

Date of meeting **Tuesday, 11th September, 2012**

Time **7.00 pm**

Venue **Council Chamber, Civic Offices, Merrial Street,
Newcastle Under Lyme, Staffordshire ST5 2AG**

Contact **Peter Whalan**

Planning Committee

AGENDA

PART 1– OPEN AGENDA

1 Apologies

2 DECLARATIONS OF INTEREST

To receive Declarations of Interest from Members on items included on the agenda.

3 Application for Minor Development - Land Opposite Wynbrook, (Pages 1 - 8)
Wereton Road, Audley. Mr P Lomax. 12/00393/FUL

4 Application for Minor Development - The Club at Newchapel, (Pages 9 - 18)
Pennyfields Road, Newchapel. Mr K Humphries. 12/00271/FUL

5 Etruria Valley Enterprise Area - Draft Supplementary Planning (Pages 19 - 24)
Document. Stoke-on-Trent City Council

6 Appeal Decision - Maerfield Gate Farm (Pages 25 - 26)

7 Appeal Decision - 17 St Saviour's Street, Butt Lane (Pages 27 - 28)

8 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act, 1972

9 DISCLOSURE OF EXEMPT INFORMATION

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraph 5 in Part 1 of Schedule 12A of the Local Government Act 1972.

10 Treacle Row, Parksite, Silverdale. 12/00171/207C2 (Pages 29 - 32)

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.

LAND OPPOSITE WYNBROOK, WERETON ROAD, AUDLEY
MR P LOMAX. 12/00392/FUL

The Application is for full planning permission for the change of use of land to the keeping of horses, the erection of a timber stable block comprising two stables, tack room, and hay stores, and a new access, turning and parking area. The overall site area is approximately 2 acres (0.8 hectares).

The application site is located within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

Wereton Road is a C class road.

The 8 week period for the determination of this application expires on 3 September.

Recommendation

Permit subject to conditions relating to the following matters:

- (i) **Commencement of the development.**
- (ii) **Plans referred to in consent.**
- (iii) **Materials to be utilised (Hard landscaping, facing and roofing materials).**
- (iv) **External lighting.**
- (v) **Means of storing and disposing of stable wastes.**
- (vi) **Surfacing of the Access.**
- (vii) **Parking and turning areas.**
- (viii) **Visibility splays.**
- (ix) **Set back of any gates.**
- (x) **Tree and hedge protection plan for the construction phase.**
- (xi) **Non commercial use only.**
- (xii) **No storage, as opposed to parking when visiting, of horse boxes and similar.**
- (xiii) **Jumps and similar features.**

Reason for Recommendation

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses - is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would go hand in hand with the stables, and refusal of that element may lead to additional hacking on the highway network, and increased highway danger. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area or the Area of Landscape Restoration, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12, N17, T16 and N21 of the Local Plan, Policies D2, D4, NC1, NC2 and T13 of the Structure Plan, Policy CSP 1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

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

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

Policy D2: The Design and Environmental Quality of Development
Policy D4: Managing Change in Rural Areas
Policy D5B: Development in the Green Belt
Policy T13: Local Roads
Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration
Policy NC13: Protection of Trees, Hedgerows and Woodlands

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

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

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012) (NPPF)

Circular 11/95 The use of conditions in planning permissions

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

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

Relevant Planning History

None

Views of Consultees

Environmental Health Division` – No objections subject to conditions regarding approval of a lighting scheme, and prior approval of the means of storing and disposing of stable wastes

Audley Parish Council – Object over concern regarding the access for horses on this dangerous section of road, due to the bend, and over development in the Green Belt

Highways Authority - No objections, subject to conditions.

Representations

One representation has been received in support of the application, on the basis that it is "very horsey" around Audley

Applicant/Agent's Submission

A Design & Access Statement has been submitted as part of this application which incorporates a planning statement. The statement concludes that the location of the site is predominantly semi-rural and residential, that the proposed design is sensitive and has been prepared to comply with planning policy guidelines, that the issues of design and access have been carefully considered so as to be appropriate and in context with the landscape and surrounding properties within this area, and that planning approval should be granted.

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

Key Issues

Full planning permission is sought for a change of use of the land to the keeping of horses and the erection of a timber stable block, comprising two stables, tack room and a hay store, and a new access, turning and parking area.

The application site is located within the Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The stable block is proposed to be located alongside the hedging to the western boundary of the site, adjacent to the road. The stables would measure approximately 15.5 metres in length by 5 metres in width. They would be approximately 2.5 metres to eaves height and 3.7 metres to the ridge height.

The existing access is to be utilised, with gates being located 6.5 metres rear of the highway edge. A muck heap is proposed to be sited on the southern side of the proposed stable block, and a concrete area is proposed outside of the stables. A large area of hardstanding is proposed to provide parking and turning facilities within the site.

The stables are proposed to be constructed from timber, with black Onduline roofing sheets.

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

- Is the development considered appropriate development in the Green Belt?
- Is there any Conflict with Policies on Development in the Countryside?
- Is the design of the proposed development acceptable?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally
- If inappropriate, are there any very special circumstances to justify approval?

Is the development considered appropriate development in the Green Belt?

Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Since the introduction of the NPPF in March 2012, only “due weight” should now be given to relevant policies of existing plans according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the framework, the greater the weight that may be given.

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. It goes on to state that any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

The construction of new buildings in the Green Belt is inappropriate development, unless they are for purposes listed in the NPPF as an exception to this. One of such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The provision of modest sized stables for the keeping of horses as here proposed is considered appropriate development in the Green Belt, as it would fall within the scope of appropriate facilities for outdoor sport and recreation, would preserve the openness of the Green Belt, and would not be contrary to any of the purposes of including land within the Green Belt including that of safeguarding the countryside from encroachment.

Turning now to the change of use of the land - the applicants seek consent to use the land to keep horses upon it. The use of land for the grazing of horses is something that would not involve “development” (and would therefore not require planning permission) but that is not what is proposed. Changes of use of land are not listed within the NPPF as appropriate development. Therefore the starting point for the change of use of the land must be that it would be inappropriate development in this Green Belt Location.

Any Conflict with Policies on Development in the Countryside?

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policies NC1 and NC2 of the Structure Plan seek to protect the countryside for its own sake and Policy NC2 sets out a list of criteria by which applications should be determined.

