TO THE FRONT, SIDE AND REAR. 26 REPTON DRIVE, NEWCASTLE. MR TREVOR BEARD. 12/00350/FUL**

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

- (i) Standard time limit.

- (ii) Approved plans.
- (iii) Materials to match existing unless specified.
- (iv) Restriction of first floor windows and velux windows to obscure glazing and top hinged or non-opening.
- (v) The car parking area should be of a bound porous material.

**13. MADELEY CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN SUPPLEMENTARY PLANNING DOCUMENT**

Having previously approved a draft of the above Supplementary Planning Document (SPD) for consultation purposes, the Committee considered a further report advising of the outcome of that process and detailing the contents of the final draft of the SPD prior to it being placed on deposit for representations and subsequent submission to Cabinet for adoption.

**Resolved:-** (a) That subject to no representations being received on the Supplementary Planning Document seeking significant changes the Planning Committee commend the Madeley Conservation Area Appraisal and Management Plan SPD to Cabinet for adoption with no changes.

(b) That should any representations be received seeking minor changes, the officers be given delegated authority to make such changes, if appropriate, in consultation with the Chair and Vice-Chair of the Planning Committee prior to the submission of the document to Cabinet for adoption.

**14. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND. OLD SCHOOL HALL, CONGLETON ROAD, MOW COP.**

Ref 12/13001/HBG

Consideration was given to an application for financial assistance from the Conservation and Heritage Fund towards the cost of re-instating windows on the gable elevation at the above building that was of special architectural and historic interest.

The works were estimated to cost £1225.

**Resolved:-** That a grant of £245 be awarded for the above works at Old Hall School subject to the appropriate standard conditions.

**15. HISTORIC BUILDING FUND. FORMER MAXIMS NIGHTCLUB. 65 LOWER STREET, NEWCASTLE**

Consideration was given to a report seeking the Committee's approval for a grant to be offered to the owner of the above premises.

The grant could be used towards the cost of the implementation of works that may be included in any subsequent Urgent Works Notice, if one was found to be necessary, and which were now eligible for assistance following the Committee's earlier resolution to amend the terms of conditions relating to the award of grants from the Fund.

**Resolved:-** That a grant of whichever is the lesser element – 20% of the vast or up to £10,000 – towards the cost of the urgent works at the above property be made

subject to the production by the owner of two competitive guides in accordance with terms and conditions of the Historic Buildings Fund.

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

Consideration was given to a quarterly report providing an update on occasions when the Head of Planning and Development had used his delegated powers to extend the time limits, previously allowed by the Committee, for the completion of Section 106 Obligations, as an alternative to refusing the application.

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

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

**A FEAR**  
**Chair**

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# Agenda Item 4

**FORMER THISTLEBERRY HOUSE RESIDENTIAL HOME, KEELE ROAD**  
**TAYLOR WIMPEY NORTH MIDLANDS**

**12/00466/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 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 13 week period for the determination of this application expires on 1<sup>st</sup> November 2012.

## **RECOMMENDATION**

**a) That subject to the applicant entering into S106 obligations by agreement by 26<sup>th</sup> October 2012 to secure the following:**

- i. Security in perpetuity provision of 25% (taking into account unit/percentage make up) 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

and subject to receipt of revised plans indicating a footpath link to plots 16 to 21 to allow direct pedestrian connectivity for the occupiers of those properties to Keele Road, 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. Approval of recyclable materials and refuse storage
8. Details of design measures to achieve acceptable internal noise levels in dwellings
9. Waste and recyclables storage and collection details
10. Landscaping scheme including hard landscaping details
11. Tree works to be undertaken in accordance with tree reports
12. Arboricultural impact assessment and arboricultural method statement including any proposed landscaping works to the rear gardens
13. 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
14. Prior to commencement details of;
  - Minimum width of 5.5m for the entrance for 10m from the carriageway
  - 6m radius kerbs
  - Give way road markings
  - Tactile pedestrian crossing pointsand implementation
15. Closing of redundant access
16. Prior to commencement details of;
  - Area for adoption
  - Details of construction
  - Street lighting
  - Drainage details
17. Prior to commencement details of 2m wide footway/service verge across plots 16 to 21
18. Drive length for plots 1, 2 and 5
19. Retention of garages/car ports for parking of motor vehicles and cycles
20. Construction method statement – Highways
21. Surface water interceptors
22. Bat survey and implementation of its recommendations should the building not be demolished within 6 months
23. Boundary treatments
24. 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
25. Removal of property's permitted development rights on identified plots
26. Finished levels in accordance with plans

**b) That should the matters referred to in (i), (ii), (iii) and (iv) above not be secured within the above period, 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.**

### **Reason for Recommendation**

The proposed development would 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 highway safety. 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.

### **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 (adopted 2009) (CSS)**

- 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. This 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

Companion guide to the former PPS9 on Biodiversity and Geological Conservation

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**

Nil

**Views of Consultees**

The **Highway Authority** initially objected to the application on the following grounds;

- The application as submitted fails to demonstrate that a refuse lorry can adequately service the proposed residential development
- The application fails to provide pedestrian connectivity for plots 16 to 21 linking through to Keele Road via the internal access road

Further information was then provided and as a result of this, they have indicated that they have no objections subject to conditions relating to the following;

- No commencement of development until revised details approved indicating the following have been provided:
  - Minimum width of 5.5m for the first 10m from the carriageway edge
  - 6m radius kerbs each side of the site access
  - Give way road markings
  - Tactile pedestrian crossing points

and completion of the above prior to first occupation

- No occupation of the dwellings until the existing access made redundant as a consequence of this development reinstated as verge and footway
- Prior approval of area of road for adoption, details of construction, street lighting and drainage details
- No commencement of development until details approved of a 2m wide footway and/or service verge in Greenock Close across the frontage of plots 16 to 21, and timing of such works
- No occupation of the dwellings until the private driveways and multiple turning areas have been surface in a bound material
- The private drives for plots 1, 2 and 5 shall have a minimum length of 6m between the highway boundary and the garage door
- Retention of garages/car ports indicated on the approved plan for parking of motor vehicles and cycles. No conversion to living accommodation without prior approval of the Local Authority
- Prior approval of construction method statement
- Provision of surface water interceptors
- Provision of an internal footpath link for plots 16-21 to allow direct pedestrian connectivity to Keele Road via the internal access road

The Highway Authority has also indicated that if the proposal is recommended for approval, they would seek a financial contribution towards NTADS of £26,224. They also comments upon concerns raised by some local residents and reference is made later to this.

The County Council as the **Education Authority** advises the development would generate demand for 8 Primary school spaces for which there is not capacity and as such are requesting a financial contribution of £88,248

The **Landscape Development Section** initially indicated that they required further information prior to providing further comments on the development.

A selection of further information was then provided by the applicant in the form of a sonic tomography, a root protection area plan and another plan indicating root protection areas in conjunction with special working areas.

As a result of this further information, the following comments were received;

- The arboricultural appraisal by Fairley Arboriculture and Landscape Planning helps provide additional information on the trees and they are happy with the recommendations. As the survey was again carried out from ground level the trees should be re-evaluated when the work has been completed.

- The Tree Protection Plan is satisfactory however an Arboricultural Impact Assessment and Arboricultural Method Statement to BS5837:2012 should both be conditioned. These should include for any proposed landscaping works to the rear gardens.
- The scheme layout has a poor relationship to the three beech trees. The trees will significantly shade the rear of the five properties that back on to them, which is likely to result in post development resentment, and could ultimately mean their removal. They request that a condition is included stipulating that if any of the trees are felled within five years of completion of the development suitable replacements are planted in agreed locations.
- Provision of a landscaping plan for approval should be conditioned.

They seek a contribution per dwelling is £2,943 or £108,891 in total towards the improvement of off-site public open space.

The **Environment Agency** has no objections to the proposal subject to a potential condition relating to unexpected contamination as well as informatics relating to groundwater protection and construction activities.

The **Environmental Health Division** have no objections to the proposal subject to conditions relating to the following;

- Hours of Construction
- Construction Method Statement
- Development in accordance with recommendations of Phase 1 desk study
- Dust Control/Mitigation
- Noise mitigation on plots facing Keele Road
- Waste Storage and Collection Arrangements

The **Police Architectural Liaison Officer** has provided the following comments which are summarised below;

- In general terms supportive of the proposed layout in this application.
- The decision to avoid the inclusion of a throughroute is welcomed for the reasons set out in paragraph 3.17 of the Design and Access Statement. Specifically the following comments were made in this regard,

"This will not only benefit the existing residents of Greenock Close, but those of the new development. The absence of a throughroute should enable the residents to be able to exercise greater ownership and control. Intruders should be more reluctant to enter, residents should be more easily able to identify outsiders and report suspicious behaviour. Consequently, the absence of a throughroute should maintain for the residents of Greenock Close the reduced likelihood of them becoming victims of vehicle crime and burglary – something from which they currently benefit. The absence of a throughroute will confer this benefit to the residents of the new development. The provision of a throughroute would remove this and justify the presence of anyone at any time.

To reinforce this 'Private – Residents Only – No Throughroute' type signage should be located at the Keele Road entrance to the new development. The sketch layout drawing suggests a combination of a timber close boarded fence and landscaping (hedging?) will combine to prevent a throughroute where the section of easement exists between plots 21 and 22. This will need to be sufficiently robust to ensure it serves its intended purpose and is not compromised."

- The layout suggests reasonable levels of natural surveillance will exist throughout the new development and for many of the houses the rear gardens will either back onto one another or those of the existing houses thus providing mutual security.
- Unauthorised access into the rear gardens will be prevented by placing fencing and gating towards the front of the building line wherever possible.
- The parking arrangements are reasonable with either in-curtilage provision or parking spaces provided close by which are overlooked. Fairly limited natural surveillance behind plot 32 and this could lead to occupiers parking their cars elsewhere which could lead to conflict between residents.

- It is noted that paragraph 4.20 states that the layout has been designed in accordance with the police scheme Secured by Design. Should the application be approved it is recommended that the applicant takes this one stage further and seeks full secured by design accreditation for the development

The **Waste Management Service** comment:-

- The site access appears tight in allowing a 26 tonne HGV to enter and leave the site.
- The construction of the access roads from the adopted highway should be capable of taking a 26 tonne HGV without damage.
- The layout of the site will necessitate the adoption of collection points, particularly for plots 22-25 and 6-9.
- Prior to the development proceeding full and precise details of the recyclable materials and refuse storage should be submitted to and approved in writing by the Local Planning Authority.

**MADE (the Midlands based Design Review Panel)** comment:-

- It is evident that the scheme has been well considered and responds to the opportunities and constraints of the site.
- Although the design and access statement offered a description of the scheme it had shortcomings without supporting illustrations to demonstrate its evolution or support claims about its quality.
- The Panel acknowledges the efforts to establish a small and stable community on the site with a range of house types that will appeal to local purchasers.
- The nine affordable homes are not distinguishable by design and are not disadvantaged by location.
- Treatment of the whole access and circulation area as a 'homezone' without separation into highway and pavement will enhance the sense of a shared community space.
- The layout provides all the homes with reasonable garden space and care has been taken to minimise overlooking of both surrounding homes and those within the development itself.
- Care will need to be taken over boundaries with existing properties where there are to be shared access ways to rear gardens and with the boundary to Brierley Lodge which has windows adjacent to the site.
- The properties fronting onto Keele Road provide an interesting arrangement of dwellings and should overcome the parking problems associated with the shop across the road.
- The Panel support the proposed development on Greenock Close as it would complete an enclave of homes around the end of the cul-de-sac. Although this may not be welcomed by all of the existing residents, in due course the additional homes might make for a stronger sense of community whilst making for a far more efficient use of land and infrastructure.
- The Panel challenged the absence of a pedestrian route through the site, but accepted that there is local opposition to this and that there are alternative routes nearby.
- Concern was raised that the initial quality of this new development should not be eroded by unsympathetic changes over time and consideration of permitted development right removal should be considered.
- Concern was raised over the fine trees near the boundary of Jenkinson Close that would be enclosed within private gardens. They have no statutory protection and will be at the mercy of new owners who may choose to mutilate or fell them to gain more light to their homes or gardens.

**Natural England** comment:-

"This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA (Environmental Impact Assessment development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species"

They do specify in relation to bats however that following consideration of the standing advice for bats, that further survey effort is required and should this not be provided then the application should be refused.

