

Public Document Pack

Date of meeting **Tuesday, 21st August, 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 MINUTES** **(Pages 1 - 8)**
To consider the minutes of the previous meetings held on 19 June and 10 July 2012.
- 4 Application for Major Development - Aldi, Liverpool Road. Aldi Stores Ltd. 12/00245/FUL** **(Pages 9 - 14)**
- 5 Application for Major Development - Tesco, Liverpool Road, Kidsgrove. Tesco Stores Ltd. 12/00395/FUL** **(Pages 15 - 20)**
- 6 Application for Major Development - Land Between Treacle Row and Moffatt Way, Silverdale. Gladedale (North West) Ltd. 12/00023/COU** **(Pages 21 - 28)**
- 7 Application for Major Development - Etruria Valley, Phase 2a, Forge Lane, Etruria, Stoke-on-Trent. Stoke-on-Trent Regeneration Ltd. 348/187 (SOT/52732)** **(Pages 29 - 36)**
- 8 Application for Major Development - Unit 1 Springfield Retail Park, Newcastle Road, Trent Vale. Propinvest Springfield Limited Partnership. 348/190** **(Pages 37 - 40)**
- 9 Application for Minor Development - Former Blue Bell Public House, Wrinehill. C Littleton and Sons. 12/00357/OUT** **(Pages 41 - 50)**
- 10 Application for Minor Development - 34a Hillport Avenue, Bradwell. Mr J Horwell. 12/00360/FUL** **(Pages 51 - 58)**
- 11 Application for Minor Development - Westlands Sports Ground, Wedgewood Avenue, Westlands. Newcastle Borough Council. 12/00361/DEEM3** **(Pages 59 - 64)**

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|-----------|--|------------------------|
| 12 | Application for Other Development - 26 Repton Drive, Newcastle. Mr Trevor Beard. 12/00354/FUL | (Pages 65 - 70) |
| 13 | Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document | (Pages 71 - 74) |
| 14 | Application for Financial Assistance (Historic Buildings Grants) From the Conservation and Heritage Fund | (Pages 75 - 76) |
| 15 | 65 Lower Street (Former Maxims Nightclub), Newcastle | (Pages 77 - 80) |
| 16 | Quarterly Report on Extensions to Time Periods Within Which Obligations Under Section 106 Can Be Entered Into | (Pages 81 - 84) |
| 17 | URGENT BUSINESS | |

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

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

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

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

PLANNING COMMITTEE

Tuesday 19 June 2012

Present:- Councillor A Fear – in the Chair

Councillors Cairns, Clarke, Mrs Hambleton, Hambleton, Jones, Matthews, Stringer, Studd, Sweeney, Mrs Williams and Williams

1. DECLARATIONS OF INTEREST

Councillor Stringer declared an interest in Planning Application reference 12/00132/FUL.

2. APOLOGIES

Apologies were received from Councillors Boden, Howells and Miss Reddish.

3. EXTENSION OF ACADEMY BUILDING, ERECTION OF A BUILDING ENCLOSING AN INDOOR FOOTBALL PITCH, FORMATION OF FOUR FLOODLIT SYNTHETIC PITCHES, DEMOUNTABLE SPECTATOR STANDS, RUNNING TRACK, SALT SATURATOR TANK, FLOODLIGHTING, LANDSCAPING AND EXTERNAL WORKS. CLAYTON WOOD TRAINING GROUND, ROSE TREE AVENUE, TRENT VALE. STOKE CITY (PROPERTY) LTD. 12/00132/FUL

Resolved:- (a) That the application before the Borough Council be deferred for a site visit to enable Members to see for themselves how the proposed developments would relate to the surroundings.

(b) That the City Council be advised that the Borough Council considers that should the City Council conclude that very special circumstances exist to justify this inappropriate development in the Green Belt that it does so attaching the following conditions:-

- (i) Use of a dark recessive material for the roof (green).
- (ii) Prior approval of other materials.
- (iii) Holistic landscaping scheme and tree protection measures to protect trees within the Borough.
- (iv) Inclusion of a Travel Plan (could be linked to ongoing one).
- (v) Community use of Britannia and indoor pitch facilities condition.
- (vi) Grampian (negative) condition relating to lighting improvements of access from Rose Tree Avenue.

and that it provides the Borough Council with an opportunity to comment upon any opportunity to comment upon any details submitted for approval pursuant to such conditions.

4. DEMOLITION OF BUILDING (12/00040/CON) AND ERECTION OF REPLACEMENT BUILDING (12/00218/FUL). 8-10 HIGH STREET, NEWCASTLE. MR D SOOCH, SUPER FOODMARKET LTD.

Resolved:- (a) That with respect to the application for planning permission (application 12/00218/FUL) permit, subject to conditions relating to the following matters:-

- (i) Commencement of development within 6 months.
- (ii) Approved plans.
- (iii) Shop frontage materials as per approved plans.
- (iv) Submission and approval of all facing materials
- (v) Details and sections of windows, roof lights and doors.
- (vi) Submission and approval of a scheme of investigation and implementation of archaeological works.
- (vii) Contaminated land.
- (viii) Construction Method Statement.
- (ix) Delivery hours.
- (x) Waste collection arrangements and hours.
- (xi) Ventilation and air conditioning systems.
- (xii) External lighting.

(b) That with respect to the application for conservation area consent (application 12/00040/CON) permit, subject to the following condition:-

- (i) Within three months of the date of this decision, a contract shall have been made for the carrying out of the development referred to in the above planning permission by that date.

5. APPLICATION TO EXTEND OPENING HOURS PREVIOUSLY GRANTED UNDER 05/00127/FUL. ALDI, LIVERPOOL ROAD, KIDSGROVE. ALDI STORES LTD. 12/00245/FUL

Resolved:- That the application be permitted subject to the undermentioned conditions:-

- (i) No opening of the store to the public other than between the hours of 8.00am to 10.00pm Monday to Saturday and 10.00am to 4.00pm on Sundays.
- (ii) All other conditions of planning permission 05/00127/FUL to remain.

6. CHANGE OF USE FROM SHOP (USE CLASS A1) TO INDOOR PLAY AREA (USE CLASS D2) AND SEATING AREA ASSOCIATION WITH REFRESHMENT/SNACK BAR. 9 LIVERPOOL ROAD, NEWCASTLE. JUMBO FUN & PLAY LTD. 12/00194/COU

Resolved:- That the application be permitted subject to the undermentioned conditions:-

- (i) Standard time limit.
- (ii) Approved plans.
- (iii) Sound insulation to protect the occupiers of the flat above the premises.
- (iv) Fume extraction system.
- (v) Prevention of food and grease debris from entering the drainage system.
- (vi) Refuse storage and collection, including provision for the recycling of waste.

7. HISTORIC BUILDING GRANT FUND - CHANGES TO TERMS AND CONDITIONS

Consideration was given to a report outlining the existing scheme for Historic Building Grants and recommending that the following amendments be made:-

- Inclusion of buildings on the Council's Register of Locally Important Buildings as eligible at a rate of 10% towards costs.
- Grants to be used to support the serving of an urgent works or Repairs Notice on Listed Buildings in Conservation Areas.
- Promote Grant Fund to encourage the reinstatement of architectural features and details where these have been lost and this can be evidenced.

Resolved:- That the revisions to the Historic Buildings Grant Scheme as detailed above be approved.

**A FEAR
Chair**

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PLANNING COMMITTEE

Tuesday 10 July 2012

Present:- Councillor A Fear – in the Chair

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

1. DECLARATIONS OF INTEREST

Councillor Stringer declared a personal and prejudicial interest in application number 12/00132/FUL.

2. SITE ALLOCATIONS AND POLICIES DEVELOPMENT PLAN DOCUMENT - DRAFT ISSUES AND OPTIONS CONSULTATION PAPER

Consideration was given to a report which outlined draft issues and options for consultation purposes.

Without such a plan, the Council would have much less control over where development could take place or to minimise the physical impact of development.

The Council was required to ensure that sufficient land of suitable quality was available to meet the objectively assessed needs of the Borough.

The Cabinet Member for Regeneration, Planning and Town Centres took no part in the debate or the vote.

Resolved:- (a) That it be recommended to the Cabinet to agree to rename the Site Allocations and Policies Development Plan Document as the Site Allocations and Policies Local plan.

(b) That it be recommended to Cabinet to agree to approve the Site Allocations and Policies Local Plan Draft Issues and Options Paper for Public Consultation Purposes.

(c) That it be recommended to Cabinet to agree to the draft consultation proposals set out in this report.

(d) That a report be submitted to a subsequent meeting of the Committee on the results of the first phase of public consultation and to approve the next steps.

3. EXTENSION OF EXISTING ACADEMY BUILDING CLAYTON WOOD TRAINING GROUND, ROSE TREE AVENUE, STOKE. STOKE CITY (PROPERTY) LTD. 12/00132/FUL

Resolved:- (a) That the Secretary of State be notified that the Council is minded to grant Planning Permission subject to the undermentioned conditions:-

(i) Commencement of development.

- (ii) Approved plans.
- (iii) Prior approval of materials.
- (iv) Prior approval of holistic landscaping scheme (including management plan and living wall).
- (v) Prior approval of tree protection measures.
- (vi) Unexpected contamination.
- (vii) Importation of top soil.
- (viii) Lighting in accordance with submitted details and maintained as such.
- (ix) Hours of operation limited to 9.30pm.
- (x) Construction method statement – highway issues.
- (xi) No direct light source upon the highway.
- (xii) Development in accordance with Flood Risk Assessment.
- (xiii) Development in accordance with Flood Risk Assessment and Drainage Strategy.
- (xiv) Prior approval of a surface water drainage scheme.
- (xv) Grampian (Negative) condition relating to lighting improvements of access from Rose Tree Avenue.
- (xvi) Drainage Plan.
- (xvii) Full details of the parallel drainage system to be submitted and approved in consultation with the Highways Agency and implemented prior to first use of Phase II of the development.