Policy D4 of the Staffordshire and Stoke on Trent Structure Plan seeks to maintain and improve the essential character and economic and social fabric of rural areas, and seeks to protect the open countryside for its own sake.

The site lies within an Area of Landscape Restoration. Policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The site is relatively well screened from the surrounding countryside and no landscape features would be affected as a result of the development. The site is not in an isolated location, with other buildings within the vicinity and adjacent to the highway. It is not considered that the character or quality of the landscape would be harmed to a sufficient extent to justify refusal.

Is the design of the proposed development and the impact to trees and hedges acceptable?

Policy D4 of the Structure Plan states that the open countryside will be protected for its own sake and development with undesirable traffic impacts or that would be of a scale or type which would adversely impact on the rural setting will not be permitted.

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The proposed stables are to be wooden, with black onduline roofing sheets which are considered appropriate materials for the development in this location. It is considered necessary to condition the colour of the wood to a dark recessive colour to help the stables appear less conspicuous in the landscape.

The siting of the stable would be acceptable, with the block proposed to be sited along the boundary adjacent to the existing boundary hedge. It is proposed to retain the hedging around the site; however it is considered that a condition requiring the prior approval of a tree protection plan is necessary to show how the trees and hedges will be protected during the construction phase. As the site currently benefits from mature hedging and trees to the boundary with the Highway, it is considered that further planting would not be necessary to condition

The hardstanding area for parking and turning would be constructed from dark grey hardcore, and the area immediately outside the stables would be concrete. Whilst the area of hardstanding would be fairly large it, is considered that this size would be reasonably required for the parking and turning of horse boxes or trailers as discussed below and therefore it is considered acceptable.

Grassed areas are proposed to be retained to either side of the entrance to the site, which will help soften the area of proposed hardstanding.

It is considered that there is a risk of long term parking and storage of horse boxes on the site, and a condition ensuring that this is addressed is considered appropriate.

Overall, provided the conditions as discussed above are included, the development is considered acceptable in terms of design and impact on trees.

Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety. The Parish Council has objected to the application as they are concerned regarding the access for horses on this section of the road, which they consider is dangerous due to the bend.

In terms of parking and turning provision at the site, the proposed size of hardstanding is considered acceptable. In terms of the access arrangements, the gates are proposed to be set back approximately 6.5 metres from the highway edge, however the Highway Authority has requested a condition for the gates to be located a minimum of 10 metres rear of the highway boundary, opening away from the highway, to ensure that a vehicle towing a horse box can park clear of the carriageway whilst opening the timber gates. This would ensure that vehicles waiting to turn into the site are off the road while the gates are opened, reducing the likelihood of highway danger by having vehicles stopped on the road.

Clarification will be given to the Committee as to what visibility splay is required, but your Officer's view at present is that appropriate landscaping between the building and the road can be provided without compromising highway safety.

The Highway Authority has requested that a condition be included restricting the development to private use, and shall not be used for commercial purposes. This is considered appropriate, as by attaching such a condition, the consequence of non-private use could be assessed if proposed.

The Highway Authority do not object to the proposal, and their views have to be given considerable weight in the circumstances. Overall, subject to certain highways related conditions as indicated, the proposed development would be acceptable in terms of highway safety.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development would not have any adverse impact upon residential amenity or the environment. The keeping of horses often gives rise to complaints regarding noise, odours, smoke, insects and light disturbance. These complaints are often caused by the burning of wastes, poor stable hygiene and poor management of horse manure.

The stables would be located approximately 32 metres from 2 residential properties to the south west (Wynbrook and No 3 Wereton Road) and 50 metres from Honeysuckle Cottage to the north west. The proposed waste heap would be located 26 metres from the front elevation of No 3 Wereton Road, and approximately 28 metres from Wynbrook.

The Environmental Health Division has no objections to the proposed development subject to conditions relating to approval of any external lighting scheme proposed, and prior approval of the means of storing and disposing of stables wastes. The assumption made is that by appropriate management issues can be addressed.

Therefore, the development is considered acceptable in this regard.

If inappropriate, are there the required very special circumstances to justify approval?

As indicated above whilst the stable building (and its associated hardstanding/parking area) are "appropriate" development in Green Belt terms, that part of the proposal which involves the change of use of the field to the keeping of horses is not. Accordingly the Authority has to now go on to weigh in the balance any elements of harm associated with that aspect against any other material considerations.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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 circumstances.

Inappropriate development by definition is harmful to the interests of the Green Belt. However beyond that no element of "other harm" has been identified associated with the change of use of land. Two stables are

proposed and the site extends to approximately 2 acres – the British Horse Society recommend a stocking level of no more than one horse per acre, so there is no reason (from the area involved) to consider that the land will inevitably become overgrazed and poached (subject to appropriate management of course). There is no suggestion that the use of land for the keeping of horses involves any particular proposals for the provision of jumps or other more permanent equestrian paraphernalia within the field in question (and in any case that could be the subject of a condition). No harm to the Green Belt's openness or to any of the purposes of including land within the Green Belt arises from the use in question, and the use is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". It is considered that, as the stabling is accepted as appropriate development, it would be unreasonable to not allow the change of use of the land, which would go hand in hand with the stables. Indeed the consequence of such an approach might also be perverse – leading to additional hacking on the highway network, which might itself bring with it a risk to highway safety. This is a material consideration that the Local Planning Authority can take into account.

In conclusion any element of harm arising from just the fact that the development is inappropriate is considered to be clearly outweighed by the above considerations, and the required very special circumstances can be considered to exist in this case.