No comments were received from the **Town Centre, Thistleberry and Poolfields Locality Action Partnership** by the due date so it must be assumed that they have no comments to make.

#### Representations

13 letters of representation were received raising the following objections:-

- Adverse impact upon residential amenity of Brierley Lodge in terms of outdoor space
- Adverse impact upon residential amenity (daylight) of Brierley Lodge internal space
- Adverse impact upon highway safety of the proposed Keele Road access
- Impact of more cars using Brierley Lodge car park when going to the shop
- Do not want integration with the new development or the new development integrating with Greenock Close
- Development will lead to return of anti-social behaviour which previously occurred before the site was fenced – when it was a rat run from Thistleberry Avenue to Keele Road
- Adverse impact of additional traffic on Greenock Close particularly refuse/fire/ambulance vehicles
- Concerns in relation to security particularly the insufficient (type and height) 1.8m wooden fence between plots 21 & 22
- Adverse impact upon Rothesay Avenue (onto which Greenock Close leads) in terms of parking and traffic problems
- Lack of footpath in front of the new development facing Greenock Close would lead to pedestrian safety issues
- The proposed development would not enhance the character of Greenock Close but would contrast with the mature character of the Close
- Loss of the Greenock Close hedgerow will lead to a loss habitat which would be detrimental to local wildlife in the area
- Security issues between properties facing onto Greenock Close – people could climb over side gates
- Will someone have the right to remove the fence at a later date due to the easement
- A lay-by should be created adjacent to the access for people using the shop
- A pedestrian island is required to provide safe access to the shop for the new residents
- Bus shelters should be erected on the A525 to encourage public transport
- Houses not in keeping with Greenock Close – 2 bed properties and social housing not currently seen
- Overlooking of the front of properties on Greenock Close
- Impact upon residential amenity/highway safety from builders' vehicles if permission granted
- Tree Protection Survey and Root Protection Plans should be undertaken to BS5837:2012
- The transport assessment does not consider safety
- The proposals do not comply with policy CSP3
- Further study with respect to the use of the buildings on site are required with respect to bats. In line with current case law, the Authority should not determine the application until this information is provided

A petition with 25 signatories was also received. The comments raised in this have been included above within the objections of the local residents many of which are also on this petition.

#### The **Newcastle Civic Society** comment :-

- The highways engineers should consider using some of the land that is in the ownership of the County Council fronting the proposed development to provide either a lay-by for those visiting or delivering to the shop or create a 'dog-leg' enabling the provision of a lay-by adjacent to the shop.
- A barrier between plots 21 & 22 constructed of matching brick should replace the wood fencing. This would provide a lasting maintenance free barrier and enhance the appearance of the development in both the short and long term.

A detailed response with many caveats and conditions was also received from **Thistleberry Residents Association**. Due to the nature of their comments they have been provided in verbatim below:-

- “1. The TRA welcomed Wimpey taking the initiative to consult with residents on the above development and at the preliminary stages of the plans. It also appeared that residents' comments were being taken on board. We trust that this dialogue will be built upon and continued during the development of this site.
2. Residents welcomed the retention of the stone, former workhouse wall on the Jenkinson Close boundary. We trust that the right measures will be taken to ensure that it is maintained once the site passes into private hands. We would like the County or the NBC to register this on its Local List Register of significant local historical monuments. We can only wonder why it has been refused and not been registered before now.
3. We welcome the fact that the three significant beech trees on the Jenkinson Close boundary are to be saved. We also note that the Tree survey provided by the Developer bears out the independent advice sought and given to NullBC by the TRA. We also welcome the fact that the site is not to be denuded of vegetation and that plants and shrubs will be re-used.
4. We welcome the fact that there will not be a through route between Greenock Close and Keele Road as per Greenock Close residents' wishes.
5. We welcome the fact that houses on the boundary with Greenock Close will match in type those in Greenock Close – i.e. that there will not be terraces.
6. We welcome the admixture of house type and tenure.

**We would take a dim view if any of the above were to be reneged upon should planning permission be granted. Thus we hold all the above as conditions for planning permission. We would also like to see the following implemented:**

- a. More imaginative house fronts than those forwarded by the developer to date. We would like this development to be a step forward rather than a backward glance or the creation of new utilitarian housing. If this area is to be upgraded and the houses are supposed to be 'executive', then new housing has to be better than anything already present. At the moment the designs are very uniform. This is something the developer needs to take on board.
- b. We would like the three significant saved trees to be TPOd in order to ensure that they are safe from destruction once they pass into private hands.
- c. Since the access to the site from Keele Road is to be moved then this would make it more possible for a drive in/out layby to be created on the development side to accommodate parking for those using the shop. It would not help the situation if a pedestrian crossing or a pedestrian refuge was to be created outside the shop. This would simply exacerbate parking in other more dangerous areas – i.e. Jenkinson Close, Castle Ridge, Poolfields Close, St Patricks Drive and along Keele Road at the bends.
- d. We would like to see a stone wall (similar to the bridge parapet wall which exists) on the Keele Road boundary to the development site (possibly with planting behind) which would restore and emphasise the history of this neighbourhood and be preferable to a fence and would match in with those significant walls in the neighbourhood and along Keele Road. The (Section) 106 Agreement could be arranged for this and (b) and (c) above. We would also like to see any Community Levy monies used to rebuild the demolished stone bridge parapet wall to be rebuilt in real stone and in the manner and type to match its remaining partner further up the road and to match any walls built on the Keele Road boundary of the development. Should there be sufficient Community Levy money left over then we would like this to be used for the clearance of the original ancient Trackway entrance.

e. We trust that materials used for footpaths and roads within the estate will be of suitable materials to conform with SUDs requirements and would ensure that rapid run-off would not create flooding on Keele Road.

If the above are implemented and if (a) to (c) are made conditions for the site, then the TRA would have no objections to this site being developed."

#### Applicant/agent's submission

The application is supported by the following documents;

- Planning and Design & Access Statement
- Noise Assessment
- Flood Risk Statement
- Phase 1 (contaminated land) Desktop Study
- Tree Survey
- Transport Statement
- Statement of Community Involvement
- Ecological Appraisal

The main points within the Planning and Design and Access Statement are as follows:

- A description of the site and surrounding area
- An overall analysis including the design vision which incorporates:
  - The design
  - Establishing a traditional residential environment through use and built form
  - Incorporation of the existing landscape setting into the scheme
  - Provision of a sense of place
  - Housing Mix, Appearance, Scale and Massing, Landscaping and Access
  - Balance new parking with the accommodation
- A section on the relevant policy considerations is also included
- Reference is made to S106 contributions and the likely heads of terms

The application also contains illustrative street scene and computer generated images of the Keele Road section of the proposed development

Where relevant, reference is made to points made within these documents within the key issues section below.

All of these documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://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 24.32% 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 breakdown of the 37 proposed units is as follows:-

- 1 flat would have 2 bedrooms
- 12 houses would have 2 bedrooms
- 16 houses would have 3 bedrooms
- 8 houses would have 4 bedrooms

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

- Is the principle of the development of this site for residential purposes acceptable?
- Is adequate provision made of affordable housing on the site?

- Would the development be acceptable in terms of the impact on the form and character of the area taking into account permeability and links between developments?
- Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Impact of the proposed development upon trees
- Crime and Safety implications
- Other Matters – including open space and educational provision

Is the principle of the development of this site for residential purposes acceptable?

Policy ASP5 of the Core Spatial Strategy (CSS) – adopted after 2004, and thus under the terms of the transition arrangements set out in the NPPF, that part of the approved development plan which is to be given at present “full weight” in decision making - sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

CSS Policy SP1 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. Given the site is currently occupied by a care home, the site is viewed as previously developed or brownfield land. This proposal makes an efficient use of land providing 37 dwellings in this sustainable location within the urban area.

The delivery of housing on this site has already been taken into account within the calculation for the Borough’s five year housing supply.— Given the Council is currently unable to demonstrate a five year supply of housing land, a refusal of planning permission could, depending upon the reason, result in further shortfall in this supply . It must also be noted that as the Council cannot currently demonstrate a five year supply, a presumption in favour of development in this sustainable location should be made. If planning permission were given for residential development this would help towards the Council achieving a five year supply which would reduce pressures on greenfield sites and extensions to the urban area.

The National Planning Policy Framework advises that residential development applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In this case given that the policies favour the proposal there is no conflict between such policies and that within the NPPF.

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

Is adequate provision made of affordable housing on the site?

Policy CSP6 of the CSS states that new residential development within the urban area, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. This would therefore equate to 9 units at a percentage of 24.32% which is acceptable in this regard due to the number of units within the scheme.

The Affordable Housing Supplementary Planning Document specifies the detailed requirements of the make up of the units with the following as a general principle,

‘Developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis’

In terms of the tenure mix of the affordable housing, this is specified as 15% (of the 25%) "social rented" and the remaining 10% "shared ownership". In unit terms this would equate to 5 social rented and 4 shared ownership.

In terms of the housing type make up of the site, the following affordable housing request should be made;

4 bed property	=	2 affordable units (1 shared ownership/1 social rented)
3 bed property	=	4 affordable units (2 shared ownership/2 social rented)
2 bed property	=	3 affordable units (1 shared ownership/2 social rented)

Since the submission of this application, the developer has offered 9 units for affordable housing in accordance with the general aims of the affordable housing supplementary planning document however there have been discussions in relation to the unit mix and housing type during the application process with consideration of a financial viability analysis proposed due to the provision of 4 bed properties. Prior to undertaking this, the Authority's affordable housing officer entered into discussions with local Registered Social Landlords (RSLs) to establish their need in the current marketplace. This follows guidance within the SPD that states that housing types and tenures may need to be negotiated to meet local housing need.

The results of these discussions has been that although there is a need for 4 bed properties within the locality there is likely to be an acute need in the near future for 2/3 bed properties which will be driven by the welfare reform changes. It has also been indicated that social rented properties would be more beneficial than shared ownership properties in the current climate. On the basis of these discussions the Authority's housing officer therefore made the following request to the applicant.

3 bed property	=	3 affordable units (1 shared ownership/2 social rented)
2 bed property (house)	=	5 affordable units (2 shared ownership/3 social rented)
2 bed property (flat)	=	1 affordable unit (social rented)

Taylor Wimpey have agreed to this mixture however they have specified that they are willing to replace one of the two bed social rented units with a three bed unit which is above and beyond the local authority request. This is to be welcomed and would provide more flexibility in terms of potential family accommodation taking into account no four bed units are being requested in this particular stance.

Based upon the above discussions it is therefore considered that the affordable housing offer meets the aims and objectives of both local and national policy in this regard as well as the guidance contained within the SPD which advocates a flexible approach. To ensure the provision and perpetuity of the affordable housing, this would be controlled through a S106 agreement.

Would the development be acceptable in terms of the impact on the form and character of the area and provide an acceptable design taking into account issues of permeability?

The National Planning Policy Framework at paragraph 56 advises that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 goes on to state the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private places.

Paragraph 64 advises permissions should be refused for development of poor design that fails to take opportunity available for improving the character and quality of an area and the way it functions.

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document is a material consideration. The purpose of the document is to provide a practical tool to help to:

- Promote good, sustainable, urban design
- Explain how spatial principles and design policies in the Core Spatial Strategy will be applied

- Provide guidance in relation to planning applications: to applicants when formulating proposals; to planning officers when assessing them; and to politicians when making decisions, on what constitutes good, sustainable urban design
- Provide guidance to public sector commissioning bodies on strategies and proposals.

Section 7 of the document specifically deals with residential development

With regards to the character of the development and how it integrates with the surrounding area it is considered that the Keele Road frontage has been designed with this in mind taking on board some of the design features seen in the vicinity. However as one moves into the development, although the properties retain their traditional appearance, the context and the character is very much different to the surrounding area. This is not seen however as detrimental as it illustrates a move away from more stark residential environments to a 'home zone' concept – an ethos advocated in current urban design policy as well as highways guidance such as Manual for Streets 2. The result of this is an attractive and modern mews type of development where the character of the properties is the dominant feature over the highway infrastructure. This has resulted in a higher density than the surroundings however it is not a level that would warrant refusal and it is considered that this approach creates a more cohesive and community centric scheme.