(b) That should the Secretary of State not call the application in, that the application be approved subject to the above conditions.

(c) That Stoke-on-Trent City Council be informed that, following the site visit, the Planning Committee advises that serious consideration is given to providing a direct access to the site onto the highway network to avoid the use of Riverside Road.

4. REMOVAL OF CONDITION 7 OF PLANNING PERMISSION SOT/28087 WITH RESPECT TO UNIT 1. UNIT 1 SPRINGFIELD RETAIL PARK, NEWCASTLE ROAD, TRENT VALE. PROPINVEST SPRINGFIELD LIMITED PARTNERSHIP. 348/90

Resolved:- (a) That the City Council be advised that the Borough Council would normally strongly object to the proposed removal of the condition, on the grounds that it has not been demonstrated that unrestricted retail use of Unit 1 would not have an unacceptable impact on the vitality and viability of Newcastle Town Centre, on existing or planned investment in the Town Centre, and that there are no sequentially preferable sites available with the Town Centre. However, the Borough Council acknowledges that the existence of previous and apparently extant planning permissions, and certificates of lawfulness, in this case may well mean that there is a significant fallback position that has to be taken into consideration and that no material purpose would be served by withholding consent.

(b) The Borough Council however requests:

- (i) That the City Council should firstly give urgent consideration to whether, having regard to the provisions including the National Planning Policy Framework, it is expedient for it to apply to the Secretary of State to modify the extant and partly implemented planning permissions referred to.
- (ii) That should the City Council decide to apply to modify these permissions that it carefully reviews the basis upon which previous certificates of lawfulness have been granted before it determines this application.

(c) That officers be granted the authority of the Planning Committee to write directly to the Secretary of State requesting that he uses his powers under Section 100 of the Act and modify the planning permission and restrict the use of unit 1 to non-food retailing.

5. CHANGE OF USE FROM A SHOP(A1) TO A HOT AND COLD TAKEAWAY(A5) WITH A NEW SHOP FRONT AT 43 LONDON ROAD, CHESTERTON. MR N FELSTEAD. 12/00243/FUL

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

- (i) The development would result in an unacceptable over-intensification of this type of use in the area harming the vitality and viability of Chesterton Centre.
- (ii) The development would result in adverse loss in residential amenity by the virtue of noise and nuisance generated by the patrons of the development.
- (iii) The development would result in an adverse increase in anti-social behaviour in the area.

6. DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2011/12

Consideration was given to an end of year report on the performance recorded for Development Control between 1 April 2011 and 31 March 2012. It was reported that Newcastle led targets had been achieved.

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

(b) That the Mid-Year Development Management Performance Report 2012/13 be submitted to the Committee in January 2013 reporting on performance achieved for the first half of 2012/13 in relation to the same targets, unless in the interim revised proposals have been agreed by the Planning Committee.

7. OPEN ENFORCEMENT CASES

Consideration was given to a report informing Members of the current position on the enforcement caseload.

The report gave details of existing and previous enforcement cases indicating that since the last report to Committee on 30 March 2012, a further 72 cases had been reported with 50 cases being closed since that date. As at 22 June 2012, there were currently 187 cases (23 more than the last quarter) representing significant progress.

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

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

8. APPEAL DECISION - SEVERAL AREAS OF TIMBER DECKING, TWO WOODEN CHILDREN'S PLAY CABINS, A ROPE BRIDGE, A SCRAMBLING NET AND CLIMBING WALL. 21 LADYGATES, BETLEY. MRS S WOODVINE. 12/00002/FUL

It was reported that an appeal lodged against the Council's decision not to grant planning permission for the above development had been allowed with conditions.

Resolved:- That the information be received.

9. DISCLOSURE OF EXEMPT INFORMATION

Resolved:- That the public be excluded from the meeting during consideration of the following item because it is likely that there will be a disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

10. QUARTERLY ENFORCEMENT REPORT

Consideration was given to a report providing an update on the position with regard to cases where enforcement action had previously been authorised by the Committee.

Resolved:- That the information be received.

**A FEAR
Chair**

ALDI LIVERPOOL ROAD, KIDSGROVE
ALDI STORES LTD. 12/00245/FUL

The Application is to vary condition 1 of permission 12/00245/FUL to allow trading on Sundays between 10:00 hrs and 18:00 hrs during the London Olympic Games. (Condition 1 currently allows opening on Sundays between 10:00 hrs and 16:00 hrs).

The site is within urban area of Kidsgrove as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 3 October 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) **No opening of the store to the public other than between the hours of 08:00 to 22:00 Monday to Saturday and between the hours 10:00 to 16:00 on Sundays, other than 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 the hours of 10:00 to 18:00.**
- (ii) **All other conditions of planning permission 12/00245/FUL to remain.**

Reason for Recommendation

The proposal would not result in any significant adverse impact on residential amenity as a result of the extended hours of use and as such the proposal accords with Policy D2 of the Structure Plan and the aims and objectives of the National Planning Policy Framework (NPPF).

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Nil

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

Policy D2: The Design and Environmental Quality of Development

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (LP)

Nil

Other Material Considerations include:

NNPF (March 2012)

Relevant Planning History

In 2005 planning permission was given for the demolition of an existing industrial building and construction of a food retail store and associated car park, reference 05/00127/FUL and that development was then implemented. Condition 8 limited opening to the store 08.00 – 20.00 Monday – Saturday and 10.00 – 16.00 on Sunday.

On 21 June 2012, Planning Permission 12/00245/FUL allowed amended opening hours of 08.00 to 22.00 Monday to Saturday, and 10.00 to 16.00 on Sundays.

Views of Consultees

The **Environmental Health Division** and the **Police Architectural Liaison Officer** have no objections.

Kidsgrove Town Council having made no comments by the due date must be assumed to have no observations to make upon the application.

Representations

None received to date.

Applicant/Agent's Submission

A Supporting Statement has been submitted. The Sunday Trading (London Olympics and Paralympics) Act 2012 temporarily suspends the current restrictions in the Sunday Trading Act 1994 on Sunday opening times for large shops. During the suspension all shops will be able to set their own open times for Sundays. This planning application is to enable this relaxation to be taken advantage of.

This document is available to view at The Guildhall and on www.newcastle-staffs.gov.uk

Key Issues

This is an application to vary a condition of planning permission 12/00245/FUL which restricts the hours of opening of the store to the public to between the hours 08.00 to 22.00 Mondays to Saturdays, and 10.00 to 16.00 on Sundays. The variation of the condition applied for is to allow opening until 18.00 on Sundays while the London Olympic Games and Paralympic Games are in progress. The application was received too late for it to be brought to this Committee before the commencement of the period in question (22 July to 9 September 2012), but it is now brought within that period to enable the Committee to consider the matter.

The Council in imposing the current condition earlier this year indicated that it did so to safeguard the amenity of residents within the surrounding area.

The application was received too late for it to be brought before the Committee before the commencement of the period in question 22 July to 9 September 2012. That the application is almost certainly now retrospective should have no bearing upon its determination.

Assuming that it is still considered appropriate (to protect residential amenity) to limit opening hours in some manner, the Authority has a number of options:-

- If it considers that the present condition should be maintained through the duration of the London Olympic Games and Paralympic Games it should refuse the application, and consider what enforcement steps, if any, it wishes to take with respect to any breach of the current condition, or
- If it considers that the condition in an amended form is acceptable it should approve the application and apply the amended condition.

The NPPF indicates that core planning principles include that planning should proactively drive and support sustainable economic development and also seek a good standard of amenity for existing and future occupiers of land and buildings. Planning decisions should mitigate and reduce to a minimum adverse impacts on health and quality of life, as may arise from noise from new development, including through the use of conditions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The site is located on the A50 Liverpool Road. When the store is open there will be comings and goings from the premises as a consequence, including vehicular movements. There are residential properties opposite the car park and access point, however it is not anticipated that the proposal will result in a material loss of amenity particularly taking into account the existing background noise associated with traffic using Liverpool Road, including on a Sunday. There are residential properties to the rear also, off Mount Road, however again it is not anticipated that the proposal will result in a material loss of amenity given the distance involved and the levels difference between the application site and these properties. It is to be noted that the Environmental Health Division have no objections to the application.

The amendment sought to the condition is furthermore a temporary one. It could be argued that there are unusual and exceptional economic benefits arising from store opening during the period of the Games, and this is a relevant material consideration in this decision. At a national level Parliament has accepted this argument. Objections to Sunday trading per se and concerns about the working conditions of those working on Sundays are not material considerations to the determination of this planning application.

The proposal does not raise any other key issues and in view of the above the proposed temporary amendment to the permitted Sunday opening hours of this store is considered acceptable.