Background Papers

Planning file

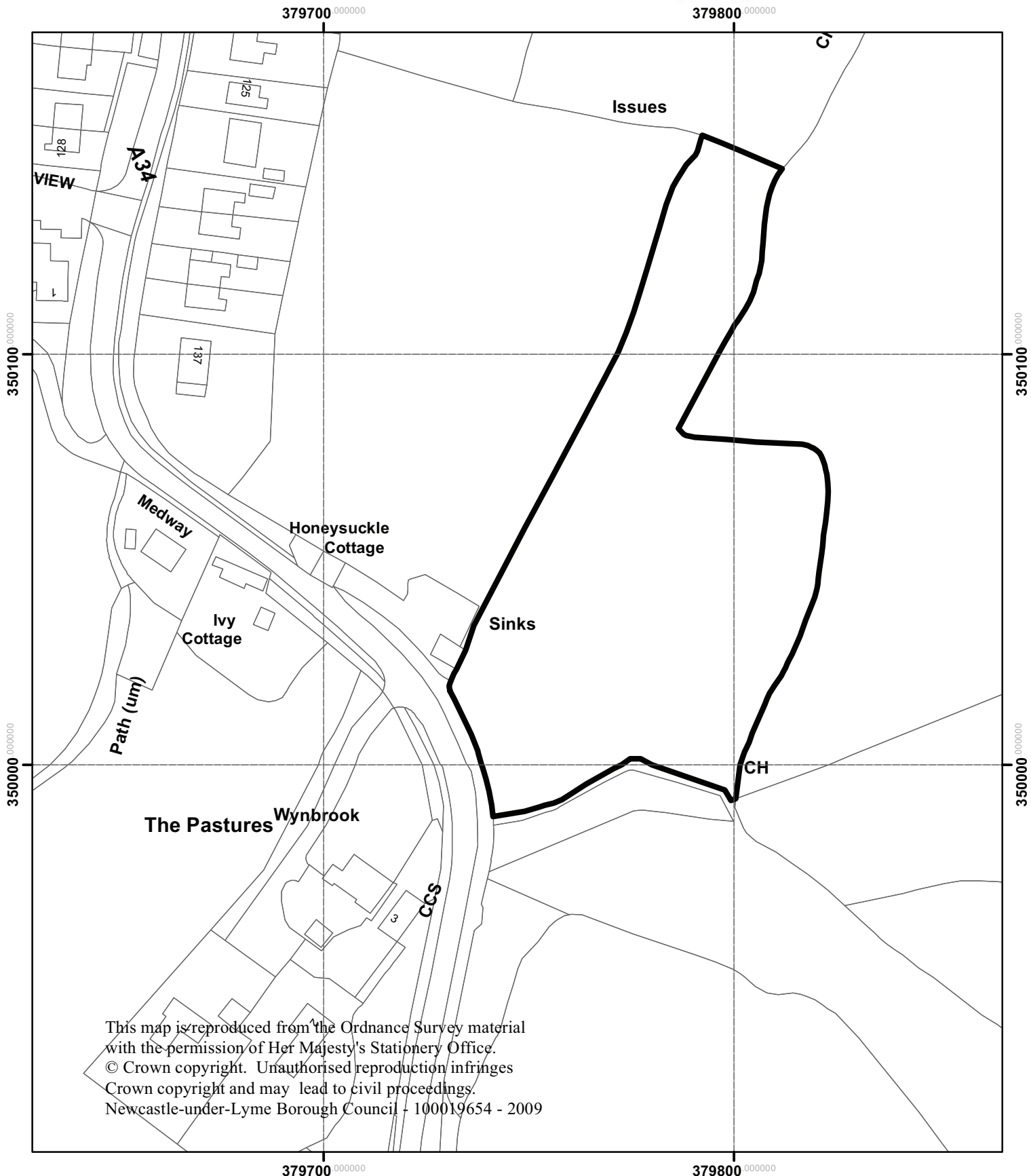
Planning documents referred to

Date Report Prepared

23 August 2012

Land opposite Wynbrook, Wereton Road – Audley

12/392/FUL



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THE CLUB AT NEWCHAPEL, PENNYFIELDS ROAD, NEWCHAPEL
MR. K. HUMPHRIES. 12/00271/FUL

The Application is for full planning permission for the demolition of the existing club building and the erection of 9 dwellings and the construction of two new single plot drives.

The existing access to the site is taken from Pennyfields Road a 'C' Class road, some 30 metres to the west of that road's junction with Newchapel Road. This access would be utilised for the majority of the new residential development and improvements to it are proposed.

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

The 8 week determination period expires on 24 September.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- (i) **Standard Time limit.**
- (ii) **Approved plans/drawings/documents.**
- (iii) **Approval of all external facing and roofing materials.**
- (iv) **Approval of tree survey and tree protection measures.**
- (v) **Landscaping scheme.**
- (vi) **Details of boundary treatments.**
- (vii) **Construction management plan and method statement including construction hours and dust mitigation measures.**
- (viii) **Contaminated land.**
- (ix) **Approval of recyclable materials and refuse storage.**
- (x) **Details of design measures to achieve acceptable internal noise levels in dwellings.**
- (xi) **Road specification details.**
- (xii) **Surfacing details of proposed access drives.**
- (xiii) **Restriction of the use of proposed garages.**
- (xiv) **Submission of scheme to prevent surface water run-off.**
- (xv) **Highway dropped crossing specification.**
- (xvi) **Removal of properties' permitted development rights on identified plots.**

Reason for Recommendation

It is considered the redevelopment of this site for residential purposes is acceptable given it is a brownfield site in a sustainable urban location. The use of the private community facility is not considered to be a viable use of the site. The proposal provides an acceptable layout and design of dwellings provides an appropriate level of residential amenity. The proposal would be acceptable in terms of highway safety. There are no other material considerations which would justify a refusal of this application.

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 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 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 T1A: Sustainable Location
Policy T13: Local Roads

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

Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N12: Development and the Protection of Trees
Policy C4: Open Space in new housing areas
Policy C22: Protection of Community Facility

Other Material Considerations include:

National Planning Policy Framework (NPPF) (March 2012)

Supplementary Planning Guidance/Documents

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

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

North Staffordshire Green Space Strategy (September 2007)

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

2008 08/00091/OUT Permit - residential development on part of site only, relocation of parking spaces and improved site access

Views of Consultees

The **Police Architectural Liaison Officer** raises no adverse comments.

The **Landscape Development Section** is requesting a tree survey, arboricultural Impact Assessment and landscaping scheme be submitted.

The **Education Authority** are not seeking a financial contribution for additional school spaces.

The **Environmental Health Division** has no objections subject to conditions controlling construction condition, dust mitigation measures, internal noise mitigation measures, contaminated land condition and importation of soil/material.

The **Highway Authority** has no objections subject to the completion of accesses, bound and porous surface to accesses, provision of turning and parking areas, parking during the construction period, surface water drainage and road construction, lighting and drainage specification.