Some concerns have been raised with regards to the assimilation of the properties into Greenock Close and it is your Officer's view that the proposal does not have a detrimental impact upon the visual amenity or character of the area in this regard. It is accepted that the properties to be developed are of a different scale and position to those already seen within Greenock Close however any development would be unless the design of Greenock Close was to be mimicked – a feature not always welcomed within design principles. Due to the nature and alignment of this part of Greenock Close, this element would be viewed on its own rather than as part of a wider streetscene and would not therefore directly conflict with the surrounding properties. The design of the scheme would instead provide a contrast to the current dwellings and create a modern yet traditional streetscene to this currently dead frontage. Objections have been raised in relation to the integration of this development with Greenock Close however it is clear within a range of local and national documentation (By Design; Urban Design Compendium & the Newcastle under Lyme & Stoke on Trent Urban Design SPD) that the integration of developments and the creation of active frontages is strongly advocated. It must also be noted that MADE an external design review panel welcomed the overall design concept.

A materials schedule has been provided as part of the application and it is considered that the use of these materials would create an attractive development that would not conflict with the character of the surrounding area. Due to the proposed levels of the site there would be some engineering features within the streetscene and no details of the materials of these features have been provided. As such, in the event of an approval, the standard landscaping scheme condition would need to also refer to hard landscaping features.

Indications of boundary treatments have been provided however more precise details are required in certain locations of these to ensure a satisfactory relationship within the streetscene as well as with surrounding properties.

Due to the location and nature of some of the plots, it is considered pertinent to remove certain permitted development rights to protect the visual amenity of the area, residential amenity and trees.

The levels indicated on the general engineering layout are deemed acceptable and these would be conditioned.

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

Objections have been raised about both the position and suitability of the Keele Road Access as well as the six properties being served by Greenock Close however it must be noted that no objections on highway safety grounds have been raised by the Highway Authority. Subject to a condition increasing the radii and width of the Keele Road access, the Highway Authority are happy that the proposed access would provide a safe and suitable access for a development of this size without the

requirement of additional highway works. The servicing of six properties from Greenock Close would also lead to no adverse highway safety concerns either along this residential street, Rothesay Avenue, or Thistleberry Avenue due to the limited number of additional vehicle movements that would be associated with this number of properties.

Car parking has been raised as an issue for this proposal with concerns raised that cars will park on the public highway within Greenock Close restricting access for vehicles as well as refuse and emergency vehicles. The application plans illustrate that each property on Greenock Close will have at least two parking spaces with the larger four vehicle properties having three spaces if one includes the garage. This is in accordance with maximum parking standards specified within the Local Plan... In Greenock Close the existing properties are served by driveways providing at least two spaces in most instances and it is not therefore considered that additional spaces need to be provided for this development. The applicant has also provided vehicle tracking for a 12m long refuse vehicle within Greenock Close based upon a three point turn which illustrates that the highway can accommodate this and although vehicles parked in the highway may restrict the ease of turning with more than three movements required, it should not prevent access altogether. The Highway Authority advise that the width of the carriageway of Greenock Close at 4.85 metres is sufficient to allow a vehicle to be parked and a refuse lorry to pass, and that width is greater than the 4.5 metres allowed in current national guidance Manual for Streets.. Given this and the infrequent times when refuse collection is carried out the Highway Authority do not foresee any issues with refuse collection within Greenock Close.

Although planning policy advocates that new developments should relate to their surroundings and endeavour to provide a cohesive community that allows ease of movement through developments to access services such as shops and public transport, in this instance following the comments raised by local people about previous crime and disorder issues and their fear of these returning in conjunction with the presence of existing alternative footpaths in the vicinity, it is considered in this particular instance that this need not apply. A plan has been drawn indicating walking distances from Keele Road to the nearby NCHS Science College as an example and this illustrates that walking distances would not be significantly greater if no link existed.

The Highways Authority have advised that they would expect to see an internal pedestrian link for the occupiers of the new properties facing onto Greenock Close to allow them easier access to Keele Road. This would not be a through route, but just a link for the occupiers of the houses. At present 6 houses do not have such a link. This would allow them easier access to the existing shop opposite the development as well as to this busy commuter road that is served by public transport more regularly. Access to open space at the nearby Thistleberry Parkway would be equidistant irrespective of what part of the development is considered due to the layout of the surrounding road structure and footpath links providing permeability. Although there are other ways of getting from Greenock Close to Keele Road – such as by Renfrew Close or Thistleberry Avenue, all significantly add a considerable distance, and your officers are seeking an amendment to the scheme to provide this link. The Council has a duty to seek wherever possible a sustainable form of development.

A further aspect of this is the requirement for a contribution towards NTADS. In this case it would appear a discount for the traffic movements associated with the previous use has been allowed for by the Highway Authority in calculating the limited required contribution.

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

*Amenity of existing occupiers adjacent to the development*

The separation distances between properties in Oban Close, Greenock Close and Jenkinson Close and the new properties would all meet or exceed those specified within supplementary planning guidance 'Space about Dwellings' and therefore in terms of residential amenity it is considered that no adverse impact would ensue.

Although the separation distances between facing windows of a warded flat common room (within Brierley Lodge) and plot 32 of the proposal would be below guidelines specified within 'Space around

Dwellings' due to the nature of the windows involved, this would not adversely impact upon residential amenity.

Concerns have been raised over the impact of the proposed proximity of the boundary to the rear amenity space and the daylight into rooms within Brierley Lodge. This however is not a material issue for consideration in this particular proposal however as a boundary fence could be erected in this location irrespective of whether the development was accepted or not. This would have the same impact upon the amenity of these residents as that proposed.

#### *Amenity of future occupiers of the development*

In terms of separation distances as set out in 'Space about Dwellings' most of the new properties adhere with the guidelines specified with only several properties having a modest shortfall which is not felt to be significant taking into account their locations and the nature of the shortfall.

In terms of rear amenity space in relation to length and overall size there are a few properties within the scheme that do not meet the guidelines specified however this shortfall is not significant and it must be recognised that overall the scheme provides a range of garden sizes for all unit types taking into account individual circumstances. This development is located in close proximity to Thistleberry Parkway, a large area of open space that provides a range of amenity provision.

The Landscape Development Section have advised that the scheme layout has a poor relationship with the three copper beech trees on the Jenkinson Close boundary and that this could result in "post development resentment" which could ultimately result in the removal of the trees. Although it is not expressly stated at least two dwellings have what has to be considered a very close relationship with these trees. It is a relevant material planning consideration to consider not just the direct impact a development may have upon trees but also whether the long term relationship created is sustainable. NLP Policy N12 indicates that the Council, as LPA, will resist development that would involve the removal of any visually significant tree whether mature or not unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design, and that where, exceptionally, permission can be given and trees are lost through development, replacement planting will be required on an appropriate scale and in accordance with a landscaping scheme.

It is understood that the Landscape Development Section remain of the view, on the basis of the available information, that these 3 copper beech trees do not warrant inclusion within a Tree Preservation Order (TPO) principally because of their health, and this has been reinforced to some extent by the sonic tomography now undertaken. Although there is always scope for more evaluation, the trees in question have been surveyed.

This therefore means that as it currently stands these trees are not afforded any statutory protection and could be removed at any time (albeit the site is at present within the ownership of a public body (the County Council)). The applicant as a result of the surveys and the remedial work that they are proposing to the trees (crown lifting) believes that these trees are capable of retention within their scheme and would not result with residential amenity conflict - on the basis of their experience of house sales where trees have been present. This view is not however shared by your own Landscape officers – who have considerable experience of this issue.

It is your Officer's opinion that these trees do have an amenity value however this will be diminished somewhat if the scheme goes ahead as certain open views (particularly from the direction of Keele) will be lost as the houses would partially shield them. The remedial works if undertaken would increase the potential longevity of the trees and would reduce their impact upon residential amenity. Nevertheless once the development has been undertaken, there is little that in practice that could be undertaken if the householders in question find the relationship unacceptable (which the Landscape Development Section consider will be the case). Refusal on such grounds is not however recommended (because it is not considered that the trees have a long term future anyway because of existing health issues), but rather that in the event of the trees being removed within a certain period, replacement planting be required – which could be of a more appropriate species further away from the principal windows of the dwellings in question. However Circular 11/95 suggests this replacement condition could not apply for beyond a 5 year post occupation period.

### Impact of the Proposed Development upon Trees

With the exception of the issue of the long term relationship between the development and the retained trees, it is noted that the Landscape Development Section that the development can be undertaken without any significant adverse impact on trees of amenity value..

### Crime and Safety Implications

Concerns have been raised from numerous residents that the proposed 1.8m wooden boundary treatment between plots 21 and 22 is not satisfactory to prevent people from climbing over it and damaging it and it then becoming a thoroughfare for people and creating anti-social behaviour problems. Consideration has been given to this matter with thought given to the fencing material as well as the proposed height and your officer believes that it would quite possible to secure a design would prevent people from scaling the fence whilst also recognising that there is a sewer easement that runs along this area of land which would prevent a more substantial brick built structure being erected on this. It would be in the long term interests of the immediately adjacent residents to maintain this barrier, and in that sense the condition would be self enforcing.

As already discussed above, consideration has been given to the inclusion of a pedestrian footpath link to provide permeability between the developments however it has been accepted on the advice of the police architectural liaison officer and the surrounding residents, that the inclusion of such a link may increase the likelihood of crime whilst also creating potential for the anti social behaviour that existed in the past to return to the residents of Greenock Close as well as the new residents of the proposed development.

### Other Matters

Due to the scale of the development, the conclusions of the Green Space Strategy (about the quality of open space being the key consideration) and in accordance with NLP Policy C4, the Landscape Development Section have not requested the provision of on site open space. A contribution towards the improvement of nearby open spaces would therefore be requested instead and this could be secured by means of a Section 106 agreement.

The County Council as education providers have specified that there would be a requirement for a contribution towards primary school provision based upon current school figures. This could similarly be secured by a Section 106 agreement.

The issues raised by Natural England in relation to additional information to be provided on bats is not felt justified in this instance. An ecological appraisal was undertaken by qualified professionals in relation to bats within the optimum period and it was determined that no presence of bats existed internally or externally within the building or within the trees. Natural England's response also appears to be on the basis that they have viewed the building as a medium or high risk building and this is not your officer's view. Although the building is currently vacant, many of the other factors affecting the probability of the building being used by bats in summer are not true of this site and therefore it is considered that the building is not medium or high risk and no further survey effort is required. The agent for the applicant has advised that it is likely that if this permission is granted, works are likely to commence early next year however in light of the small potential for the building to become used as a bat roost in conjunction with the lifespan of a planning permission should it not be commenced in the near future, it is considered pertinent to include a condition dealing with this scenario. A condition specifying that if the building has not been demolished within 6 months of the date of the grant of this permission, a further survey has to be undertaken to establish whether bat mitigation is suggested. This condition has been utilised before and is felt to meet the requirements of the Good Practice compendium to the former PPS9 and Circular 11/95

Although a restriction on construction hours as recommended by the Environmental Health Division, Circular 11/95 indicates that planning conditions should not duplicate other forms of control – such as the Environmental Protection Act. A blanket prohibition on all construction activity outside certain hours is not considered to be justified or reasonable and a more appropriate way forward would be to

deal with the potentially disruptive construction aspects through requiring the submission and approval of a Construction Method Statement instead.

The applicant has suggested that they are going to keep the historic wall on the Jenkinson Close frontage as part of the development with the boundary treatments placed above them or inside them. However it must be accepted that this wall is not afforded any statutory protection and could therefore be removed at any time without permission by future occupiers. The Panel charged with advising the Planning Authority on potential structures within the Register of buildings and structures of local interest has previously considered this feature but did not propose its inclusion, and even if it had that would not have prevented its subsequent removal. It is likely to remain as elements appear to have a retaining function for some of the landscaping works between Jenkinson Close and the proposal. As such any removal would require some form of replacement structure that would be an additional cost for the developers or future occupiers of the plots.

Comments have been raised about the parking issues relating to the shop opposite the proposed development and how this could be resolved as part of the development. In this case, additional vehicle movements from the new development would not be associated with the shop as any occupier of the new development would almost certainly walk to the shop. Requiring the development to provide parking for the shop could not be justified. The developer is furthermore concerned that any provision of a lay by in front of the development could impinge upon the visibility from the access and this view is shared by the Highway Authority.