Background Papers

Planning File

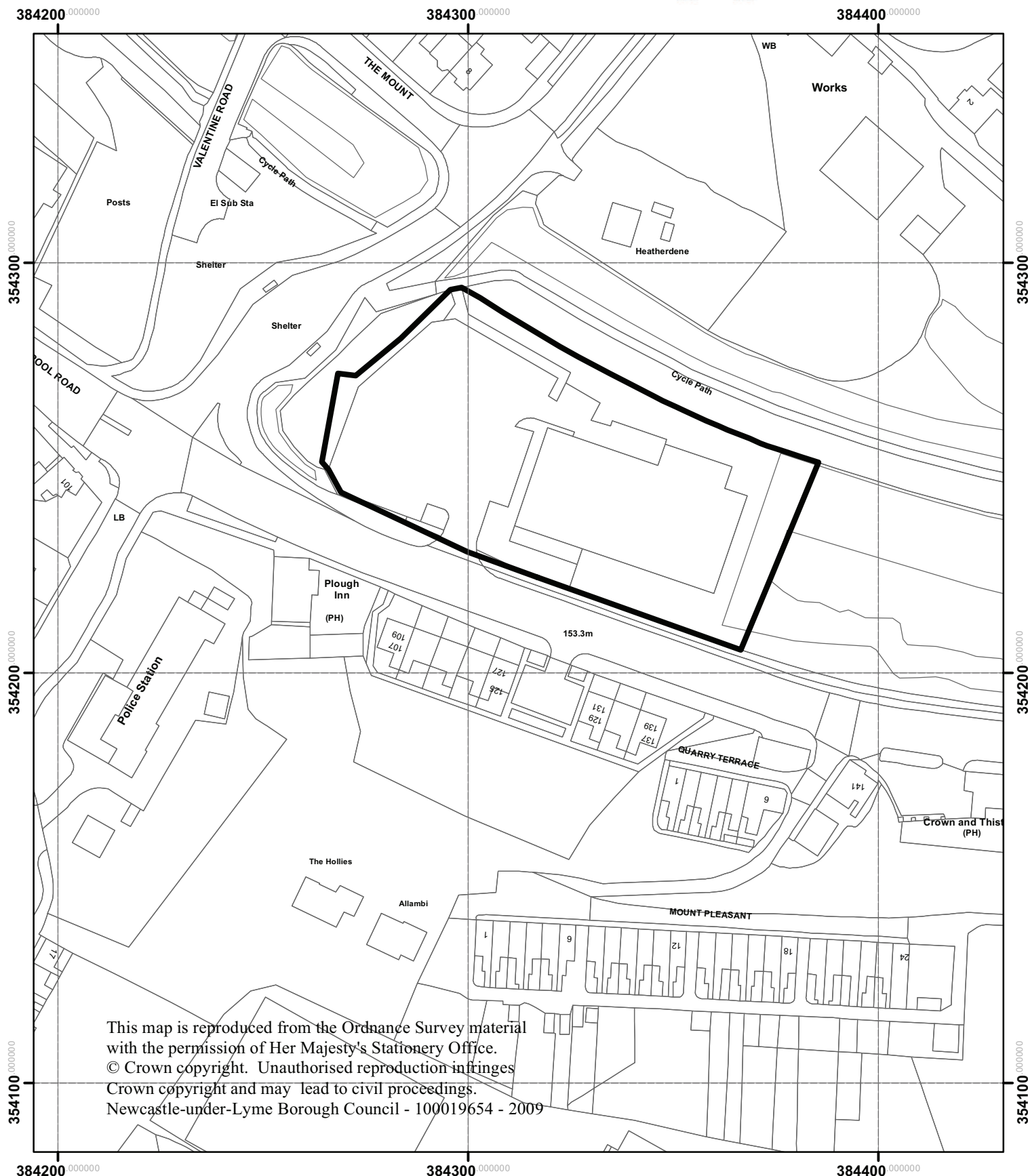
Development Plan

National Planning guidance/statements

Date Report Prepared

3 August 2012

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TESCO, LIVERPOOL ROAD, KIDSGROVE
TESCO STORES LTD. 12/00395/FUL

The Application is to vary both condition 1 of permission 97/00863/FUL and condition 9 of permission 96/00178/FUL - so as to allow Sunday and Bank Holiday trading between 09:00 hrs and 20:00 hrs during the London Olympic Games. (These conditions currently limit opening on Sundays to no more than six hours between 09:00 and 18:00 hrs). The desired hours are already permitted on other days of the week.

The site is within urban area of Kidsgrove as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 10 October 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) The opening times of the store shall be limited to between 07:00 hrs and 22:00 hrs Monday to Saturday, and no more than 6 hours between 09:00 hrs and 18:00 hrs 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 hrs.
- (ii) Other conditions in permission 96/00178/FUL & 97/00863/FUL to continue to apply.

Reason for Recommendation

The proposal would not result in any significant adverse impact on residential amenity as a result of the extended hours of use and as such the proposal accords with Policy D2 of the Structure Plan and the aims and objectives of the National Planning Policy Framework (NPPF).

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Nil

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

Policy D2: The Design and Environmental Quality of Development

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

Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (LP)

Nil

Other Material Considerations include:

NPPF (March 2012)

Relevant Planning History

- | | | |
|------|--------------|---|
| 1996 | 96/00178/FUL | Demolition of existing houses and erection of Retail store (Class A1) – permitted October 1996. |
| 1997 | 97/00863/FUL | Variation of condition 9 of planning permission 96/178/FUL to allow opening 07.00 to 22.00 Monday to Saturday, and no more than 6 hours between 09.00 to 18:00 on Sundays |

Views of Consultees

Environmental Health Division - no objections.

Police Architectural Liaison Officer - no adverse comment.

Kidsgrove Town Council - disconcerted that this application is being processed too late given that the store is already opening at the new times without permission.

Representations

None received to date.

Applicant/Agent's Submission

A Supporting Statement has been submitted. The Sunday Trading (London Olympics and Paralympics) Act 2012 temporarily suspends the current restrictions in the Sunday Trading Act 1994 on Sunday opening times for large shops. This application is to enable this relaxation to be taken advantage of by changing the opening hours on Sundays and Bank Holidays to between 09.00 and 20.00 between 22 July to 9 September 2012. The agents indicate that the extended hours will bring a number of benefits including greater flexibility for customers, reduce pressure on stores and balancing out peaks, providing a better customer experience and relieving potential pressure on the surrounding area and generally provide a much needed boost to the economy. Tesco is keen to minimise any unnecessary impact on the surrounding area so the opening hours will not be unnecessarily extended and will reflect normal opening hours. Any change will be temporary and will not result in any significant or demonstrable harm. The proposal is fully consistent with the Government's policy, both in terms of its specific relaxation of Sunday opening hours during the Olympics and also the provisions of the NPPF. The unique circumstances of the Olympic Games are a material consideration and should also be taken into account.

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

Key Issues

This is an application to vary a condition of planning permission 97/00863/FUL which restricts the hours of opening of the store to the public to between 07:00 and 22:00 hrs Mondays to Saturdays, and to no more than 6 hours between 09:00 and 18:00 on Sundays. For the avoidance of doubt it is also being treated as an application to vary condition 9 of the original permission for the store (96/00178/FUL) – which similarly restricted opening hours on Sundays. The specific variation of the condition applied for is to allow opening of the store between 09:00 and 20:00 on Sundays while the London Olympic Games and Paralympic Games are in progress. As such it would not be appropriate to consider within this determination the issue of the store's opening hours on other days.

The application was received too late for it to be brought before the Committee before the commencement of the period in question (22 July to 9 September 2012). Information received indicates that the store is already opening on Sundays for the hours sought in the application. That the application is now retrospective should have no bearing upon its determination.

Assuming that it is still considered appropriate (to protect residential amenity) to limit opening hours in some manner, the Authority has a number of options:-

- If it considers that the present condition should be maintained throughout the duration of the London Olympic Games and Paralympic Games it should refuse the application, and consider what enforcement steps, if any, it wishes to take with respect to any breach of the current condition, or
- If it considers that the condition in an amended form is acceptable it should approve the application and apply the amended condition.

The NPPF indicates that core planning principles include that planning should proactively drive and support sustainable economic development and also seek a good standard of amenity for existing and future occupiers of land and buildings. Planning decisions should mitigate and reduce to a minimum adverse

impacts on health and quality of life, as may arise from noise from new development, including through the use of conditions. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The site is located on the A50 Liverpool Road. When the store is open there will be comings and goings from the premises as a consequence, including vehicular movements. There are residential properties adjacent to the site on Whitehall Avenue. Most of these adjoin either the building itself, its servicing yard or the associated petrol filling station. The hours of use of the latter two elements is not the subject of this application (the petrol filling station has no hours of opening planning restriction) whilst the permitted hours of deliveries to it and the store are the subject of another condition. There is a section of the store's car park which does adjoin the back gardens of several of the dwellings on Whitehall Avenue. This section in question is that furthest away from the store's main entrance and thus the least used. On this basis it is not anticipated that the proposal will result in a material loss of residential amenity. It is to be noted that the Environmental Health Division have no objections to the application.

The amendment sought to the condition is furthermore a temporary one. It could be argued that there are unusual and exceptional economic benefits arising from store opening during the period of the Games, and this is a relevant material consideration in this decision. At a national level Parliament has accepted this argument. Objections to Sunday trading per se and concerns about the working conditions of those working on Sundays are not material considerations to the determination of this planning application.

The proposal does not raise any other key issues and in view of the above the proposed temporary amendment to the permitted Sunday opening hours is considered acceptable.