Waste Management has no objections subject to the private road specification and approval of recyclable materials and refuse storage.

United Utilities has no objections subject to no surface water entering the combined sewer network, the site drained on a separate system, a no building 3 metres buffer strip either side of the public sewer crossing the site, and no deep rooted shrubs or trees to be planted in the vicinity of the sewer and a separate metered supply to each unit.

Kidsgrove Town Council and **Staffordshire Wildlife Trust** have been consulted and no responses have been received.

Representations

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

- Loss of light
- Drainage issues
- Highway safety at the access
- Demolition of club is welcomed
- Loss of amenity to adjacent properties
- Adverse visual impact
- Plot 7 fails the space around dwellings guidance
- Ownership of boundary hedge
- Loss of privacy
- Proposed slab heights
- Site better suited to fewer dwellings and bungalows

Applicant/Agent's Submission

- **Design and Access statement** which includes the background to the site and its surroundings and the design concepts behind the proposal.
- **Bat survey.**
- **Noise report** which advises of the use of construction techniques to mitigate against noise nuisance.
- **Contaminated ground report/ assessment.**

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

Key Issues

Full planning permission is sought from the demolition of the existing club building on site and the erection of 9 dwellings. The original submission sought the construction of 10 dwellings which was later reduced to 9 following concerns raised by the Highway Authority.

The existing building was most recently used as a workingmen's club but is currently vacant and boarded up. The submitted Design and Access Statement advises that the club went into receivership and the site has been marketed for a considerable time.

The site is surrounded by residential properties, two storey properties on the northern, western and part of the eastern boundaries, with a single storey property to the south east.

The site levels and surrounding area levels fall from a high point in the south east corner (adjacent to the site access) to a lower level on the northern boundary.

In 2008 outline planning permission was granted on the site for the retention of the club, relocation of the parking areas and residential development to the rear of the site. The indicative layout showed six residential

plots all (the club and new residential development) served off the existing improved vehicular access. This permission has now lapsed.

The main issues for consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the loss of a community facility acceptable?
- Is the proposal acceptable in terms of its design and impact on the form and character of the area?
- Would there be any adverse impact on residential amenity?
- Is the proposal acceptable in terms of highway safety and does it make an appropriate contribution towards achieving a sustainable form of development?
- Is the proposal acceptable in terms of its impact on trees, landscaping and open space provision?

Is the principle of residential development on the site acceptable?

Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site is located within the Urban Area of Kidsgrove.

Policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - 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 600 dwellings within Kidsgrove.

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

This is a previously developed site in a sustainable location within the urban area. The site is in easy walking distance of the shops, schools and services of Newchapel and Harriseahead with a regular bus services to Kidsgrove Town Centre and to wider destinations beyond. It is considered that the site provides a sustainable location for additional residential development.

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

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

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

Is the loss of a community facilities acceptable?

Policy C22 of the NLP relates to the Protection of Community Facilities and advises that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration. Where the community facility is a commercial enterprise, planning permission for alternative use may not be given unless the applicant can demonstrate that the business is not commercially viable.

As stated previously in the report the club is vacant and boarded up, the accompanying Design and Access Statement advises that the club went into receivership and has been on the market for considerable amount of time. It is understood the Club went into receivership late 2008.

Further clarification as been sought on this matter and it is understood the site has been marketed since April 2011 and only received interest from developers and none from persons wishing to run it as a club. During this period receivers which had been appointed were allowing the premises to trade rather than it sit empty. The Club finally closed at the end of 2011. The current state of the building and the grounds in which it sits would support the site not being in use for this period. Given the club was a commercial enterprise it considered that it has been demonstrated by the above events the business is not commercially viable in the current economic climate, and weight can also be given to the point that other similar facilities are still available in the wider area.

Is the proposal acceptable in terms of its design and impact on the form and character 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. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D2 of the SSSP under the heading of 'The Design and Environmental Quality of Development' advises development should generally conserve and where possible, improve the quality of life and the environment and should ... be informed by, or sympathetic to, the character and qualities of its surroundings, in its location, scale and design ... be designed to relate to its surrounding context while not excluding innovative and creative design.

Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape.

The adopted Urban Design Guidance SPD's purpose 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, specifically:

R21 advises *"New housing must be designed with care and with a coherent design approach that influences the whole building from its form, to the elevations and including the detailing (whatever the architectural style may be)"*.

There is a mix of traditional mid 20th Century properties on the Pennyfields Road frontage with more modern late 20th century on the remainder of the west and east boundaries of the site.

The proposal would provide 9 dwellings in total, 5 detached and 2 pairs of semi detached properties 2 four bedroom units and 7 three bedroom units. The dwellings would be of a traditional two storey design either with integral garages, detached garage block or surface parking.

Given the sloping nature of the site the proposal would involve introduction of retaining walls and terraces at three levels down the site. The submission is supported by a site cross section which indicates the difference in proposed levels, it is considered this approach is acceptable.

The proposal provides a design and layout which is considered to be appropriate and acceptable for this location given the surrounding context, the proposal is in compliance with the above design policies and supplementary planning document.

Would there be any adverse impact on residential amenity?

Policy CSP1 of the CSS under the heading of Design Quality advises development should have public and private spaces that are safe, attractive, easily distinguished, accessible, and complement the built form. (point 6)

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

The adopted Urban Design Guidance Supplementary Planning Document provides advice at R16 stating *Developments must provide some form of private or shared communal outdoor space, in the form of balconies, terraces and/or gardens for each dwelling. This space should be usable and should relate to the house type and occupiers.*

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

Amenity of existing occupiers adjacent to the development

The proposal would not conflict with the guidance given the siting of the proposals, the position of existing and proposed principal windows, the orientation of the existing and proposed properties and the separation distances involved.

Amenity of Future occupiers of the development

The Supplementary Planning Guidance (SPG) relating to Space about Dwellings only advises on the size of gardens for dwellings of 3 or more bedrooms (this seeks a mean length of at least 10.7 metres and an area of at least 65 square metres), whilst a number of the plots do not achieve the mean length distance, however the garden area for each of these properties is well in excess of the guidance requirements. Given this is it considered the proposal provides an acceptable level of residential amenity to both the occupiers of the existing properties and the future occupier of the development, however, it is considered prudent the remove permitted development rights on those plots were the suggested garden length is not achieved.