One objection received is that the development does not comply with CSS policy CSP 3 (Sustainability and Climate Change). This policy specifies that the highest standards of energy and natural resource efficiency will be achieved by a range of criteria. No specific information has been provided by the applicant addressing all of these criteria however it is your officer's view that based upon the scale and nature of the proposal taking into account what previously existed that this proposal would not have a significant impact upon issues such as drainage that could not be mitigated through the condition process as already specified by the Highway Authority. In terms of items such as energy efficiency within the scheme, the LPA has accepted that appropriate standards are now achieved in order to comply with Building Regulations and it has not sought to go further than these already stringent standards. As such it is considered that although the application does not comply implicitly with policy CSP3, the broad aims and objectives of the policy are met.

The request by Thistleberry Residents Association for contributions to be secured for re-building walls elsewhere on Keele Road is not justified and would not meet the tests which S106 contributions have to meet – which are now enshrined within legislation.

#### Background Papers

Planning file  
Planning documents referred to

#### Date report prepared

19<sup>th</sup> September 2012

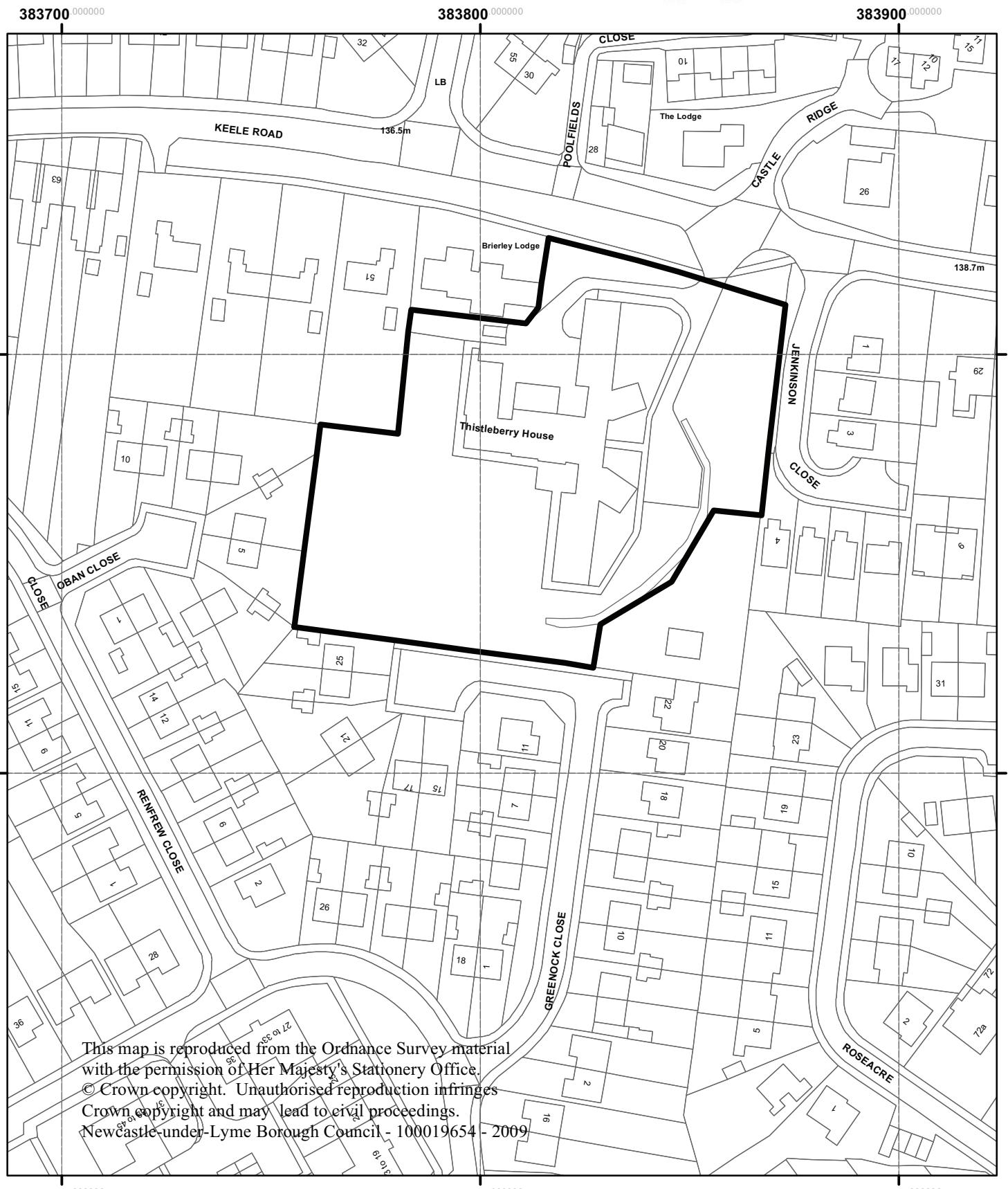
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# Former Thistleberry House, Keele Road

12/466/FUL



NEWCASTLE-UNDER-LYME  
BOROUGH COUNCIL



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**LAND TO REAR OF 11A-19 MOORLAND ROAD, MOW COP**  
**ASPIRE HOUSING GROUP**

**12/00282/OUT**

**The Application is for outline planning permission for the erection of two detached dwellings with improvements to the existing access and provision of on site turning areas. All matters of detail are reserved for subsequent approval.**

**The application site is located within the Rural Area and an Area of Landscape Regeneration, as indicated on the Local Development Framework Proposals Map.**

**The 8 week determination period expired on 1<sup>st</sup> October 2012**

## **RECOMMENDATION**

**REFUSE 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).

## **Reason for Recommendation**

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. Subject to an appropriate financial contribution towards NTADS, the proposal would not make excessive demands on transport infrastructure and would not undermine the strategy in respect of sustainable transport. However, due the backland nature of the site which is in a prominent and elevated position the residential development of the site would be harmful to the character and appearance of the area and would erode the landscape quality contrary to policy.

## **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 NC1: Protection of the countryside : General Considerations
- Policy NC2: Landscape Protection and enhancement
- 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 (LP)

- Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
- Policy H4: Housing Development and Retention of parking facilities
- Policy T16: Development – General Parking Requirements
- Policy N17: Landscape character – general considerations
- Policy N21 Area of Landscape regeneration

### **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

### Planning History

None relevant

### Views of Consultees

**United Utilities** has no objection to the proposal indicating a preference for drainage to be to a separate system with only foul drainage connected to the foul sewer.

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

The **Highway Authority** has no objections subject to conditions requiring full details of parking and turning, surface water drainage and surfacing materials, visibility splay improvements and access to remain un gated. The HA also indicate that a contribution of £1k towards NTADS would be required, and make detailed comments on the maximum height of features within a visibility splay

No comments have been received from **Kidsgrove Town Council** and given that the date for comments has passed, it must be assumed that they have no comments to make.

### Representations

Five letters of representation have been received from the occupiers of neighbouring properties. Objection is made on the following grounds:

- Impact on view
- Potential flooding from an underground stream
- Impact on wildlife
- Impact on pedestrian access to the fields
- Inadequate width of access, difficulties for access by certain types of vehicles, and conflict with pedestrian use of the access
- Impact on privacy
- Impact on trees
- Mineshafts below site
- Site is in the Green Belt.
- New occupants will increase carbon emissions footprint of the area by having to use private vehicles to travel to and from work and/or school, doctors etc.
- There is not an adequate bus service.

One letter has been received from **Mow Cop Residents' Association** objecting on the following grounds:

1. Correct consultation was not followed and no planning application notices were put up.
2. The buildings would significantly overlook existing properties.
3. Access does not conform to highway guidelines in terms of the minimum width required.
4. The access has been used as a public footpath for many years and they strongly object to the loss of this facility.

#### Applicants/agents submission

A Design and Access Statement has been submitted which includes a Traffic and Transport Review. A summary is as follows:

- Outline permission is sought for 2 detached two-storey houses on a site that previously accommodated 6 garages, now demolished, and hardstanding turning area with access from Moorland Road.
- Although the application is in outline only, an indicative footprint and location for 2 dwellings is provided. It is intended that the properties will be 3 bed dwellings. The proposed dimensions for the 2 houses will be 8.5m by 6.1m maximum, with a maximum ridge height of 7.4m.
- The designs for the new dwellings will provide all principal windows to the front and side of the houses with no overlooking onto adjacent dwellings.
- The new dwellings will have a minimum of 2 car spaces within each site curtilage.
- The dwellings will reflect the size and character of the adjacent properties being constructed in facing brickwork and tiles to complement the existing.
- The scale of the new dwellings will sit comfortably in the area.
- The existing vehicular access will be retained with improvements to visibility and the road surface.
- This site has been highlighted by Aspire as serving no benefit to the local community. The garages were demolished in 2006. Prior to demolition there was recorded evidence of anti social behaviour which caused nuisance for the surrounding residents. Since demolition the site lies empty and doesn't benefit any of the local residents or Aspire Housing.
- The Traffic and Transport Review concludes that the proposed development is in a sustainable location that is accessible by all modes of travel, vehicle conflict would be unlikely given the unlikely occurrence of vehicle entry and exit occurring simultaneously, that the shared surface access road accords with current residential design guidance and is therefore considered to be safe from a vehicle/pedestrian conflict perspective, and there are no overriding reasons preventing the LPA from recognising that the residential development is acceptable with regard to the local highway network.

A Planning Note has also been provided the main points of which are summarised as follows;

- The NPPF requires that where policies of a development plan are “out of date” that planning permission should be granted subject to the two criteria in paragraph 14.
- The Local Planning Authority accepts that it cannot deliver a five year housing supply as required by the NPPF at paragraph 47. This is required as a minimum, plus a buffer of 5% or 10% to “boost significantly the supply of housing”.
- On 23<sup>rd</sup> March 2011 the Government published its “Plan for Growth” which proposed a powerful presumption in favour of sustainable development. It also states that the default answer to development is yes.
- In light of the Plan for Growth and the accompanying Ministerial Statement the current direction of travel is clear. LPAs should approve applications for sustainable development to help stimulate economic growth.
- The “default answer” was not included within the final version of the NPPF but Plan for Growth and the Ministerial Statement does.
- Paragraph 186 of the NPPF states that “Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development”. Paragraph 187 also states that “decision-takers at every level should seek to approve applications for sustainable development where possible”.
- The benefits of granting planning permission is that there is no 5 year supply which is a fundamental deficit; the proposal does not conflict with any core planning principles set out in paragraph 17 of the NPPF and indeed it aligns with them; and the site comprises previously developed land within a village boundary where some amenities do exist. Paragraph 5.197 of the CSS states that development of a scale that comprises “natural growth” can be acceptable and this aligns with paragraph 28 of the NPPF which instructs LPAs to draft policies that “support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development”.

The document is available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk).

## **KEY ISSUES**

Various procedural issues have been raised including whether appropriate publicity has been given to the application. The application was publicised by means of letters of notification to individual householders. It would appear that one was omitted in error but the party concerned has become aware of the application and no material harm to their interests has resulted. The application can be determined.

Outline planning permission is sought for the erection of two dwellings on this former garage site off Moorland Road, Mow Cop. All matters of detail (access, layout, scale, appearance and landscaping) are reserved for subsequent approval. The application site extends over the whole triangular area – some 0.2 ha.

The site lies within the rural area, outside of the Major Urban Area as indicated on the Local Development Framework Proposals Map. It does not lie within the Green Belt, although it adjoins it, and it is within an Area of Landscape Regeneration. As such it described as open countryside. Mow Cop is not one of the Rural Service Centres designated in the CSS.

The main issues in the consideration of the application are:

- The principle of residential development on the site
- Impact on the character and appearance of the area
- Impact on residential amenity
- Highway safety
- Other issues

## **The Principle of Development**

Policy H4 of the Local Plan indicates that planning permission will not be granted for additional dwellings on garage courts or communal parking areas unless one of the following is satisfied:

- i) The car parking facilities serve no local need.
- ii) Alternative parking with equivalent or better capacity and accessibility is proposed.
- iii) The car parking facilities that would remain would be satisfactory for the identified demand.

In this particular case whilst there were garages on the site, these have been demolished and no on-site parking currently takes place. As such it is considered that the development of the site would not be contrary to Policy H4 as it does not result in the loss of car parking facilities.

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 equates in the Borough to 1639 dwellings.

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 1472 dwellings, a shortfall of 167 dwellings). In light of this shortfall it has taken a proactive approach by raising no objection 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. To date, however, the Council has continued to resist applications for residential development on brownfield and greenfield sites in the rural area outside of rural service centres notwithstanding that it cannot demonstrate a 5 year supply of sites.