Background Papers

Planning File

Development Plan

National Planning guidance/statements

Date Report Prepared

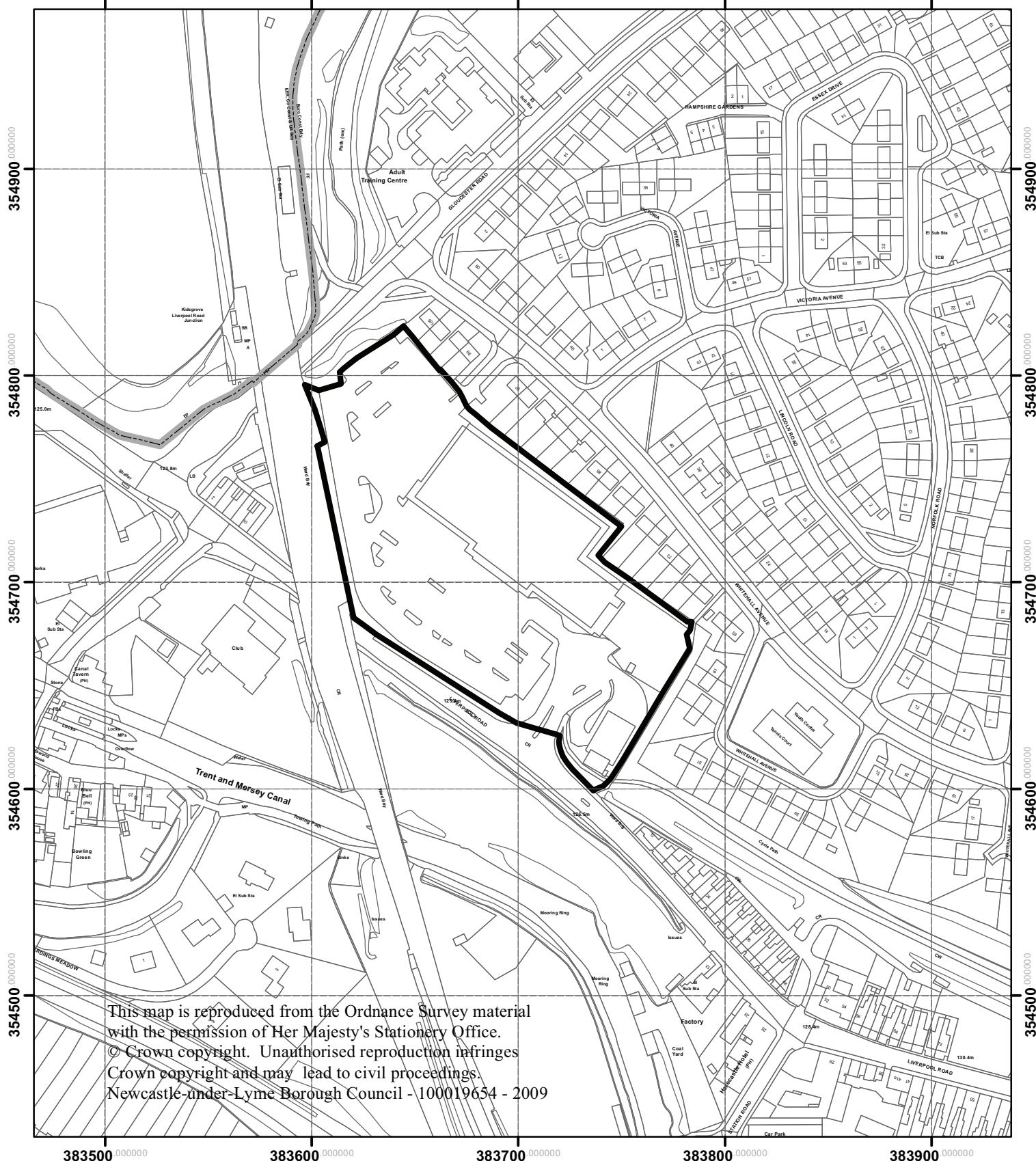
3 August 2012

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12/395/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2009

Newcastle under Lyme Borough Council
Planning & Development Services
Date 21.08.2012

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LAND BETWEEN TREACLE ROW AND MOFFATT WAY SILVERDALE
GLADEDALE (NORTH WEST) LTD. 12/00023/COU

The Application as submitted is indicated as being for the removal or variation of condition 8(g) of permission 04/01007/FUL (which is identical to condition 10(g) of permission 04/00047/OUT). In practical terms it seeks to retain an apparently unauthorised fence currently obstructing a pedestrian link between Moffatt Way and Treacle Row and to change of use of the land covered by the footway to be used as residential garden.

The site is within the urban area of Silverdale as defined on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expires on 1 October 2012.

RECOMMENDATION

Permit.

Reason for Recommendation

The opening of the footway would provide increased permeability and accessibility to pedestrians, but without the link the development would not be substandard and the opening of the link could bring loss of amenity to residents of Treacle Row. The development does not affect any recognised public right of way.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE3: Creating a high quality built environment for all
Policy QE4: Greenery, urban greenspace and public spaces
Policy T3: Walking and Cycling

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 T4: Walking
Policy T7: Public Transport Provision
Policy T13: Local Roads

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

Strategic Aim 3: Accessibility
Strategic Aim 12: To renew the fabric of urban and rural area to promote the best of safe and sustainable urban and rural living
Policy SP3: Spatial Principles of Movement and Access
Policy CSP1: Design Quality
Policy CSP5: Open Space/ Sport/ recreation

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential Development: Sustainable Location
Policy C4: Open Space in new housing areas

Other Material Considerations Include

Safer Places – the Planning system and Crime Prevention

National Planning Policy Framework (March 2012)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)

North Staffordshire Urban Greenspace Strategy - adopted December 2009

DEFRA Circular 1/09 on Public Rights of Way

Views of Consultees

Silverdale Parish Council - Object to the proposal on grounds of inconvenience to residents having to walk much further.

Police Architectural Liaison Officer - Fully supports the removal of the condition relating to the provision of a (superfluous) pedestrian linkage between Treacle Row and Moffatt Way, and the subsequent change of use to residential garden and transfer of land ownership to Treacle Row residents. Enforcement of such a condition would only be likely to create problems for the residents of Treacle Row, either of an anti-social or criminal nature. By restricting entry to Treacle Row to the vehicular entrance off Scot Hay Road only, the residents would be much more able to exercise ownership and control. Intruders would be more reluctant to enter, residents would more easily identify outsiders and report suspicious behaviour. The provision of a pedestrian linkage would undermine much of this and justify the presence of anyone found in Treacle Row at any time.

Highways Authority - There are no objections on Highway grounds to the proposed development subject a condition being included on any approval that the existing public footpath linking from Moffatt Way in the northern direction shall be resurfaced in a suitable hard stable material for a minimum distance of 25m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This is to improve the existing footpath making it safe and more attractive to use and so comply with Structure Plan Policy T4.

Staffordshire County Council Rights of Way Unit – comments sought and still awaited.

Relevant Planning History

2003	03/00133/OUT	Refuse – 4 August 2003 – residential development
2004	04/00047/OUT	Permit – 17 March 2004 - erection of 27 dwellings with vehicular access off Scot Hay Road (Outline but with only landscaping and external appearance reserved for subsequent approval)
2004	04/01008/REM	Permit – 18 November 2004 - landscaping and external appearance of the above 27 plots
2004	04/01007/FUL	Permit – 18 November 2004 - Substitution of house types for certain plots

Representations

Nil to date

Applicant/Agent's Submission

The applicants indicate that they wish to remove or vary the conditions and ensure the footpath link remains closed because:

- extremely hostile views of the residents who wish the path to remain closed due to anti-social and criminal behaviour by Local youths; and
- refusal by the Highways Authority to adopt.

Key Issues

The development at Treacle Row, on the site of the former Parksite Social Club, was built following the granting of two planning permissions in 2004. Both approved schemes included a footpath link, involving a

pedestrian ramp, between the development and Moffatt Way and each permission included a requirement for details to be approved of the ramp, and of a protected route through the adjacent parking area to the highway within the development, and that such features should be constructed in accordance with the approved plans.

By separate condition details of any means of enclosure (i.e. fencing) were required to be submitted to and approved.

It would not appear that there is any file record of the required approvals for either the ramp or the fencing having been obtained. The approved landscaping scheme shows no fencing at this point adjacent to Moffatt Way, although there is a reference to an existing wall. The pedestrian ramp from Treacle Row up onto Moffatt Way was constructed, but was immediately obstructed by a 2 metre high fence. The houses within the development have been completed and are occupied.

It would appear that there has been and is an ongoing breach of planning control which is not immune from enforcement action by the Local Planning Authority.

The application has two elements – first of all it seeks to remove any requirement to remove the fence and thus open the link to public use and secondly it seeks consent to change the use of the area currently occupied by the ramp.

The key issues to consider with this application are:

- Permeability and accessibility;
- Compliance with planning policy relating to access to play areas
- Crime and Disorder,
- Pedestrian Safety
- Effect of the development on any public right of way

Permeability and accessibility

Achieving permeability in the design of new developments is seen as a positive and integral part of achieving sustainability. It is one of the ways of encouraging walking – as opposed to use of the private motor car. For example the Council's Urban Design Guidance SPD refers in its section on residential design guidance to the importance of new development being "well connected to provide direct and convenience links and routes into the surrounding area. The focus throughout is on achieving a high quality design

The link here was planned from the outset and designed as an integral part of the development. There are no apparent issues to do with its design – it is well overlooked but not unduly close to dwellings. The issue here appears to be more to do with the principle of such a link.