Is the proposal acceptable in terms of highway safety and does it make an appropriate contribution to achieving a sustainable form of development?

The existing club premises have a large car park at the rear of the site which is accessed off Pennyfields Road. The proposal would utilise the position of the existing access which would be improved with increased access radii and improved visibility. The new access drive would serve 7 of the dwellings whilst the two dwellings at the front of the site would be served directly off Pennyfields Road.

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

It should be noted the Highway Authority have assessed the proposal for potential Newcastle (urban) Transport and Development Strategy (NTADS) contribution and have concluded the proposal would produce less vehicle trips than the existing lawful use and as such they are not requesting a contribution in this instance. Whilst the club itself is unlikely to have generated very few peak hour trip than the proposed residential development, the decision maker as to be aware of the potential uses of a site that are within the same Use Class as the club use, or would not involve a material change of use needing planning permission. The Highway Authority are clearly of the view that such uses could generate more peak hour trips than the proposed use of the site.

It considered there are no reasons, that could be supported with evidence, to resist the proposal on highway grounds subject to the conditions outlined by the Highway Authority.

Is the proposal acceptable in terms of its impact on trees, landscaping and open space provision?

The site currently contains no trees, the nearest trees are located close to the south eastern boundary of the site. Verbally clarification has been received from the applicant agent that no trees will be removed to accommodate the proposed development.

LP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing. The threshold for this is 10 or more dwellings or a site area of 0.4 hectares or more. The site here extends to less than 0.4 hectares

Policy CSP5 of the CSS states that the plan area's open space, sports and leisure assets will be enhanced, maintained and protected by a number of measures.

The original submission was to provide 10 dwellings on the site, which would have triggered the requirements of Policy C4 of the NLP, however, the Highway Authority raised concerns regarding the provision of 10 dwellings on the site and in light of these concerns the number of dwellings was reduced to 9 and therefore the requirements of Policy C4 would not apply.

The Landscape Development Section has requested the submission of Tree Survey and Arboricultural Impact Assessment and a landscaping condition. Following clarification that no trees would be removed as a result of the proposed development, officers have agreed that the above requests could be achieved through the imposition of conditions to ensure adjacent trees are appropriately safeguarded during the construction period.

Background Papers

Planning file

Planning documents referred to

Date Report Prepared

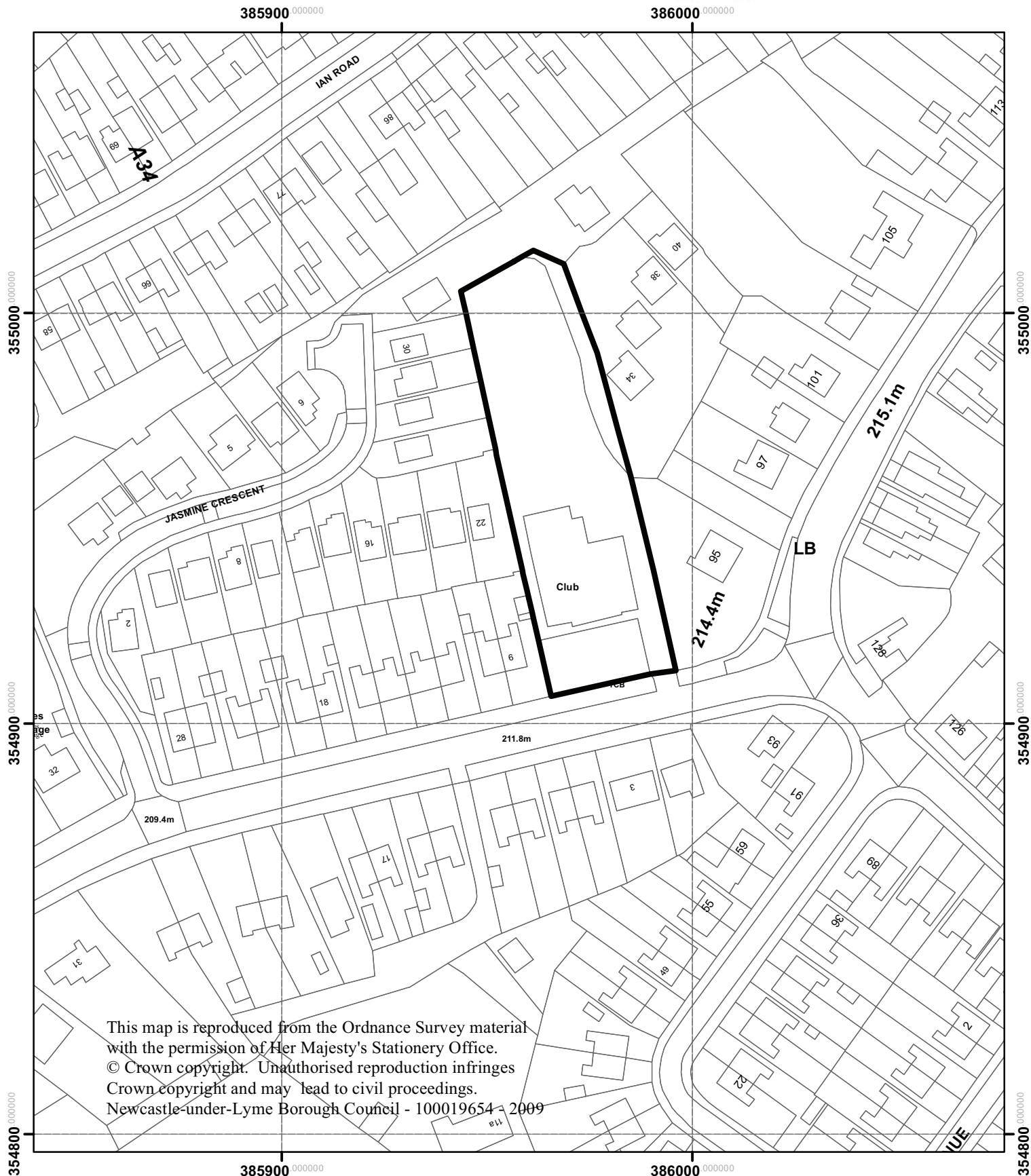
29 August 2012

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The Club, Pennyfields Road,
Newchapel
12/271/FUL



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL



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ETRURIA VALLEY ENTERPRISE AREA – DRAFT SUPPLEMENTARY PLANNING DOCUMENT STOKE-ON-TRENT CITY COUNCIL

The Borough Council has been consulted by the City Council on a draft Supplementary Planning Document for the remaining undeveloped area of Etruria Valley. The draft Supplementary Planning Document covers an area of vacant, derelict and industrial brownfield land covering approximately 39 hectares (ha) (a plan of the site will be on display at the meeting). A mix of uses including employment, and housing are proposed together with a new highway access from the A500 Wolstanton junction. The draft Supplementary Planning Document has been prepared by the City Council with guidance from the Highways Authorities and input from landowners and other statutory consultees.