The NPPF, at paragraph 49, states that

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

In addition at paragraph 55 the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. An example is given that where there are groups of smaller settlements, development in one village may support services in a village nearby.

Whilst it is accepted, in light of the NPPF, that policies in the Development Plan including those in the CSS that target housing development to the urban area and rural service centres and as such relate to the supply of housing cannot be considered as up-to-date this does not amount to a presumption in favour of planning applications on all sites. There remains a requirement to assess the sustainability of the development.

The application site contains the bases of former garages and access/turning area on part, but the rest is grassed. The applicant contends that as there are clearly defined boundaries to the overall site the grassed area forms part of the curtilage to the former garages and that the whole site can be defined as previously developed land. The term previously developed land is defined in the NPPF. It is land which is or was occupied by a permanent structure, including the curtilage of the developed land. It is arguable whether that land which was not occupied by the garages or the associated hardstanding lay within the curtilage of those garage buildings. In any case the glossary to the NPPF makes it clear that it should not be assumed that the whole of the curtilage should be developed. It is therefore considered that the site is only partially previously developed land with the majority being greenfield.

The site is located in Mow Cop which has a reasonable bus service from Mow Cop to Kidsgrove, Tunstall and Newcastle (13 per day on weekdays) and a limited service to Leek, Biddulph and Congleton. The village (part of which lies within Staffordshire and part within Cheshire) also has a number of services and facilities and is in fact quite well served in this respect. It is therefore the

case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. It is therefore considered that the site is in a sustainable location.

Despite part of the site being considered brownfield, the principal of residential development on this sustainable rural site outside of the defined rural service centres is considered acceptable at this time and that 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.

#### 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 proposed dwellings would be sited to the rear of the dwellings on Moorland Road. Located as it is behind an established residential area the proposal is considered to be backland development and in its elevated position above Sands Road any development would be prominent and incongruous in views from that road. The introduction of any dwellings on this site would not relate well to its surroundings and as such it is considered that the proposal would be contrary to the design principles set out in the Urban Design SPD. In addition as the site lies within the open countryside and in a location where policy indicates that development should not further erode the quality of the landscape siting of the dwellings would 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 dwellings 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 dwellings would have sufficient private amenity space and therefore, the proposal complies with the relevant SPG relating to space about dwellings.

Although the backland nature of the proposal would result in vehicles accessing the proposed dwellings past the side elevations and rear gardens of the existing dwellings, given that the site was formerly in use as 6 garages and given that only two dwellings are proposed, it is not considered that the adverse impact on the amenity of the occupiers of those properties would be so significant as to justify a refusal on such grounds.

#### Highway Safety

Concerns have been raised by residents regarding the inadequacy of the access to the site.

A Traffic and Transport Review has been submitted with the application. It concludes that subject to a number of mitigation measures relating to visibility and surfacing, there would be no significant adverse impact on the local highway network.

In terms of ensuring that the scheme would promote the use of more sustainable modes of travel, The Highway Authority has requested that an NTADS contribution should be sought and this would be fully in line with development plan policy and the Strategy. Changes in legislation have introduced a statutory test which planning obligations must now pass – the matter is no longer at the discretion of the Planning Authority. The test requires that a planning obligation should be:-

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

The calculation of the required NTADS sum, which in this case is £1000, has a clear and reasonable rationale and, the criteria in the test would be met, and accordingly the NTADS contribution would be justified. This would have to be done by means of a planning obligation, secured either by agreement or undertaking. Such an undertaking is not however "on the table" and accordingly given the other concern raised above it is appropriate to include an additional reason for refusal relating to the NTADS aspect

Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

20<sup>th</sup> September 2012

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12/00282/OUT  
Land rear of 11A - 19 Moorland Road,  
Mow Cop

Customer  
Services



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

Plan Produced 21.9.2012  
 Scale 1:1,250

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# Agenda Item 6

THE COACH HOUSE, BUTTERTON ROAD, BUTTERTON  
MRS S BRADBURY. 12/00494/FUL

**The Application** is for full planning permission for a replacement detached garage within the curtilage of the residential property.

The application site is located within the North Staffordshire Green Belt and an Area of Landscape Maintenance, as indicated on the Local Development Framework Proposals Map. The proposal would also be adjacent to (but outside of) the Butterton Conservation Area.

**The 8 week determination period expires on 11 October 2012.**

## RECOMMENDATION

**Permit subject to the following conditions:**

- (i) Standard time limit.
- (ii) Approved plans.
- (iii) Materials to match original dwellinghouse.
- (iv) Removal of existing garage within 3 months of commencement.

## Reason for Recommendation

The replacement detached garage is considered to represent inappropriate development within the Green Belt due to it being materially larger than the existing garage. However, the design and appearance of the proposal is considered acceptable and it would improve the character and quality of the landscape whilst not harming views from the Butterton Conservation Area. It is considered that the improvement to the landscape and the replacement of a dilapidated structure would be the very special circumstances required to outweigh the limited harm to the openness of the Green Belt. The proposed development therefore accords with Policies S3, H18, N17, N19 & B14 of the Newcastle under Lyme Local Plan 2010, Policy D2, D5B, NC2 & NC19 of the Stoke on Trent Structure Plan 1996-2011 and Policy CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the requirements of the NPPF.

## 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 QE5: Protection and enhancement of the historic environment

### 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 D5A: Green Belt
- Policy D5B: Development in the Green Belt
- Policy NC1: Protection of the Countryside: General Considerations
- Policy NC2: Landscape Protection and restoration
- Policy NC19: Conservation Areas

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

- Strategic Aim 16: To eliminate poor quality development
- CSP1 Design Quality
- CSP2: Historic Environment

### Newcastle under Lyme Local Plan 2011 (LP)

- Policy S3: Development in the Green Belt

Policy H18: Design of Residential Extensions, where subject to planning control  
Policy N19: Area of Landscape Maintenance  
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 (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**

There is none.

**Views of Consultees**

The **Conservation Officer** raises no objections and considers that the new garage will barely be visible from the road or the conservation area and will not cause any harm to its character.

**Whitmore Parish Council** raises no objections to the application.

**Landscape and Development Section** has until 27 September 2012 to provide comments on the application. Any received will be reported at your meeting.

The views of the **Conservation Advisory Working Party (CAWP)** will be reported.

**Representations**

Nil

**Key Issues**

The application is for a replacement detached garage within the side garden of the residential property on land designated as Green Belt and an Area of Landscape Maintenance, as detailed on the Local Development Framework Proposals Map. The proposal would also be adjacent to (but outside) of the Butterton Conservation Area.

The garage would be accessed via the existing vehicle access to the property.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- Design of the proposals and the impact on the area of landscape maintenance.
- The impact on views from the Butterton Conservation Area.

- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

#### Appropriate development within the Green Belt?

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

The NPPF further details in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The existing detached garage is an old dilapidated concrete sectional garage with a timber log store attached which has an approximate volume of 100 cubic metres. The proposal is to demolish this building and replace it with a brick and tile constructed garage and log store. The proposal has been reduced in size during the application process to date and would have a cubic volume of 133 cubic metres.

The additional/ increased volume of 33 cubic metres is considered to result in the replacement building being materially larger than the building it would replace.

The proposal would therefore represent inappropriate development within the Green Belt and should not be approved except in very special circumstances.

#### Design of the proposals and the impact on the area of landscape maintenance

As discussed previously, the property is located within an area of landscape maintenance where the Council seeks to maintain the high quality character and appearance of the landscape. The NPPF also details that the planning system should protect and enhance its valued landscapes.

In this instance the proposal would replace the existing dilapidated garage, prefabricated garage and log store which has a shallow pitched roof. The views of the existing structure are limited but due to its dilapidated appearance it harms the appearance of the landscape. Therefore, whilst the proposed building is materially larger it would be of a brick construction with a pitched tiled roof which is considered to represent a more appropriate and acceptable design that would improve the appearance of the landscape, this being in accordance with policy N19 of the local plan and the requirements of the NPPF.

#### The impact on views from the Butterton Conservation Area

The proposed building would be located adjacent to the Butterton Conservation Area and policy B14 of the local plan details that development immediately adjacent to the Conservation Area should not affect it adversely.

The NPPF indicates in para. 131 that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the heritage asset.

As discussed the proposal would be larger than the existing and the proposed location would result in it being more visible from the conservation area. However, the views would still be limited and the proposal would have an appropriate appearance due to its brick and tile construction. Therefore, the harm to the character and appearance of the Conservation Area would be limited.

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

The NPPF details that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposed building is only slightly larger in footprint than the building it replaces and its volume increase above the volume of the existing building is primarily as a result of the introduction of 35° pitched roof. The replacement of the dilapidated prefabricated, shallow pitched roof building, as discussed, would be visual improvement due to its more appropriate design and appearance. It is considered that the harm caused to

the openness of the Green Belt, due to the increased size would be outweighed by the improvement to the landscape that the proposal would achieve. Therefore, the design of the proposal and improvement to the appearance of the landscape would amount to the very special circumstances required in this instance, this being in accordance with the requirements of the NPPF.

Finally, it is considered necessary to impose a condition seeking the removal of the existing structure within 3 months of the proposed development being commenced to ensure that it is not partially retained.

**Background Papers**

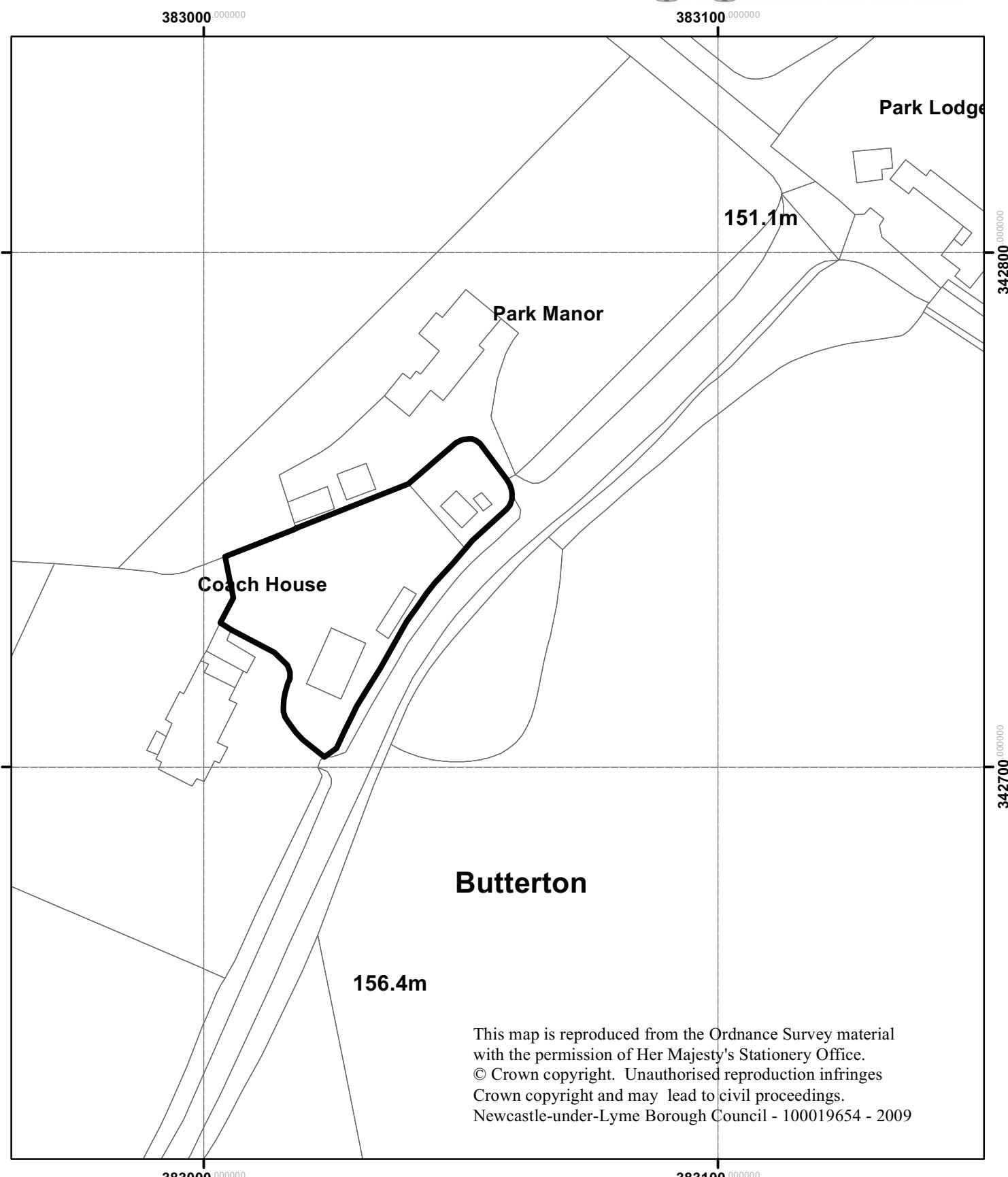
Planning files referred to  
Planning Documents referred to

**Date Report Prepared**

18 September 2012

# The Coach House, Butterton

12/494/FUL



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ALLENDALE HOUSE MILEHOUSE LANE NEWCASTLE  
MS. M. ANDERSON. 12/00504/FUL

**The Application** is the change of use from a residential care home (use class C2) to day care centre (use class D1) with ancillary overnight respite care (use class C2), and associated car parking.