The opening of the footway would give a route which could potentially be used by occupants of Treacle Row to access Moffatt Way, or by residents of Woodhall Place, Moffatt Way and Malvern Avenue and Parksites to access Scot Hay Road (via Treacle Row). Plans showing these streets and the facilities which residents might wish to access will be displayed at the meeting to assist members. For the occupants of Treacle Row a possible destination would be the group of four local shops in Bath Road, the play area and playing field at the rear, or alternatively the bus stops and bus route on Malvern Avenue – a service every 15 minutes in each direction during the daytime. These buses could be accessed by Treacle Row residents by going along Scot Hay Road to the bottom of Buxton Road, but access to the other amenities referred to could only be obtained by going right round via Scot Hay Road and then Buxton Road. The issue of the proximity of the development to the closest recreational area will be considered further below

For the residents of Woodhall Place, Moffatt Way and Malvern Avenue and beyond there is no destination directly opposite the bottom of Treacle Row; for destinations to the north (Scot Hay and the Silverdale Industrial Estate) or south (the village centre and other services and facilities) there are alternative routes north via Moffatt Way or south via Buxton Avenue respectively. Neither the northern or southern route are of the quality the one via Treacle Row could offer. To the north of Woodhall place Moffatt Way becomes a footpath surfaced with broken stone before joining Scot Hay Road some 140 metres away. This is generally satisfactory but the first 25 metres from the made up road does become muddy. The Highway Authority in indicating that they have no objection to the proposal have requested that this section of path be hard

surfaced making it safe and more attractive to use. Buxton Avenue, on the southern route has some sections that are steeper than Treacle Row.

The link promotes permeability and accessibility. However the question the Authority needs to consider is whether without the link an unacceptable level of accessibility is achieved. By not having the link between Treacle Row and Moffatt Way residents within the Treacle Row development certainly have to walk significantly further. For adjoining residents the impact is less significant although a slightly steeper route is involved.

Compliance with planning policy relating to access to play areas

In accordance with NLP Policy C4 open space facilities were required to serve the needs of the new residents and the residential development secured a financial contribution of some £13,500, via a unilateral undertaking, towards the cost of improving public open space in the vicinity. It is understood that the open space that was subsequently improved with this money is that off Buxton Avenue referred to above. With the link that open space would be some 300 metres from the centre of the Treacle Row development, without the link the distance is some 670 metres via the shortest route.

The Core Spatial Strategy policy CSP5 – Open Space/Sport/Recreation advises that open space, sports and leisure assets will be enhanced, maintained and protected through the measures including...

- 3) *Ensuring all new residential development will be linked to existing and new open spaces and sport and recreation facilities through a series of well defined safe routes/streets, incorporating pedestrian friendly routes and cycle ways.*
- 4) *Ensuring that the plan areas network of open spaces, sports and leisure asset are interlinked and accessible to all, secure and provide quality leisure and amenity facilities...*

The Policy makes reference to the key elements of the North Staffordshire Urban Greenspace Strategy which provides local guidance in respect of the provision of all types of Play Areas – including the desired maximum walking time to different types of facilities. An estimate of the different walking times in this case will be provided and of how these compare with the local standard will be provided in an advance supplementary report. A further consideration here however is the open space provision that is now being made on the Silverdale colliery site – which Treacle Row has ready and convenient access to – it being on the opposite side of Scot Hay Road. This suggests that in terms of accessibility to open space the provision of the link between Treacle Row and Moffatt Way is not critical.

Crime and disorder

Designing out crime and designing in community safety is central to planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their function with due regard to their likely effect on crime and disorder. The Police Architectural Liaison Officer is opposed to the opening of the footway. He indicates that from his experience opening of the link would only be likely to create problems for the residents of Treacle Row, either of an anti-social or criminal nature and he makes the argument that by having just one entrance to Treacle Row, the residents would be much more able to identify outsiders and report suspicious behaviour and finally that the provision of a pedestrian linkage would undermine this as it would justify the presence of anyone found in Treacle Row at any time.

Pedestrian safety

The route is directly overlooked by houses in Treacle Row and in thus subject to natural surveillance. The top of the footpath would exit directly onto the carriageway of Moffatt Way with no pedestrian visibility but that is because of the unauthorised fence. Whilst pedestrians would have to cross directly over Moffatt Way, the level of traffic on this road is very limited – as the road leads to only 20 dwellings - and it is considered no material risk to pedestrian safety would result from this arrangement.

Effect on public right of way

Circular 1/09 indicates that proposals for the development of land affecting public rights of way give rise to the need for adequate consideration of the rights of way before the decision on the application is taken. The effect of development on a public right of way is a material consideration in the determination of planning

applications. Although the comments of the County Council's Public Right of Way Unit are awaited your officers have been advised that there is no public right of way at this point indicated on the Definitive Map nor is there a registered claim or application under Section 53 of the Wildlife and Countryside Act that such a right of way exists.

Even if that position changes – were say an application made by the Parish Council to the County Council to have a public right of way declared - the Local Planning Authority's decision in this matter would not determine the issue of whether a Public Right of Way exists. If it is subsequently held to be the case, then the Public Right of Way Authority would be able to take the necessary enforcement action to ensure public access along that route, even if the fence had been allowed to remain by the Local Planning Authority

Conclusions

The Authority has to weigh in the balance very different competing objectives. Whilst clearly the link would assist accessibility – particularly for residents of the new development – it would not appear that the lack of such a link makes the development substandard. Set against the general desirability of providing easy access for pedestrians, are the crime and disorder concerns, as expressed by the Police Architectural Liaison Officer. Whilst no specific concerns appear to exist about the design of the access, the Planning Authority has to be convinced it could demonstrate clear harm arising from the retention of the fence and on balance it is considered that it cannot and accordingly the recommendation is to permit the application. Having reached this conclusion there does not appear to be a clear justification, in terms of the needs of the occupants of the development referred to in the permission, to impose the condition requested by the Highway Authority.

Background Papers

Planning File

Development Plan

National Planning guidance/statements

Date Report Prepared

3 August 2012

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ETRURIA VALLEY PHASE 2A. FORGE LANE, ETRURIA, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION LTD. 348/187 (SOT /52732)

The Borough Council has again been consulted by the City Council on an outline application by Stoke-on-Trent Regeneration Ltd to construct a business park containing a mix of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses on 6.3 ha of land at Etruria Valley Phase 2A, following receipt of further supporting information in response to the objection of this Council. All matters have been reserved for consideration at the reserved matters stage although an indicative Masterplan has been submitted with the application.

The Committee first considered this application at its meeting on 24 January (Agenda Item No.4).

For any comments that the Borough Council may have on this proposal to be taken into account, they have to be received by the City Council by no later than 22 August.

RECOMMENDATION

That the City Council be informed that the Borough Council wishes to maintain its objection to the proposal. The proposal involves large scale Class B1(a) office floorspace, a main town centre use as identified in the National Planning Policy Framework (NPPF), in this out of centre location. Furthermore the application has not demonstrated, through the sequential assessment, that the proposed office development cannot be located within or on the edge of Newcastle Town Centre.

Reason for Recommendation

The proposal involves Class B1(a) office floorspace, a main town centre use as identified in the NPPF, in this out of centre location. Furthermore the application has not demonstrated, through the sequential assessment, that the proposed office development cannot be located within Newcastle Town Centre.

Policies and Proposals in the Development Plan Relevant to This Recommendation

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy UR1:	Implementing Urban Renaissance – the MUA
Policy UR3:	Enhancing the Role of City, Town and District Centres
Policy PA1:	Prosperity for All
Policy PA2:	Urban Regeneration Zones
Policy PA5:	Employment Areas in Need of Modernisation and Renewal
Policy PA6:	Portfolio of Employment Land
Policy PA11:	The Network of Town and City Centres
Policy T2:	Reducing the Need to Travel

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

Policy TC1:	Ensuring the Future of Town Centres.
Policy T1A:	Sustainable Development

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP2:	Spatial Principles of Economic Development
Policy ASP1:	City Centre of Stoke-on-Trent Area Spatial Policy
Policy ASP2:	Stoke-on-Trent Inner Urban Core Area Spatial Policy
Policy ASP4:	Newcastle Town Centre Area Spatial Policy

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Planning for Town Centres: Practice guidance on need, impact and the sequential approach (2009)

Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review (July 2011)

Newcastle Town Centre Supplementary Planning Document (January 2009)

Although the Government intend to abolish Regional Strategies, the RSS is, for the time being, still relevant policy that should be taken into account in the development management decision making process. However the intention to abolish Regional Strategies is a 'material consideration' which can be considered by local planning authorities when making decisions. The weight that should be afforded to the RSS policies and the intention to abolish is to be determined by the decision maker and will depend on the significance of the RSS policies to the application.

Relevant Planning History

The application site is located in the southern half of the former Shelton Iron and Steel Works. The majority of the works was closed in 1979 and redeveloped as part of the National Garden Festival in 1986. The Festival Heights section of the site was later reclaimed and redeveloped as a residential, retail and leisure site in the period 1994 to 2000. The Etruria Valley Phase 1 site was then redeveloped for Employment uses (B1, B2 and B8) in the period 1999 to 2007.

An outline planning application for B1, B2 and B8 development on the whole of the Phase 2A site was submitted in May 2003 and withdrawn in January 2008.

Permission has subsequently been granted for the following developments on the Phase 2A site:

- NuLBC Ref. 348/170 (SOT/48426) Trade Park 4 and Wade Ceramics: Erection of four buildings, two for Use Class B2/B8, one for Use Class B1 and one for Use Class B2, was granted planning permission in September 2008. The consent has been implemented and Wade Ceramics has been completed. The Borough did not object to this application.
- NuLBC Ref. 348/171 (SOT/48428) Festival Court: Erection of four office buildings (Use Classes B1 and A2), granted planning permission September 2008. The consent has been implemented and the Hanley Economics building has been completed. The Borough objected to this application.
- NuLBC Ref. 348/165 (SOT/47948) Vodafone Ltd: New office building granted planning permission September 2008 and has been completed. The Borough objected to this application.