The draft Supplementary Planning Document (SPD) sets out the planning strategy and development principles for the Etruria Valley site based on the planning policy framework set out in the Newcastle-under-Lyme and Stoke-on-Trent Joint Core Spatial Strategy. Once formally adopted the Supplementary Planning Document will be considered as a material consideration when assessing future planning applications for the site.

For any comments that the Borough Council may have on the draft SPD to be taken into account, they have to be received by the City Council by no later than 17 September 2012.

RECOMMENDATION

That the City Council be informed that although the Borough Council raise no objections to the draft Supplementary Planning Document the Borough Council are unable to support the draft Supplementary Planning Document until clarification is made over the impact of the new A500 link on the wider road network in Newcastle Borough. It is also recommended that Stoke-on-Trent City Council clarify the rationale for promoting the site ahead of any other out of centre locations for office development and make it clear that they cannot promote a site ahead of other out of centre sites located in neighbouring authorities.

Reason for Recommendation

The draft Supplementary Planning Document does not contain the details of the wider impacts on the Borough's road networks required to fully judge that impact. The content of the SPD will be a material planning consideration when applications for the Etruria Valley are determined. It is therefore important that the City Council's position and rationale for their position of promoting the site ahead of any other out of centre locations for office development are clear and based on adopted planning policy.

Relevant Planning History

The northern section of the draft Supplementary Planning Document area (19.48ha) includes the former Burslem Sewage Works and two former pottery waste tips (Midwinter Tip and Burgess, Dorling and Leigh Tip). The southern section of the area (20ha) sits north of the previously developed sections of the Etruria Valley and Festival Park. This area was once the site of the former Corus rolling mill.

There are no current planning approvals relating to the area covered by the draft Supplementary Planning Document. Previous applications for park and ride proposals and outline employment uses on the site have been withdrawn or abandoned between 2006 and 2008.

Introduction

The Borough Council has been consulted by the City Council on a draft Supplementary Planning Document for the undeveloped section of the Etruria Valley as described in the planning history section of this report. The draft Supplementary Planning Document contains a Vision and Concept Plan which splits the site into four distinct zones:

- The Enterprise Area containing a mixture of B1a (Office) and B1b (research and development), B1c (Light industry), B2 (General industrial) and B8 (storage and distribution). (Major Use Sites B2 – B8: 7ha; Small and Medium Industry B1c, B2 & B8: 4ha; Business Park B1a, B1b: 2.12 ha).

- Buffer zone separating the employment and industrial uses with a mixed-use local centre containing retail (up to 500m²), restaurants and cafes (up to 300m²), a public house (up to 500m²), a hotel (60-80 bedrooms) and an office/enterprise hub (1000m²).
- Open space providing a buffer between the site and the A500 and the railway line.
- Residential area to the north of the site supporting the aims and objectives of the Middleport Masterplan (approximately 200 dwellings).

In order to serve the new development a new highway access will need to be created from the A500 Wolstanton junction; The SPD states that analysis of the existing access into Etruria Valley (Shelton Boulevard/Forge Lane) indicates it is insufficient to accommodate the expected level of development traffic and distribute it efficiently across a network that currently suffers from peak-time queues and delays. Furthermore the SPD states that the development of the Etruria Valley site in general and the A500 link in particular is being undertaken with the full co-operation of both the Highways Agency and Staffordshire County Council.

This report will focus on:

- (a) The impact of the proposed B1 (a) office and other town centre uses on Newcastle Borough.
- (b) The proposed use and access for the Coal Yard and the undeveloped section of the Centre 500 scheme. Although adjacent to the Etruria Valley area this area is within Newcastle Borough.
- (c) The impact of the proposed A500 access.

There are seven main points to consider:-

- (1) The interpretation of Core Spatial Strategy policy in regards to the location of office development
- (2) The sequential analysis of alternative sites as required by the National Planning Policy Framework (NPPF)
- (3) The use of a Supplementary Planning Document to advance a site over other “out of centre” locations
- (4) The other “main town centre uses” proposed for the mixed use buffer zone area
- (5) The use of the Coal Yard and the reference made in the SPD
- (6) The access arrangements from the A500 located in Newcastle Borough
- (7) The impact on the traffic in Newcastle Borough resulting from a new access being created from the A500 to Festival Park and Burslem.

(1) Interpretation of Core Spatial Strategy Policy

There are several Core Spatial Strategy policies relevant to this Supplementary Planning Document:

Policy SP2 (Spatial Principles of Economic Development): Section 2 of this policy, together with its supporting text, outline that the identified strategic centres (the City Centre of Stoke-on-Trent (as defined by the Potteries Way Ring Road) and Newcastle Town Centre) should act as the main focus for large scale office development within the conurbation. Section 6 of *Policy SP1* similarly indicates that office development will be focussed towards the City Centre and Newcastle Town Centre, and that development in other centres should be of a nature and scale appropriate to their respective position and role within the hierarchy of centres. Etruria Valley is not a strategic centre or one of these “other centres”.

Policy ASP2 (Stoke-on-Trent Inner Urban Core Area Spatial Policy): Section 13 of this policy, together with its supporting text, identifies the south of Etruria Valley as being a major mixed use area for employment. Although office uses are not expressly excluded from this policy, the document does state that the Etruria Road Corridor and Festival Park / Heights will continue to complement the City Centre core.

Policy ASP1 (section 8) of the Core Spatial Strategy states that complementary city centre uses cannot reasonably be accommodated within the traditional City Centre core should be located along the Etruria Road corridor or western links of the Potteries Way provided they do not prejudice the sustained regeneration of that core.