The site lies within the Urban Area of Newcastle under Lyme as identified on the Local Development Framework Proposal Map.

The application is accompanied by a request from the applicant for the removal of an agreement entered into under section 52 of Town and Country Planning Act 1971 (a precursor of a section 106 obligation). The agreement relates to a planning approval granted in 1987 for a side and rear extension to the residential care home and the formation of a car park (ref. no. N15678). The purpose of the agreement is to ensure the land opposite the residential care home is used for a car park associated with the care home.

**The 8 week determination for the planning application period expires on 11 October 2012.**

## **RECOMMENDATIONS**

**(a) Refuse planning application 12/00504/FUL for the following reasons:**

- The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.
- The proposed development fails to make adequate provision for service vehicles to access through the site in a forward gear resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre out into Milehouse Lane.
- The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of highway danger

**(b) That the request to remove the section 52 agreement for the reasons set out in recommendation (a) be refused because the applicant has failed to demonstrate that adequate alternative parking could be provided in perpetuity for the existing and proposed uses.**

## **Reason for Recommendation**

The applicant has failed to demonstrate to the proposed change of use would not lead to adverse harm to users of the public highway and highway safety in general contrary the requirements of Policy T13 of the Staffordshire and Stoke on Trent Structure Plan 1996 – 2011 and Policies T16 and T18 of the Newcastle under Lyme Local Plan 2011.

## **Policies and Proposals in the Approved Development Plan Relevant to this Decision:-**

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR3: Enhancing the Role of City, Town and District Centres

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

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

Policy T1A: Sustainable Location

Policy T13: Local Roads

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

Strategic Aim 3 Reduce the need for travel, improve accessibility and increase opportunities for development of sustainable and innovative modes of travel to support the regeneration of the plan area by securing improvements to public transport infrastructure and the progressive provision park and ride and facilities to promote walking and cycling

Policy SP2: Spatial Principles of Economic Development

Policy CSP10: Planning Obligations

## Newcastle under Lyme Local Plan 2011 (LP)

Policy T16: Development – General Parking Requirements

Policy T18: Development – Servicing Requirements

Policy C22 Protection of Community Facilities

## Other Material Considerations Include:

### National Planning Policy Framework (March 2012)

Circular 05/2005 Planning Obligations

Manual for Street

## Relevant Planning History

1984	N13371	Permit – change of use to a rest home for the elderly.
1985	N14280	Permit – alterations to roof space to form staff restrooms.
1986	N15161	Refuse – single storey extension to form bedroom.
1987	N15678	Permit – extensions and formation car parking area.
1988	N17409	Permit – bay window.
1989	N18190	Permit – two dormer windows
2004	04/00535/FUL	Permit - alterations and extensions to provide additional single bedrooms and ensuites.
2005	05/00166/FUL	Permit – alterations and extensions to provide additional single bedrooms and ensuites.
2006	06/01121/FUL	Permit – rear conservatory
2008	08/00068/FUL	Refuse – extensions and alterations including demolition of bungalow at the rear.
2008	08/00883/FUL	Permit – extensions and alterations including rebuilding of bungalow at the rear.

## Views of Consultees Relating to Planning Application 12/00504/FUL

**Police Architectural Liaison Officer** has no objections to the proposal.

The **Highway Authority** objects to the proposal on three grounds:

- The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway.
- The proposed development fails to make adequate provision for service vehicles to access through the site in a forward gear resulting in an increase in the likelihood of highway danger due to drivers having to manoeuvre out into Milehouse Lane.
- The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of highway danger.

The views of the **Environmental Health Division** are awaited.

## **Views of Consultation Carried Out Relating to the Request to Discharge the Section 52 Agreement**

The **Highway Authority** objects to the removal of the agreement on the following grounds:-

That the Highway Authority is objecting to the current planning application proposal on the three grounds above and the applicant has failed to demonstrate that adequate parking and servicing can be provided for the proposed change of use to a Day Centre and the Highway Authority are unable to support the discharge of the planning obligation for the removal of the ancillary car park.

They advise that the car park has been gated off and consequently is not available for use. In addition the car parking spaces have not been marked out and there is no signage indicating that this is a car park for visitors to the existing Allendale Residential Care Home.

They recommend that appropriate enforcement action is carried out to ensure the car park is made available as required by the planning agreement.

### **Representations**

A letter containing 18 signatures and two further letters have been received raising concerns regarding the current proposals:

- The proposal will compound the already unacceptable problem of staff and visitors parking outside residents properties in Milehouse Lane, in some cases parked for in excess of 24 hours.
- Vehicles have been parked across and in very close proximity to neighbours driveways resulting difficulty and danger in entering and leaving their properties.
- Residents of Milehouse Lane are unable to park their vehicles close to their properties.
- The available car park opposite Allendale House is locked and not made available for staff or visitors to use as per the legal agreement.

### **Applicant/Agent's Submission**

The submission is supported by;

#### **(i) Planning, Design and Access Statement**

- **Introduction** to the proposal including details of the current residential care home use, advising the existing use has a capacity to care for 17 elderly persons and that an existing day care centre in Stoke on Trent has been closed.

- Description of the **Site and Surroundings**.

- **The Planning History**.

- **Design and Access Statement** provides information under the following headings :-

**Use and Amount** – the proposed use would provide a day care centre for young adults (18+). The young adults would be physically disabled or have moderate learning difficulties, and the facility would provide them with independent living, social and community skills. The premises would offer up to 15 spaces per day and these would be booked and planned in advance.

The users would be dropped off by mini bus at 0900 hours and collected at 1600 hours Monday to Friday. The further session is being proposed on Friday evening 1800 hours to 2130 hours. Overnight respite would be made available for 5 persons (for those who attend the Friday Evening session) from Friday evening to Monday morning, thereby the use would be a 24 hours over these periods.

Staffing number would remain the same as the existing use being five full time staff including the applicant.

**Layout and Landscaping** – No changes are being proposed for the external design of the building, changes are being proposed to the access and forecourt at front of the application building providing 4 no. car park space and an area for a minibus to drop off visitors. This arrangement would have a separate entrance and exit.

**Scale** – remains the same as the existing

**Siting and Access** – remains the same as the existing with the exception of alterations proposed for the vehicular access and parking arrangements.

- **Relevant Planning Policy.**
- **Key Issues** – advising these would be the principle of the proposal, residential amenity and impact on the highway network/car parking provision including consideration of the removal of the Section 52 Agreement.

(ii) **Car Parking Demand Review** report prepared by a Transport Consultant

- **Car Parking Demand Assessment** which was carried out over two days in July 2012 and identifies the availability of a number of on street parking spaces in the vicinity of the application site.
- **Allendale House Parking Areas Assessment** advising the car parking area, which is subject to the section 52 agreement is not currently in use and hasn't been since the applicant took over the management of the residential care home some 10 years ago. The parking area directly in front of Allendale House can accommodate approximately eight vehicle however there is no turning facilities in this area and as such vehicles can not enter and exit in a forward gear.
- **Existing use of Allendale House Assessment** this advises none of the resident own vehicles and a total of 5 full time staff are currently employed who do not drive to work and gain access to work by either as a passenger in vehicles, public transport users and pedestrians, therefore no staff parking is required. This also identifies visitors to the site are medical practitioners, beauty technicians or family or friends visiting residents. An assessment as been undertaken of the visitor log book to the premises over a month period and this identifies that an average of 4 visitors arrive at Allendale House per day.
- **Proposed use of Allendale House Assessment** this advises this proposed use would not have ad hoc visitors to the site. The existing staff would be retained and as such no staff parking would be required. Visitors to the site would be brought in by minibus each day and the minibus would be kept off site.
- **Alterations to the site frontage** this advises the amendment would improve facilities for the operation of the site including an in/out arrangement
- The **summary/conclusion** advises that the existing or proposed use does not create the demand for parking requirements and as such the area of land opposite the site section 52 land is not required for parking and therefore the Section 52 should be revoked.

These document are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

### **Key Issues**

The key issues in the determination of this application are:

- Principle of the change of use
- Residential amenity
- Highway issues
- Whether the section 52 agreement should remove or altered
- Enforcement of the Section 2 agreement.

### **Principle of the development**

The property the subject of this application has an established residential care home use following the granting of planning permission in 1984, this use falls within use class C2, residential institutions. The proposal seeks to change the use of the premise to a day care centre which falls within use class D1, non-residential institutions, and associated ancillary overnight respite care (use class C2).

There are no specific policies that require consideration in relation to the proposed use. The proposal, in part, retains the existing residential institution use however this would be ancillary to the introduction of a day care centre. Subject to consideration of residential amenity and highway safety there are no policy objections to proposal in principle of the proposal.

### Residential amenity

The application site is situated in a predominantly residential area and as such it is important to assess whether the proposed change of use would have a detrimental impact on the adjacent residents reasonable living conditions.

The proposal does not involve any physical alteration to the building but does involve alteration to the frontage of the site to form a car park, pull in area and a separate entrance and exit to the site. This area could be used for the parking of vehicles in association with the existing use without the need for planning permission, and the formation of a second access and the laying out of parking spaces would not result in an additional impact to the adjacent residential property occupiers by the virtue of noise and vehicle movement nuisance than that which could occur in connection with the existing use.

The existing care home could potentially result in vehicular movements at any time during the day and night, although the majority of vehicular movements would be during the day time period. The proposal, however, would operate during normal working hours Monday to Thursday with users being dropped off for a Friday evening session who may then not leave the premises over the weekend period if they take advantage of the proposed over night respite care. It is not anticipated that any noise associated with vehicular movements will be significant or materially different to that which exists in association with the existing use, and whilst the views of the Environmental Health Division are awaited on this proposal it is considered the proposed use would not have an adverse impact on the reasonable living of the adjacent residential occupiers and as such a refusal on these grounds could not be sustained.

### Highway issues

Appendix 3 to the LP indicates that for a day care centre the maximum car parking standards are one space per four people, which in this case equates to 4 parking spaces. As stated previously the surrounding area is predominately residential with a mix of on and off street parking provision. The on street parking is provided in parallel parking bays adjacent to the public carriageway. The representations received indicate that there are problems associated with on street parking in the locality and in view of this concern it is considered necessary that an appropriate number of parking spaces are secured.

The residential care home at Allendale House has been operating for a number of years, following the granting of planning permission in 1984, since then the site has received planning approval for a number of alterations and extensions, however, a number of these have not been implemented and have subsequently lapsed. One proposal which was granted planning permission in 1987 and subsequently implemented involved rear and side extension and the formation of a car area opposite the site, on the corner of Milehouse Lane and Kings Avenue. This approval was granted following the completion of a Section 52 Agreement under the Town and Country Planning Act 1971. The Agreement sought to secure the laying out and surfacing of the car park area and its subsequent maintenance as such and to ensure that the site remained in same ownership as Allendale House for normal car parking purposes by owners or staff and visitors.

It has been stated in this submission the car park area secured by Section 52 Agreement has not been used for car park purposes for a period of 10 years and a visit to the site established that the car park was securely locked and that it was evident the area had not been used for some time. The applicant's intention is that this car parking area will not be reinstated.