Applicant's Submission

Two letters have been received following the Borough Council's previous consideration of the application. The main points of these letters are summarised as follows:

- There are no genuinely available and suitable sites within or on the edge of the City Centre, or any other centre in North Staffordshire, which could be developed for footloose companies looking for office buildings in a Business location in the absence of outline consent at Etruria.
- The Employment Land Review makes clear that Etruria is not competing with occupiers who would wish a City Centre location, and that the outline site should be treated as a strategic location to ensure office occupiers are not lost to the area.
- The applicant will accept conditions so that the consent is implemented as a functional Business Park as an extension to the existing Festival Park and Etruria Valley development.
- A Business Park is an area of mixed uses, primarily offices, light industrial and small to medium warehouses. The buildings are individual, self-contained buildings with appropriate dedicated car parking to meet the occupiers and visitors needs. Good, easy access to the national road network is also a defining factor.
- The Business Park is an agglomeration of similar uses that occupiers find beneficial and has the potential for greater sustainability by being able to make better use of public transport, potential cross company car sharing, etc.

In addition a comprehensive suite of documents accompany this application.

All these documents are available to view on Stoke City Council's website www.stoke.gov.uk using the City

Key Issues

The Borough Council was consulted, earlier this year, by the City Council on an application for outline planning permission to construct a business park containing B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses on 6.3ha of Phase 2A of the Etruria Valley site in Stoke-on-Trent. All matters have been reserved for consideration at the reserved matters application stage. The proposal was considered at the Planning Committee meeting of 24 January 2012 and at that meeting it was resolved to object to the proposal for the following reason:-

The proposal involves large scale Class B1(a) office floorspace, a main town centre use as identified in PPS4, in this out of centre location. Furthermore the application has not demonstrated, through the sequential assessment, that the proposed office development cannot be met within Newcastle Town Centre.

It was also resolved that the City Council be advised that the Borough Council were of the view that given the scale and nature of the development which is not considered to accord with the Development Plan it will be necessary for the application to be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 if the City Council were minded to permit the application.

The City Council have yet to consider the application.

Since the application was initially considered in January PPS4 has been replaced by the NPPF. This report will focus on the proposed B1 (a) office uses - it being considered that the Borough Council has no particular interest in the proposed B2 or B8 uses on the site.

The main points to consider are:-

- (i) The interpretation of Core Spatial Strategy policy in regards to the location of office development
- (ii) The sequential analysis of alternative sites as required by the NPPF
- (i) Interpretation of Core Spatial Strategy policy

There are Core Spatial Strategy policies relevant to this application:

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 even 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.

The applicant considers that the application is in accordance with the Core Spatial Strategy as a mixed use employment scheme within Etruria Valley.

Neither Policy SP2 nor Policy ASP2 support the proposed office development as they clearly identify the strategic centres as the main focus for large scale office development within the conurbation. 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.

An office development of this large scale (an indicative floorspace of 5,574 square metres is given) should be located within a strategic centre in accordance with the Core Spatial Strategy.

(ii) The sequential analysis of alternative sites as required by the NPPF

The NPPF, at paragraph 24, states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It goes on to state that LPAs should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

When considering the proposal earlier this year it was reported that a number of sites within and on the edge of Newcastle Town Centre had been identified by the Regeneration and Economic Development Business Unit who have commissioned a piece of work to provide potential layouts for office development on four town centre or edge of centre sites in Newcastle. These layouts are largely three-storey in scale and all provide generous levels of on-site car parking. These relate to the following sites:

- Blackfriars (option 1) : 5,286 sq. m of office space (potentially separable into two blocks) with 157 parking spaces
- Land adjacent to Sainsburys: 3,117 sq. m of office space with 72 parking spaces
- Former Georgia Pacific site and land adjacent to Maxims: three blocks of 1,259, 1,050 and 1,347 sq. m of office space with 106 parking spaces.
- Former Zanzibar, George Street: 2,638 sq. m of office space with 74 parking spaces

At that time it was considered by this Council that the site layouts proved that office development including car parking can be accommodated on each site and that all of the sites are considered to be available, suitable and viable for office development.

The further response from the applicant's agent, which prompted this further consultation from the City Council, makes reference to the Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review. The review considers that the site at Etruria would not be competing with occupiers who would wish an in-centre location and that to restrict development to one location to encourage occupiers to move to another risk the loss of investment to competing centres.

Whilst this review was undertaken recently, and can be considered to be up to date, it does not have the same weight and status as adopted planning policy. The NPPF maintains a town centre first approach and as outlined above adopted policy within the CSS does not support the location of offices in this out of centre location. The applicant does not appear to have provided any further evidence that the sites identified within and on the edge of Newcastle Town Centre are not suitable or available for office development but has reasserted the argument that the provision of offices in this Business Park location would be attractive to a different type of office development. This is not considered to be reasons or evidence to prove that the office development could not be successfully operated from a town centre site or that a business park would not be viable without office development.

It is therefore still considered that the application should be refused as the applicant has not demonstrated compliance with the requirements of the sequential approach as it is considered that there are sequentially preferable sites available within or on the edge of Newcastle Town Centre.

Overall considerations

It is considered that the proposed office development, in an out of centre location, is not supported by Core Spatial Strategy policy which seeks to focus office development in the strategic centres of the City Centre and Newcastle. Although Policy ASP2 supports the development of the Etruria Valley site for employment uses, the definition of employment generating uses within the CSS clearly removes office development from the B1 Business Use Class so that office uses are considered in the context of the appropriate "town centre first" policies.

The conditions that are suggested by the applicant which seek to restrict class B1 uses to no more than 50% of the overall development and that office buildings will be between 50m² and 5,000m² would not help the Borough Council to achieve its ambition to create a vibrant healthy town centre.

In terms of the sequential assessment of town centre and edge of centre sites it is considered that there are

suitable and available sites located within or on the edge of Newcastle Town Centre which could accommodate the proposed office development.

Background Papers

Planning Policy documents referred to

Planning files referred to

Date Report Prepared

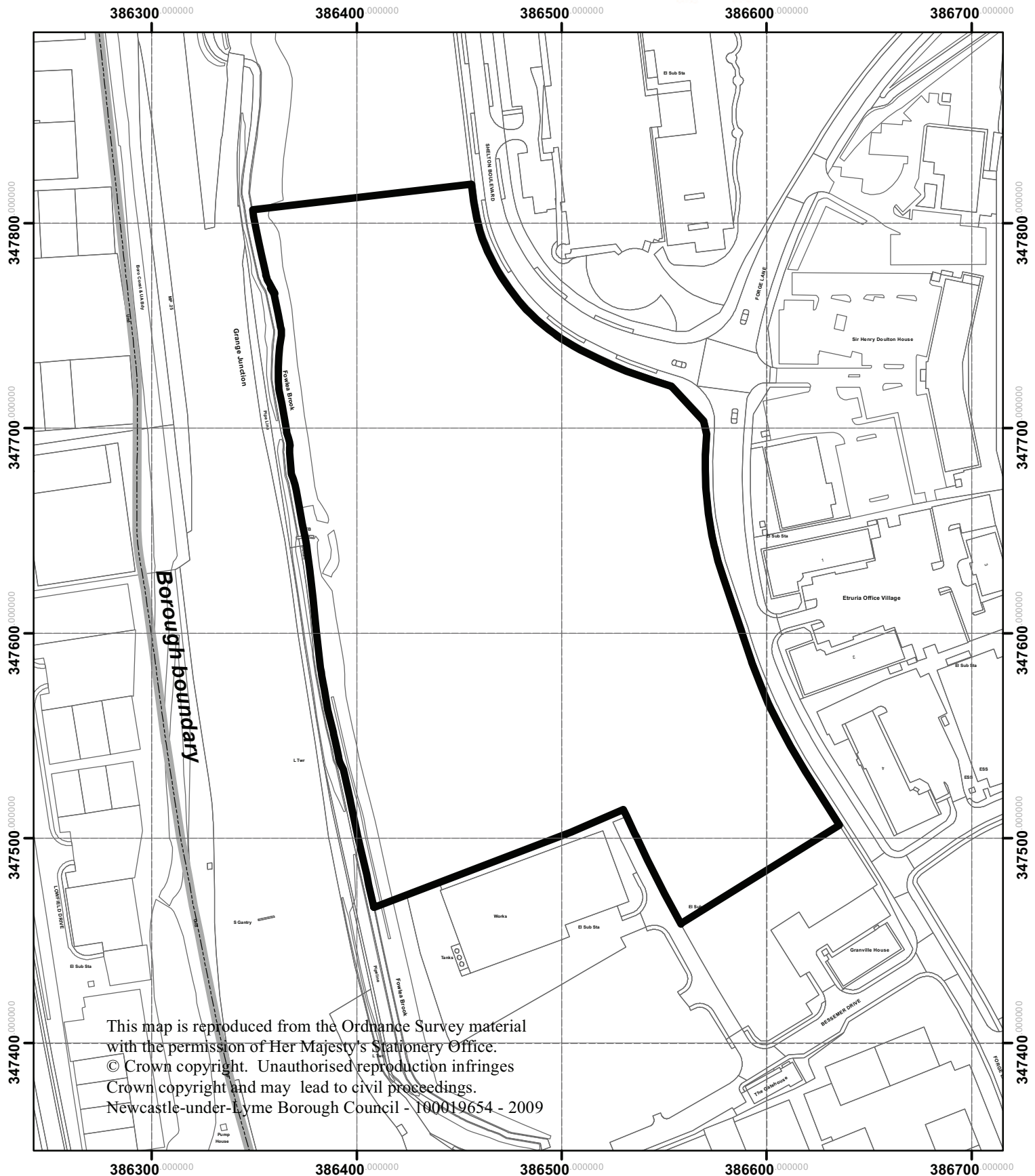
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348/187 (SOT/52732)



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL



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UNIT 1 SPRINGFIELD RETAIL PARK, NEWCASTLE ROAD, TRENT VALE
PROPINVEST SPRINGFIELD LIMITED PARTNERSHIP. 348/190

Members may recall that at its meeting on 10 July 2012, the Planning Committee, having determined what comments to make to the City Council concerning an application (reference SOT/53546/VAR) for planning permission to remove condition 7 of planning permission SOT/28087 with respect to Unit 1, Springfield Retail Park, also resolved to ask the Secretary of State to use his powers under Section 100 of the Town and Country Planning Act to modify a planning permission (reference SOT/46524) granted by the City Council in January 2007, so as to restrict the use of the subdivided unit referred to in the application to non-food retailing only.