Although Policy ASP2 identifies the south of Etruria Valley as being suitable for employment uses, the definition of employment generating uses makes it clear that office development should be considered separately from the other employment uses in the context of the “town centre first” policies. However the SPD makes it clear that any proposals for office development (or other main town centre uses) will need to be

subject to sequential analysis.

It should also be acknowledged that many of the strategic aims and spatial principles of the Core Spatial Strategy support the redevelopment of the Etruria Valley site for employment and residential uses. Furthermore the 2011 Joint Employment Land Review commissioned jointly between Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council concluded that the Etruria Valley site could offer a different office offer to that of the Central Business District of Hanley and that North Staffordshire needs to attract a positive strategy of offering a choice of versatile space complemented by good facilities and servicing infrastructure.

(2) The sequential analysis of alternative sites as required by National Planning Policy Framework

The National Planning Policy Framework (NPPF) has re-affirmed the former Planning Policy Statement 4 'town centres first' approach to the location of "main town centre uses" including offices. Paragraph 24 of the NPPF requires Local planning authorities to apply a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan.

The draft Supplementary Planning Document (SPD) states that the identification of office floorspace in the Etruria Valley SPD area does not remove the need for a sequential site assessment/impact test at the planning application stage in accordance with the Core Spatial Strategy and the NPPF.

However the SPD does state that by identifying the area as an office location it advances the area over other out of centre locations.

(3) The use of a Supplementary Planning Document to advance a site over other out of centre locations

The NPPF defines Supplementary Planning Documents as being: *Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.*

Furthermore paragraph 53 of the NPPF states that '*supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.*'

The Local Planning Regulations 2012 indicate that any policies contained within an SPD must not conflict with the approved development plan.

The draft Supplementary Planning Document (SPD) states that identifying the area as an office location advances the area over other out of centre locations, subject to the sequential assessment. However it is not clear whether or not a Supplementary Planning Document can be used to make this statement and if it can, should there be further explanation in the SPD as to why this is the case. Certainly Stoke-on-Trent City Council could not state that this location was the preferable out of centre location to out of centre sites in neighbouring authorities.

However the site is within the inner urban core, part of the regeneration of a large brownfield area and could represent a more sustainable location than other out of centre sites. If sites to locate office development cannot be found in or on the edge of Newcastle Town Centre or the City Centre, or in the Etruria Valley corridor then the proposed site could be preferable to other sites in Stoke-on-Trent.

(4) The other "main town centre uses" proposed for the mixed use buffer zone area

The other main town centre uses proposed include up to 500m² of retail, 300m² of restaurants and cafes, 500m² Public House and a 60-80 bedroom hotel. It will be necessary for these uses to be subject to a sequential test. At this point it is considered that the scale of the uses proposed would serve a local need and would be highly unlikely to be found to harm the vitality and viability of Newcastle Town Centre.

(5) The use of the Coal Yard and land to the south as referenced in the SPD

The coal yard site and undeveloped area of Centre 500 have been referred to in the draft Supplementary

Planning Document (SPD) as they are adjacent to the Etruria Valley site, although they are within the administrative boundary of Newcastle Borough. The SPD states that these sites are suitable for a non office employment uses although this would be subject to the approval of the Borough Council. The Employment Land Review scored the land south of the Coal Yard quite well for those uses and it is considered that those uses would be appropriate on this site. Indeed the wider development of the Etruria Valley site is likely to improve the chances of these sites being developed.

(6) The access arrangements from the A500 located in Newcastle Borough

The land required to gain access from the A500 into the Etruria Valley site has not been included in the draft Supplementary Planning Document (SPD) area as it is within Newcastle Borough. However through Core Spatial Strategy ASP2 it was envisaged that a link from the A500 would need to be created to develop the Etruria Valley site. Furthermore the access would need to be included in any future planning application for the site and the County Council and the Highways Agency appear to be supportive of the scheme and the Wolstanton junction and stretch of the A500 that requires improvement are under their control.

(7) Traffic impact of the proposed new access from A500

Core Spatial Strategy Policy ASP2 states that a new link from the A500 to the City Centre would be required to develop the Etruria Valley site and indeed that it is a critical element. However what is not known by your officers I are the wider traffic impacts of the proposed new access from the A500. These are not discussed in great detail in the draft Supplementary Planning Document (SPD). However it is stated that: *'It is intended that the links between the A500, Shelton Boulevard and Festival Way would be open to all forms of transport, which would effectively create a new link between the A53 Etruria Road (and City Centre beyond) and the A500. This would inevitably attract some background traffic already on the highway network to divert through the site in order to avoid the congested Basford Roundabout and parts of the A53 Etruria Road. The impact of this has been analysed in detail and the proposed highway links and junctions have been designed to accommodate a robust estimate of traffic levels. One benefit of this new through-link would be a decrease in traffic passing through the Basford Roundabout, which will ease the pressure in part on the busy A53 between Hanley City Centre and Newcastle Town Centre.'*

It appears that the Highways teams have been involved in extensive traffic modelling and are satisfied that the levels of growth proposed can be accommodated on the highway network with certain improvements outlined in more detail in the SPD. However it is difficult to make further comment without specialist knowledge and it appears that Staffordshire County Council as the Highway Authority for this area have been involved in the preparation of the SPD and are willing to undertake the necessary works to highways under their control.

Overall Considerations

It is considered that Policy ASP2 supports the development of the Etruria Valley site for employment uses and where sequentially preferable sites cannot be found to locate office development, this site would represent a sustainable location which would assist in the regeneration of the Etruria Valley. Furthermore the redevelopment of this large brownfield site within the Inner Urban Area could benefit the wider conurbation providing new employment opportunities.

Although any office uses would need to undergo a sequential assessment, clearly it is envisaged that some office development will take place at Etruria Valley. The impact of out of centre office development on the vitality and viability of Newcastle Town Centre is difficult to prove, although past experience indicates that businesses have relocated from the Town Centre to Etruria Valley and this has increased the level of vacant office space within the Town Centre. However at this stage there are no firm proposals and so it is not clear whether or not there are sequentially preferable sites in Newcastle Borough. If at planning application stage it is considered that there are available, suitable and viable sites located within or on the edge of Newcastle Town Centre which could accommodate the proposed office development then representations could be made to the City Council by this Authority.