The applicant proposes to accommodate the required car parking and associated vehicle movements within the site of the Allendale House on the site frontage. This area is currently used as an informal parking area, however, it has no turning facilities and is currently served by a single access and as such vehicles cannot enter and exit in a forward gear. The submission provides four car parking spaces and drop off area for a minibus with an additional access point that would then provide a vehicular entrance and a separate egress. There is a difference in ground levels between the public highway and the higher parking area of approximately 1 to 1.5 metres which result in 1:6 gradient from the parking area to the public highway.

The Highway Authority has objected to the proposal on a number of grounds. They consider that 4 parking spaces are required for the proposed use however the parking spaces provided are not adequate in size (the submitted details indicate the 4 parked vehicles as being 4.1 metres by 1.7 metres and the minimum dimensions of a parking space should be 4.8 metres by 2.4 metres and when parallel parking, as proposed, should be 2 metres by 6 metres) and as such, given that the intention is to lose the car parking area opposite,

that the proposal fails to make adequate provision for the parking of vehicles for the proposed use resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. Any amendment to the parking spaces to ensure that they are of a standard size may result in inadequate space being available for the mini bus to access and exit the site in a forward gear when dropping off users and the Highway Authority consider that this would result in an increase in the likelihood of highway danger due to drivers having to manoeuvre out in Milehouse Lane. Finally they have expressed concern that the proposed gradient of the access is too steep.

Officers share the concerns raised by the Highway Authority as although 4 spaces are being proposed on the site, the applicant has failed to demonstrate these spaces can be accommodated within the site whilst also ensuring that service vehicles, the mini-bus, can gain entrance and exit the site safely.

The applicant agent has been made aware of these concerns and is discussing potential amendments/alterations with Highway Authority. Any outcome of these discussions will be reported on your advanced supplementary report or at your meeting. However, given the position at the time of writing your officers are recommending a refusal of the application on the highway grounds highlighted above.

#### Removal of the Section 52 Agreement

The applicants has requested that the Local Planning Authority consider removing the Section 52 Agreement on the grounds the existing and proposed uses no longer generates the demand for amount of parking and/or any parking requirements can be met on the site of Allendale House.

As indicated above the proposal for the change of use of the property fails to demonstrate that adequate and safe parking and servicing can be provided on the site of Allendale House, therefore the request to remove the Section 52 Agreement cannot be agreed at this time.

In terms of the existing use, the Section 52 Agreement was entered into on the basis that Allendale House would be used as a residential care home and no other appropriate parking arrangements were available at that time. Since that time the property has had a couple of relatively minor alterations and extensions together with planning approvals which have not been implemented and now have lapsed. In the period since the Section 52 Agreement was entered into the operation of the premises may have changed however such a use will still generate a demand for parking. The applicant has put forward a case which includes the availability of on street parking spaces and the fact that none of the current staff drive to work. However these are factors which can change over time and to remove the only suitable car parking facility to serve the premises could not be supported at this time. As such it is recommended the request to remove the section 52 agreement is declined.

#### **Background Papers**

Planning files referred to  
Planning Documents referred to

#### **Date report Prepared**

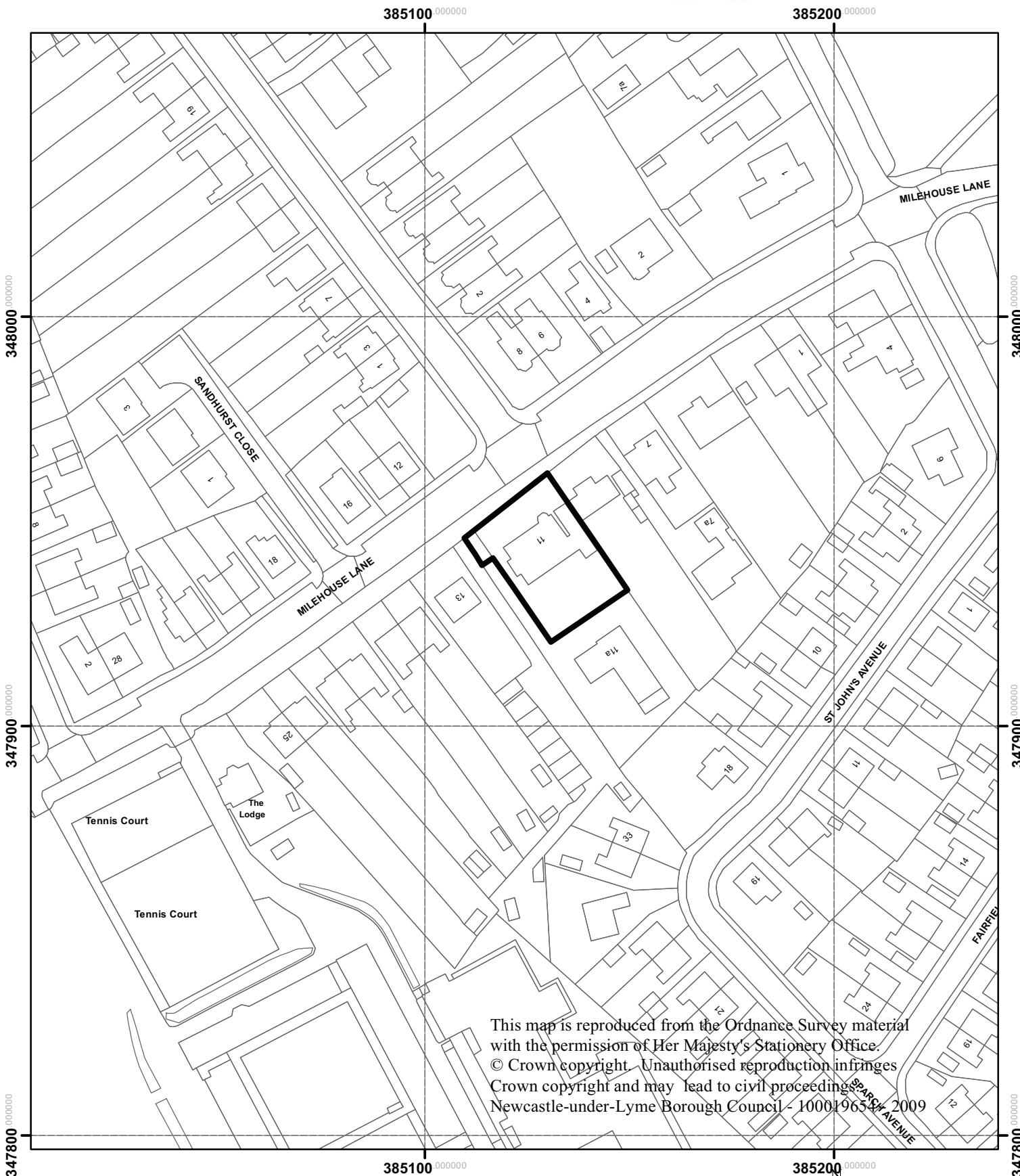
18 September 2012

# Allendale House, 11 Milehouse Lane

12/00504/FUL



NEWCASTLE-UNDER-LYME  
BOROUGH COUNCIL



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# Agenda Item 8

HALL O' TH' WOOD, BALTERLEY GREEN ROAD, BALTERLEY  
MR A LANE. 12/00418/FUL

**The Application** is for full planning permission for construction of a greenhouse, sited in the garden of this Grade II\* Listed Building.

The site is within the Green Belt and is also within the Area of Landscape Enhancement designation as defined by the Local Development Framework Proposal Map.

**The 8 week period for this application expired on 28 August.**

## **RECOMMENDATION**

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

- (i) Commencement of development.
- (ii) External Materials as indicated in submission.
- (iii) Glazing and finial details.

## **Reason for Recommendation**

The proposed development whilst considered acceptable in terms of its design and impact on the setting of the Listed Building, would constitute inappropriate development in the Green Belt being contrary to the purpose of including land within the Green Belt which refers to the safeguarding of the countryside from encroachment and to the principal attribute of the Green Belt - its openness. However there are considered to be other material considerations in this case most particularly the support which the proposal provides to the ongoing development of the garden at this property which positively enhances the setting of this Listed Building and within which small ancillary buildings are a feature. On balance it is considered that having regard to the very diminutive scale of the building and limited consequential harm to openness and the very limited degree of extensions that there have been to either the Listed building or its curtilage buildings, the required very special circumstances exist in this case to justify granting planning approval.

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

### West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy RR1: Rural Renaissance
- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a high quality built environment for all
- Policy QE6: The Conservation, Enhancement and Restoration of the Region's Landscape

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

- Policy D1: Sustainable forms of development
- Policy D2: The Design and Environmental Quality of Development
- Policy D4: Managing change in rural areas
- Policy D5B: Development in the Green Belt
- Policy NC1: Protection of the Countryside: General Considerations
- Policy NC2: Landscape Protection & Restoration
- Policy NC18: Listed Buildings

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

- Policy CSP1: Design Quality
- Policy CSP 2: Historic Environment
- Policy ASP6: Rural Area Spatial Policy

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

- Policy S3: Development in the Green Belt

Policy B5: Control of Development affecting the Setting of a Listed Building  
Policy N20: Area of Landscape Enhancement

**Other Material Considerations Include:**

**National Planning Policy Framework (March 2012)**

**Supplementary Planning Guidance**

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

**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**

N12343 Garage, workroom and store – replacement building following fire - granted

**Views of Consultees**

**Betley, Balterley and Wrinehill Parish Council** – support the application.

**Conservation Officer** – has no objection to the proposal.

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

**English Heritage** – advise that the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

The **County Council Archaeologist** has been consulted and at the time of writing no response has been received, any views received will be reported.

**Representations**

None received.

**Applicant/Agent's Submission**

A Heritage statement has been submitted with the application. This statement provides justification for the proposal in terms of:

- Heritage Asset and its Setting
- Assessment of Significance
- Heritage Impact Assessment
- Design Concept

The applicants' agent has provided a subsequent supporting letter identifying the very special circumstances for justifying inappropriate development in the Green Belt. These are referred to in the following section.

These documents are available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk)

**Key Issues**

This is an application for full planning permission for the erection of detached greenhouse in the garden of this Grade II\* Listed Building, Hall o' th' Wood. The proposed greenhouse would be sited in the kitchen garden of the property attached to a wall which is part of the walled garden of the property. Listed building consent is not considered to be required, the wall to which the greenhouse is attached not being an original feature, having been rebuilt fairly recently.

Therefore, the main considerations with this proposal are:-

- Its design and its Impact on the character of the setting of the Listed Building.
- The appropriateness or inappropriateness of this development in Green Belt terms.
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

#### Impact on the character of the setting of the Grade II\* Listed Building.

In considering whether to grant planning permission for development which affects a Listed Building's setting the Local Planning Authority are required to have special regard to the desirability of preserving the setting of the building.

NLP Policy B5 indicates that the Council will resist development proposals that would adversely affect the setting of a Listed building.

Part 12 of the National Planning Policy Framework "Conserving and Enhancing the Historic Environment" states that in determining planning applications, local planning authorities should take account of:

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

The proposal is within the kitchen garden of a Grade II\* Listed Building, the greenhouse would have a traditional appearance being 3.7 metres wide by 3.4 metres deep and a height to eaves of 1.9 metres and roof ridge of 3.1 metres. Its framework would be cedar timber constructed off an existing moulded stone plinth. The existing garden wall would form one of the sides of the proposed greenhouse and the greenhouse would be sited approximately 10 metres from the nearest part of the Listed Building on its more "private" and informal eastern side.

The Conservation Officer and the Conservation Advisory Working Party have raised no objections to the proposal. English Heritage advise the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

Given the limited scale and sympathetic design of the proposal, it is considered that the proposed development would not harm the character of the setting of the Listed Building and as such the proposal is in accordance with the requirements of NLP policy B5.

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

The proposed greenhouse would be located in the garden area of the property.

The National Planning Policy Framework (NPPF) details in Part 9 that the Government attaches great importance to Green Belts with the fundamental aim being to prevent urban sprawl by keeping land permanently open.

The NPPF also details that the construction of new buildings within the Green Belt is inappropriate, which follows on from the previous advice found in the superseded Planning Policy Guidance Note No. 2. The NPPF, as did its predecessor, provides a list of exceptions to development which is inappropriate.

It considered the proposal does not meet any these exceptions and as such the proposed development should be viewed as inappropriate development in the Green Belt.