Members may also recall that when the original planning permission was granted in 1992 the City Council attached the following condition restricting the use of the premises.

"The non-food retail uses hereby approved shall be confined to the sale of materials for the repair or improvement of the fabric of buildings, furniture, car park and other floor coverings, electrical or gas goods, garden supplies, motor vehicles or caravans and motor accessories or equipment only and for no other purpose within Class A1 of the schedule to the Town and Country (Use Class) Order 1987 or any subsequent re-enactment thereof".

In January 2008 the City Council in granting an application to form a mezzanine floor within the same building attached a condition stating that no more than 10% of the sales area of the extended store is to be used for the display and retailing of ancillary non bulky goods such as soft furnishings and textiles.

It appears to your officer that by asking the Secretary of State to modify the permission so as to restrict the use of the unit to non-food retailing the Borough Council may have been unduly cautious in its request and that it would be more appropriate to ask the Secretary of State to impose a condition similar to the one which the City Council imposed in 1992, as modified by the 2008 condition, bearing in mind the absence of a case that demonstrates that such uses would not have an unacceptable impact on the vitality and viability of Newcastle Town Centre and on existing or planned invested in the town centre and the absence of any evidence that such retail uses could not be accommodated within a sequentially preferable site within or on the edge of Newcastle Town Centre.

RECOMMENDATION

That officers 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 the display and retailing of ancillary non-bulky goods such as soft furnishings and textiles.

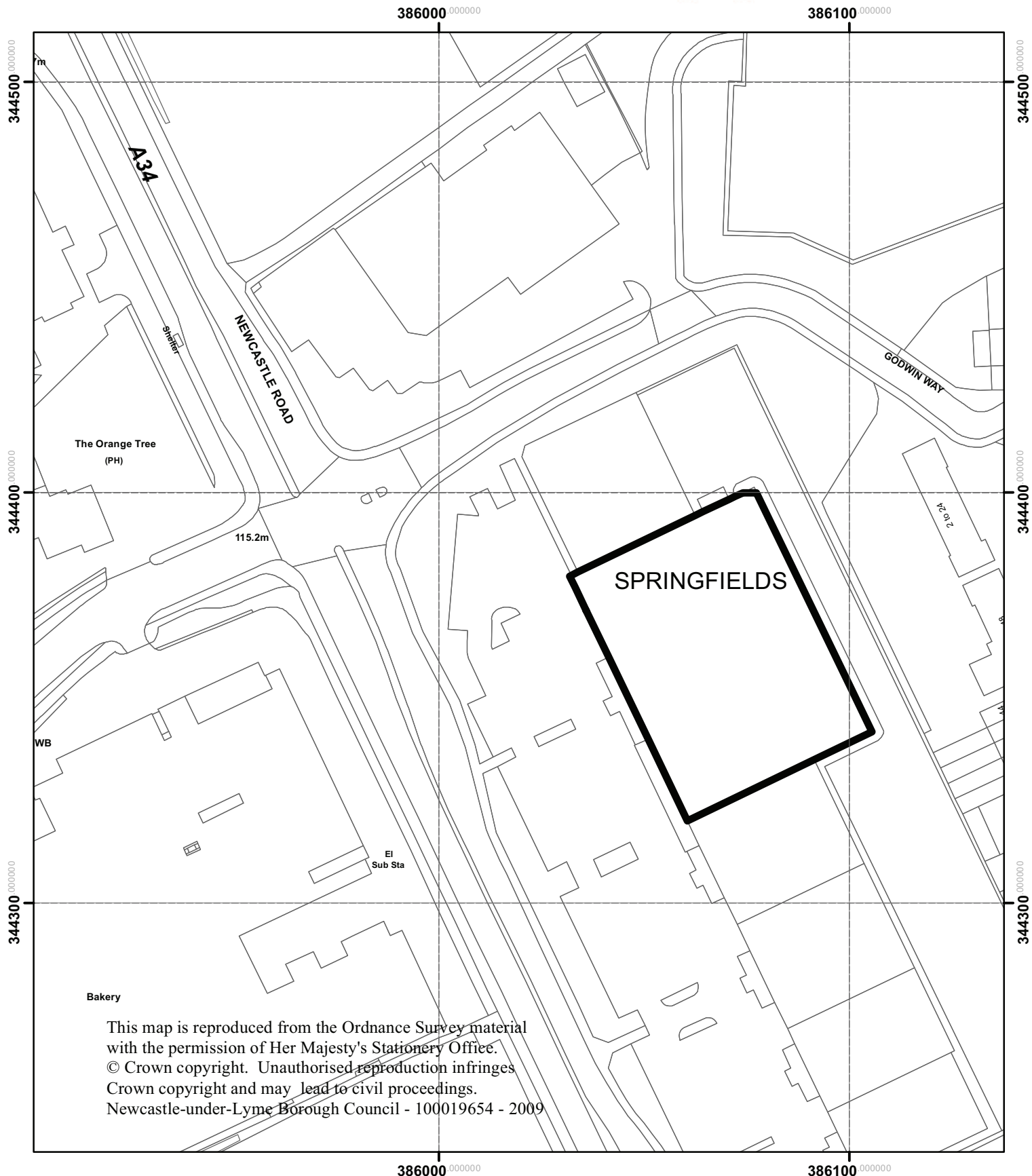
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Unit 1 Springfield Retail Park

348/190 (SOT/53546/VAR)



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL



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FORMER BLUE BELL PUBLIC HOUSE, WRINEHILL
C.LITTLETON AND SONS. 12/00357/OUT

The Application is for outline planning permission for the demolition of a former public house and the erection of 9 dwellings including the formation of a vehicular access, associated garaging, car parking and landscaping.

All matters of details are reserved for subsequent approval with the exception of the means of access, approval of which is being sought at this stage.

The site extends to approximately 0.21 hectares, is within the Green Belt boundary and is also within an Area of Active Landscape Conservation designation as defined by the Local Development Framework Proposal Map.

The application has been called to Committee by two Councillors for decision on the grounds that the current entrance to Wrinehill is visually unacceptable and is causing public concern.

The 13 week period for the determination of this application expires on 3 September 2012.

RECOMMENDATION

Refuse

- (i) Inappropriate Development in the Green Belt and the required very special circumstances do not exist which would justify its support.**
- (ii) Unsustainable location for new housing development.**
- (iii) No appropriate mechanism as been put forward with application submission which secures affordable housing in perpetuity.**

Reason for Recommendation

The proposal constitutes inappropriate development in the Green Belt and very special circumstances have not been demonstrated by the applicant to outweigh the harm of the development within this locality. The site is located outside of rural service centre, and any defined village envelope, with limited access to local services and public transport and such is in unsustainable location for new housing development. In addition, in the absence of a S106 obligation the proposal fails to provide a suitable mechanism which secures the required affordable housing provision for the site in perpetuity.

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
- Policy CF2: Housing beyond the Major Urban Areas
- Policy CF3: Levels and Distribution of housing development

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

- Policy D1: Sustainable forms of development
- Policy D2: The Design and Environmental Quality of Development
- Policy D4: Managing change in rural areas
- Policy D5B: Development in the Green Belt
- Policy T1A: Sustainable Location
- Policy NC1: Protection of the Countryside : General Considerations
- Policy NC2: Landscape Protection & Restoration

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

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP6: Affordable Housing

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy H1: Residential development: sustainable location and protection of the countryside
Policy H3: Residential development - priority to brownfield sites
Policy T16: Development - general parking requirements
Policy N17: Landscape character – general considerations
Policy N18: Area of Active Landscape Conservation

Other Material Considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD

Views of Consultees

The **Landscape Development Section** has no objections to the proposal subject to the following being dealt with through a reserved matters application:-

- Tree protection measures including boundary hedge
- Arboricultural method statement
- A landscaping scheme

The County Council as the **Education Authority** advises that the schools in the local catchment area, Betley CE (VC) Primary School and Madeley High School, have sufficient capacity to accommodate the likely demand from pupils generated by this development and as such will not be requesting a contribution towards education provision on this occasion.

The **Police Architectural Liaison Officer** has no objections to the proposed development although makes suggestions regarding the construction details.