It is considered that the section in the SPD which identifies Etruria Valley as the preferred out of centre office location requires a little clarification. It is recommended that there is some further explanation as to why Etruria Valley is the favoured out of centre location in the City Council's area and that Etruria Valley is not advanced ahead of any sites in neighbouring authorities.

In terms of highways it is difficult to make an informed judgement on the impact of the Etruria Valley redevelopment without expert advice from Staffordshire County Council as the Highway Authority. However it appears that Staffordshire County Council has been involved in the preparation of the SPD and supports the proposals.

Background Papers

Planning Policy documents referred to

Date Report Prepared

24 August 2012

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Agenda Item 6

APPEAL DECISION

Retention of Groundworks, Formation of Concrete Oversite Base and Erection of a Timber Frame Building (Application 11/00599/FUL - Appeal (a) and For Retention of Groundworks and Development of a 1500 m² Private Manège (Application 11/00601/FUL – Appeal (B) – Maerfield Gate Farm. Mr Booth

Officer Recommendation: **Approval, subject to conditions, with respect to 11/00599/FUL and Refusal with respect to 11/00601/FUL**

LPA's Decisions: **Refused at Planning Committee on 14th February 2012**

Appeal Decisions: **Both allowed with conditions**

Date of Appeal Decision: **22 August 2012**

The full text of the appeal decision letter is available to view on the Council's website (as an associated document to applications 11/00599/FUL – Appeal A & 11/00601/FUL – Appeal B) and the following is only a brief summary.

The Inspector considered the main issue in both appeals to be the effect of the proposed development on the character and appearance of the surrounding area and whether the proposals would protect or enhance the character or appearance of the Maer Conservation Area.

In **allowing** both appeals, the inspector made the following observations: -

- The appeal site is located in an Area of Landscape Maintenance and part of the site relating to Appeal A, and the whole of the site relating to Appeal B, is within the Maer Conservation Area. Both sites are situated in close proximity to trees protected by Tree Preservation Orders.
- The appeal site was viewed from a number of vantage points within the Conservation Area to the south and south-west. Due to the elevated nature of the site and the datum level of the manège, both the proposed building and the manège would be visible from the public right of way which crosses the field adjacent to the site. They would also be visible from the A51 and along the lane travelling south-east from the A51 to Maer. Views from the elevated area of historic parkland in Bates Lane however would be less distinct due to the significantly greater distance from the appeal site. In relation to the proposed building, the smaller south-west side gable elevation would be foremost in view from these vantage points.
- The proposed building would be agricultural in form and its design would not therefore appear out of context in this location. An area of land currently exists between the positions of the proposed building and manège and the fence line to the south. This is currently in the form of a track leading to another area of land to the east however the appellant has indicated that an alternative access exists to that area. It is considered that it is possible to effect planting in that location.
- A landscaping scheme which would respect the existing arboricultural nature of the immediate area could be implemented which would satisfactorily soften the visual impact of the proposals and protect or enhance the visual amenity of this setting thereby ameliorating any harm in this regard. This arrangement can be secured by condition for both proposals enabling contiguous and complimentary landscaping schemes to be established. A condition can also be imposed relating to the ground levels of the manège to control the final topography.
- The development subject to the imposition of conditions would not unacceptably harm the character and appearance of the surrounding area and would protect or enhance the character or appearance of the Conservation Area in accordance with the aims and objectives of national policy and those policies which make up the development plan and which aim to preserve or enhance the character or appearance of the Conservation Area and to protect landscape character.

The Inspector in granting planning permission has attached a number of conditions in the interests of visual amenity and highway safety

Recommendation

That the decisions be noted.

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Agenda Item 7

APPEAL DECISION

Two Dwellings at 17 St Saviour's Street, Butt Lane Subject to a Condition (No 5) Preventing Any Access to the Site From Back Street, as Opposed to St Saviour's Street. Mr Philip Leese

<u>Application Number:</u>	08/00715/EXTN
<u>Officer Recommendation:</u>	Approval subject to conditions including the disputed one
<u>LPA's Decision:</u>	Approved by Planning Committee 15 November 2011 subject to conditions including the disputed one
<u>Appeal Decision:</u>	Appeal allowed and condition varied
<u>Date of Appeal Decision:</u>	14 August 2012

Background and Main Issue

The condition in dispute related to an outline planning permission granted for two dwellings on land between St.Saviour's Street and an unadopted unmade road known as Back Street. The condition prevented access between the development site and Back Street. The appellant sought removal of the condition so that access could be gained from both St.Saviour's Street and Back Street.

The Inspector identified the main issue as being whether the condition was reasonable or necessary in the interests of highway safety

In deciding to vary the condition so that it continues to prevent any vehicular access from Back Street, but allows pedestrian access from that street, the Inspector made the following observations:-

- There is limited visibility at the junction of Back Street with Congleton Road (the A34) when looking south along the main road. Visibility to the north is better, although parked cars tend to obstruct sight lines. Towards its eastern end Back Street narrows to a single car width before undertaking a sharp right-angled turn and entering St Saviour's Street at a point where a fence obstructs view of traffic coming down St Saviour's Street.
- Back Street already provides access to a number of properties but the above features make it unsuitable for additional traffic movements.
- However the junction of St Saviour's Street with the A34 also has poor visibility in one direction, the development would increase use of this inadequate junction, particularly if the access was restricted to St Saviour's Street, and the oncoming traffic on the A34 subject to this poor visibility is on the nearside lane, whereas, at the Back Street junction, the traffic heading north is of the far side of the main road.
- Having considered the characteristics of the two potential means of access to the site, the Inspector found the use of St Saviour's Street to be preferable – in that it had only one main shortcoming, whilst the increased use of Back Street would have a number of failings. Whilst a number of dwellings on St Saviour's Street have garages to the rear accessing onto Back Street, these arrangements appear to be longstanding and have evolved when traffic conditions were markedly different from today.

The Inspector on this basis concluded that the condition was both reasonable and necessary in the interests of highway safety, that without it the development would not accord with various policies within the development plan, and that the need to deliver new homes should not be at the expense of providing a safe and suitable access to developments.

The condition did however refer to both pedestrian and vehicular access. The Council had not pointed to any harm that would occur from allowing pedestrian access via Back Street, and he considered that such use would be acceptable and so to this limited extent he **allowed** the appeal.

Recommendation

That the information be received.

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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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