This approach to curtilage buildings, other than where within 5 metres of the dwellinghouse, as being inappropriate development in the Green Belt has been previously established and confirmed in three recent appeal decisions at Marsden, Den Lane, Wrinehill (May 2010), Butterton House, Park Road, Butterton (November 2010), and Hallaton House Whitmore Heath (July 2010).

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."

By definition inappropriate development is harmful to the interests of the Green Belt.

The Parish Council support the proposal, but they do not explain why this is the case. The applicant's agent has provided a supporting letter which advances what he considers to be the required very special circumstances. These are:

- The proposed greenhouse is of a small scale.
- The visual amenity of the Green Belt would not be injured by the small scale greenhouse due to its siting.
- The use of appropriate materials.
- Its simple design.
- The only reason planning permission is required is because it is sited in the curtilage of the Listed Building.
- The greenhouse is not development in the building definition sense given no excavation is required.
- Given its scale and it not involving any excavation it may not even be considered as development let alone inappropriate development therefore planning permission should be granted or allowed under permitted development.
- The applicants have a very keen interest in hobby gardening and horticulture and open their garden to the public for charitable fund raising and the proposal would be of much benefit in helping them continue to do this.

Notwithstanding the agent's comments the proposal does involve development and is not permitted development because as this property is a Listed Building, it does not enjoy such right. Points which could be argued in respect of other sites throughout the Green Belt can hardly be considered to be rare or exceptional and thus likely to constitute a material consideration that constitutes "very special circumstances".

One of the points raised is that the proposal would enable the applicants to continue and assist with their charitable functions by opening the gardens to the public. This is similar to case where a similar argument regarding the required very special circumstances was raised during the appeal process – Wilkins Pleck, Whitmore (ref. APP/P3420/A/11/2145139). The Inspector in dismissing that appeal stated "*It is clear that their upkeep [the gardens] requires a substantial investment in labour, time and finance. Nevertheless, I have seen little to convince me that, over the whole of the year, the primary use is other than for private domestic recreation. As such these other considerations add little weight in favour of the proposal.*" (para.14). However it is relevant to note that the appeal proposal in that case was for a building to store a classic car collection, the size of the original house had in the words of the Inspector been "vastly increased" and perhaps most importantly the property was not a Listed building.

The building here is modest in scale and design and well screened from public vantage points but the proposal does introduce a building in Green Belt and thereby increase the amount of built form on the site to the detriment of the openness of the Green Belt and be contrary to that purpose of including land within the Green Belt which is to safeguard the countryside from encroachment.

Hall o' th' Wood is not listed within the Register of historic parklands and gardens. Similarly the List description makes no particular reference to the garden setting of the house. Indeed it is your officers understanding that the garden at Hall o' th' Wood is a relatively recent creation, but it undoubtedly now makes a significant positive contribution to the setting of the building. One of its features is the presence of small incidental buildings within the garden and the greenhouse now proposed very much follows this approach. The property does already have a greenhouse, adjacent to the garage building on the other side of the site. In

the context of the kitchen garden the greenhouse fits well within its setting and the support which the proposal provides to the ongoing development of the garden at this property which positively enhances the setting of this Listed Building is a positive material consideration to be weighed in the balance. Taking all of these points into account it is considered that having regard to the very diminutive scale of the building and limited consequential harm to openness and the very limited degree of extensions that there have been to the Listed building or additional curtilage buildings, the required very special circumstances exist in this case to justify granting planning approval.

**Background Papers**

Planning files referred to  
Planning Documents referred to

**Date Report Prepared**

18 September 2012

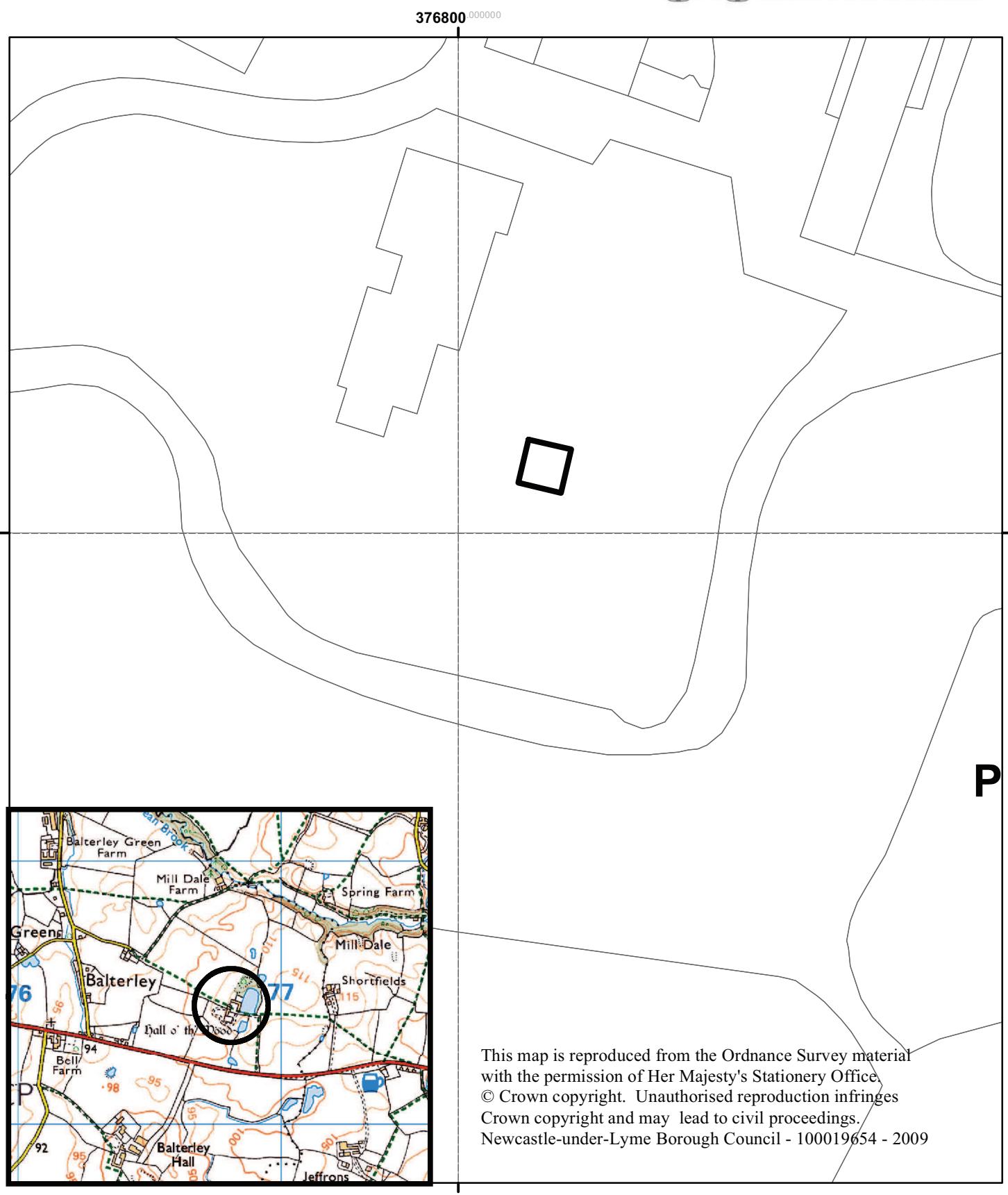
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# Hall O'th'Wood, Balterley Green Road

12/418/FUL



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BOROUGH COUNCIL



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# Agenda Item 9

## APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANTS) FROM THE CONSERVATION AND HERITAGE FUND

### Purpose of Report

To consider an application for financial assistance towards the cost of the repair of the following buildings of special architectural and historic interest.

### Recommendation

**That the Planning Committee approves a grant of £537 for the 4 chest tombs, St Marys Church, Mucklestone, subject to the usual criteria.**

### Chest Tombs in the Churchyard of the Church of St Mary, Mucklestone, (Ref: 12/13002/HBG)

The request for a grant is towards the cost of repairing 4 historic sandstone chest tombs in the churchyard. One of the tombs (the Birchall memorial) is Listed in its own right (Grade II) and the churchyard sits within Mucklestone Conservation Area. The Church itself is Listed Grade II\*.

The churchyard is a “closed” one and the Borough Council is responsible for the maintenance and health and safety of the area. Some of the memorials and tombs have been identified as being unstable and it was suggested that 3 of the chest tombs should be laid flat by the Council’s ground maintenance team. The Council’s Conservation Officer and the parishioners were reluctant to accept this as the character and appearance of the structure as a chest tomb is part of its significance, not as a flat gravestone. The Parochial Church Council have sought Church Faculty approval for works of repair and raised some funds to undertake the work.

The stonework of the individually Listed tomb is damaged and will be repaired with new buff stonework. The other three memorials require re-fixing and new stainless steel dowels to restore the joints. The Parochial Church Council has worked to find the funding to retain and repair the chest tombs and it is considered that this project should be supported as without such support, many such tombs will no longer be visible in our churchyards. The Parochial Church Council are using Parochial Church funds of £1,064 and the Council’s grounds maintenance team is contributing £300 (this being the sum that they would have to spend anyway were they to lay flat the tombs).

The work is estimated as costing £2,685 including VAT. Works to Listed Buildings can, in accordance with the agreed criteria of the Grant scheme, be supported by up to a 20% grant (up to a maximum figure of £10,000). Initially the view was taken that the maximum grant available here would be £321 because only one of the tombs is individually Listed, but on further reflection, on the basis that even the tombs that are not individually Listed are still “curtilage Listed Buildings”, the maximum available grant would be £537 (i.e. 20% of the total cost). When consulted the Conservation Advisory Working Party resolved that the Planning Committee be recommended to approve a grant of this amount.

### Financial Implications

There is sufficient funding to meet this grant application at £69,000 in the fund, which allows for commitments.

### Conclusions

This grant application meets all the Council’s criteria for the repair and restoration of the heritage asset.

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# Agenda Item 10

## OPEN ENFORCEMENT CASES

### Purpose of the Report

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

### Recommendations

- (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.**

### 1. Background

- 1.1 In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).
- 1.2 Since the preparation of the last report on 22 June 2012 a further 42 new cases have been reported and overall 72 cases have been closed this Quarter. The net figure as of 14 September 2012 therefore stands at 157 open cases (30 less than last quarter). Progress has again been made within this past Quarter and the fewer 'new cases' received (relative to some previous Quarters) has allowed officers to focus again on older cases. The number of total open cases is currently at its lowest for a number of years.
- 1.3 Planning Committee Members continue to be sent a Monthly Enforcement List, which identifies what new enforcement related cases have been logged each calendar month.

### 2. Conclusions

- 2.1 It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.
- 2.2 Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has lead to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression.
- 2.3 The Council's Planning Enforcement Officer continues to assist Planning Officers where possible by providing updates to their enforcement caseload and to seek to progress either the taking of enforcement action or their closure. This has also resulted in the submission of several additional planning applications. It should be noted that the total number of cases open remains well below 200 cases (157 at the time of report preparation).

### 3. Current Outstanding Enforcement Cases

- 3.1 The Table below shows the current statistics in comparison to the previous Quarter based on the position up to and including 14 September 2012.

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

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2012	180	66	13	38	13	2			
2011	204	22	2	14	6				
2010	206	11	2	7	2				
2009	233	18	-	12	3	1	-	1	1
2008	276	13	-	-	-	-	3	10	-
2007	353	6	-	-	-	-	1	4	1
2006	280	9	-	-	-	-	2	4	3

2005	227	2	-	-	-	-	-	-	2
2004	252	3	-	-	-	-	1	1	1
2003	244	1	-	-	-	-	-	1	-
2002	247	5	-	-	-	-	-	2	3
2001	204	1	-	-	-	-	-	1	-
2000	219	-	-	-	-	-	-	-	-
1999	177	-	-	-	-	-	-	-	-
1998	217	-	-	-	-	-	-	-	-
1997	263	-	-	-	-	-	-	-	-

*Open Cases*      **157**  
*(inc Backlog)*

*Previous Quarter*      **187**

Note for Table – C categories represent the categories agreed by the Planning Committee in February 2009; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

Officers will continue to make progress in tackling the previous backlog, whilst maintaining a manageable reservoir of new/existing cases at a sustainable level. A number of the above cases have associated pending planning applications awaiting determination (4 as of 14 September 2012).

4. **Date Report Prepared**

14 September 2012

# Agenda Item 13

By virtue of paragraph(s) 1, 2, 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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