Betley, Balterley and Wrinehill Parish Council objects in the strongest terms to the application on the following grounds:

- (a) that despite the statements made by the applicant it is apparent to the Parish Council that best endeavours have not been used to sell the property for continued existing use, and the Parish Council is aware of serious expressions of interest which have not been progressed by the vendors;
- (b) that the fact that the site immediately opposite the application site, having previously been in commercial/employment use, and having been cleared to permit a residential development, has lain vacant and undeveloped over several years brings into question the viability of residential development on the application site.

The Parish Council strongly objects to the proposed demolition and outline application but, in view of the additional information and illustrative details contained within the application, feels it appropriate that – if the planning authority was minded to approve the application – it makes the following points:

- (a) the existing building forms an important gateway feature at the entrance to the settlement of Wrinehill and the broader parish, and the development as proposed would create an inappropriate urban styling on the very edge of the village;
- (b) the density proposed, of nine properties (or 10 properties indicated by paragraph 6.10 of the supporting documentation) is too high for the site, and entirely inconsistent with the character of the area;
- (c) the size, shape, form and design as illustrated are not relevant to the character of the area, and would be more appropriate to an inner-urban area;
- (d) the Council is unconvinced that the styling reflects the character of other properties in the area, as illustrated in the accompanying documentation.

In the opinion of the Parish Council demolition of this important and historic gateway building should not be considered for consent until a viable and appropriate end use is settled through an acceptable full planning application.

United Utilities has no objections subject to separate drainage system and surface water treatment.

Any views received from the **Highway Authority**, Borough Council's **Environmental Health Division** and **Planning Policy Section** will be reported.

Applicant/Agent's Submission

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

- **Tree Survey and Assessment**

- **Demand and Marketing Appraisal**

This assesses the business viability of the site for its existing use – Public house, also alternative uses such as:

- Restaurants /café
- Hot food takeaways
- Hotel/guesthouse
- Residential institutions
- Non residential institutions
- Assembly and Leisure

The appraisal advises the premises have been actively marketed since 2009 and 75 enquiries have been received however no substantive, credible or acceptable offer of interest, other than for the site redevelopment for housing, have been received.

- **Planning Statement** including an introduction; an assessment of relevant planning policy; consideration of very special circumstances; technical reports; and summary and conclusions. The very special circumstances that are referred to within this document are as follows:
 - The submitted demand and marketing appraisal evidence.
 - Use of a brownfield site.
 - Improvement to highway safety.
 - The development would provide a wide range of property sizes.
 - Providing affordable properties thus releasing other properties in the area.
 - Retaining and attracting young family leading to a more sustainable, mixed and diverse community.
 - The Development would be within the building lines of the existing building thus reducing encroachment into the open countryside.
 - Existing tree cover retained.
 - A more sustainable community and more define and defensible settlement boundary.

- The same Green Belt planning policies exists now as did when planning permission was granted on the site opposite in 2007.

- **Design and Access Statement**

This recognises that whilst the application submission is for outline planning permission for residential development with only access being sought at this stage, illustrative drawing have been submitted to illustrate the potential form of development.

- **Protected Species Report**

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

Key Issues

This application is for outline planning permission for residential development on this public house site. All matters of detail are reserved for subsequent approval with the exception of the means of access approval of which is being sought at this stage.

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

The site is located in open countryside and within the Green Belt boundary.

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

- The appropriateness or inappropriateness of this development in Green Belt terms.
- Whether the development complies with housing policies/ sustainability/rural policies
- If it is inappropriate development whether the required very special circumstances exist to justify inappropriate development.

The appropriateness or inappropriateness of this development in Green Belt terms

National Planning Policy Guidance relating to development within Green Belt was previously found in PPG2 this has been superseded by the introduction of the National Planning Policy Framework in March 2012. The advice in the NPPF reiterates much of the national planning policies originally found in PPG2 – the NPPF advises that the erection of new buildings in the Green Belt is inappropriate unless they are for a limited number of certain identified purposes. The NPPF does, however, introduce a further exception involving;

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

Policy S3 of the Local Plan and policy D5B of Staffordshire and Stoke on Trent Structure Plan partially reiterates this advice although it does not refer to the exception detailed above. As these Development Plan documents were adopted prior to 2004 only limited weight can be given to them as they are not fully consistent with the NPPF.

The proposal involves the complete redevelopment of a previously developed site, however as the proposal is for 9 dwellings it is apparent that the development would have a greater impact on the openness of the Green Belt. As such the proposal not fall within any criterion that what would make it appropriate in Green Belt terms.

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

Whether the development provides a sustainable location for housing development

The site is open countryside within the Green Belt with limited services and access to public transport in the area and as such it is considered necessary to examine the sustainability of the site for residential redevelopment.

The recently introduced National Planning Policy Framework at paragraph 55 advises -

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - reflect the highest standards in architecture;*
 - significantly enhance its immediate setting; and*
 - be sensitive to the defining characteristics of the local area*

It is considered that the proposed development would not meet any of the above criteria.

The Council's Core Spatial Strategy, which outlines the overarching spatial planning framework for the Borough, has identified that growth should be targeted towards the strategic centres, significant urban centres, local urban centres and rural service centres. Rural Service Centres are defined in the Core Spatial Strategy as Loggerheads, Madeley and Audley Parish

Policy ASP6 of the Core Spatial Strategy does not explicitly rule out development in rural settlements other than the identified rural service centres, stating that housing growth in rural areas will be concentrated primarily on brownfield land within the key service centres to meet identified local requirements – in particular, the need for affordable housing.

Whilst, Betley is classified as a village for the purposes of the Core Spatial Strategy, Wrinehill is not. There is no support for further growth in this area. The strategic vision and aims of the Borough can be only be achieved if a brownfield site offers the best overall sustainable solution. Therefore, developing sites in the most sustainable location is pivotal. The clear aim within the Core Spatial Strategy is to locate growth within the rural area in the identified rural service centres.

In conclusion the site is not considered to be in a sustainable location for housing development, given the site has very limited access to local services and public transport any new residential development would result in the likelihood of future occupiers of the development having to travel by private car from the site to access such required services and facilities further afield. This would be contrary to the above quoted development plan policies and national planning policy.

Affordable housing

Policy CSP6 of the CSS states that for new residential development within rural areas, on sites or parts of sites proposed to, or capable of, accommodating 5 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.

Affordable Housing is normally secured via an obligation under section 106 of the 1990 Act, to ensure that first of all that it is secured by a legal agreement, and that the affordable housing built is occupied in perpetuity only by people that fall within the identified categories of need for affordable housing, that there are appropriate trigger and phasing clauses.

The applicant has indicated, within their Planning Statement (pages 8 and 9), their willingness to offer to 2 - 3 affordable units to meet the policy requirements. No details of the type of tenure or involvement with a registered Social Landlord have been supplied with submission. They also suggest the affordable housing element could be secured by the imposition of a suitable worded condition with any approval of outline planning permission and the details of this are finalised at any subsequent reserved matter stage.

The Councils adopted Affordable Housing Supplementary Planning Document (January 2009) advises that affordable housing will generally be secured through a Section 106 legal agreement. The use of a condition is not considered appropriate to secure this given such a condition would need to be extremely lengthy and complex and would fail to meet the tests set out in the Circular on planning conditions.

This issue has not been pursued with the applicant agent given the other fundamental concerns regarding the development the site, however, it is considered appropriate to recommend a further reason to refuse planning permission in respect of the lack of a suitable mechanism to secure the required affordable housing element on the site.

The required very special circumstances exist to justify inappropriate development

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

The applicant's agent has provided a list of reasons why they consider the proposed development as the required very special circumstances including:

- The submitted demand and marketing appraisal evidence
- Use of a brownfield site
- Improvement to highway safety
- The development would provide a wide range of property sizes
- Providing affordable properties thus releasing other properties in the area
- Retaining and attracting young family leading to a more sustainable, mixed and diverse community.
- The Development would be within the building lines of the existing building thus reducing encroachment into the open countryside.
- Existing tree cover retained
- A more sustainable community and more define and defensible settlement boundary
- The same Green Belt planning policies exists now as did when planning permission was granted on the site opposite in 2007.

Whilst it is considered the above reason are valid they are reasons which could easily be argued in respect of other site in the Borough and as such do not provide the very special circumstances that clearly outweigh the harm to the Green Belt and warrant setting aside well established Green Belt planning policies.

Other matters

The application seeks outline planning permission with the only matter of detail being sought at this stage is the mean of access, all other matters reserved for subsequent approval. This application is accompanied by a substantial amount of indicative information relating the layout, design and style of dwellings. Whilst this is submitted to inform the decision maker and those with an interest in the proposal – it does not form part of the application. Having said that it is considered that the form of development indicated within the illustrative plans is not appropriate being too urbanised in appearance and not reflecting that this is a site within a rural context. It is considered the density of dwellings is too high thus affecting the amount of space available around the dwellings. The suggested three storey corner building is more typical in an urban setting.

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. 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 10 of the document specifically deals with the Rural environment specifically the following proposals are considered relevant to this development:-

RE5 New development in the rural area should respond to the typical forms of buildings in the village or locality.

RE6 The elevations of new buildings must be well composed, well proportioned and well detailed.

RE7 New buildings should respond to the materials, details and colours that may be distinctive to a locality.

As stated earlier the details of this development are not being considered at this stage, with the exception of the means of access, however, notwithstanding the other concerns raised above it is considered appropriate to advise the applicants at this stage that the potential form of development put forward with this application is unlikely to gain the support of the Council.

Background Papers

Planning files referred to

Planning Documents referred to

Date Report Prepared

7 August 2012

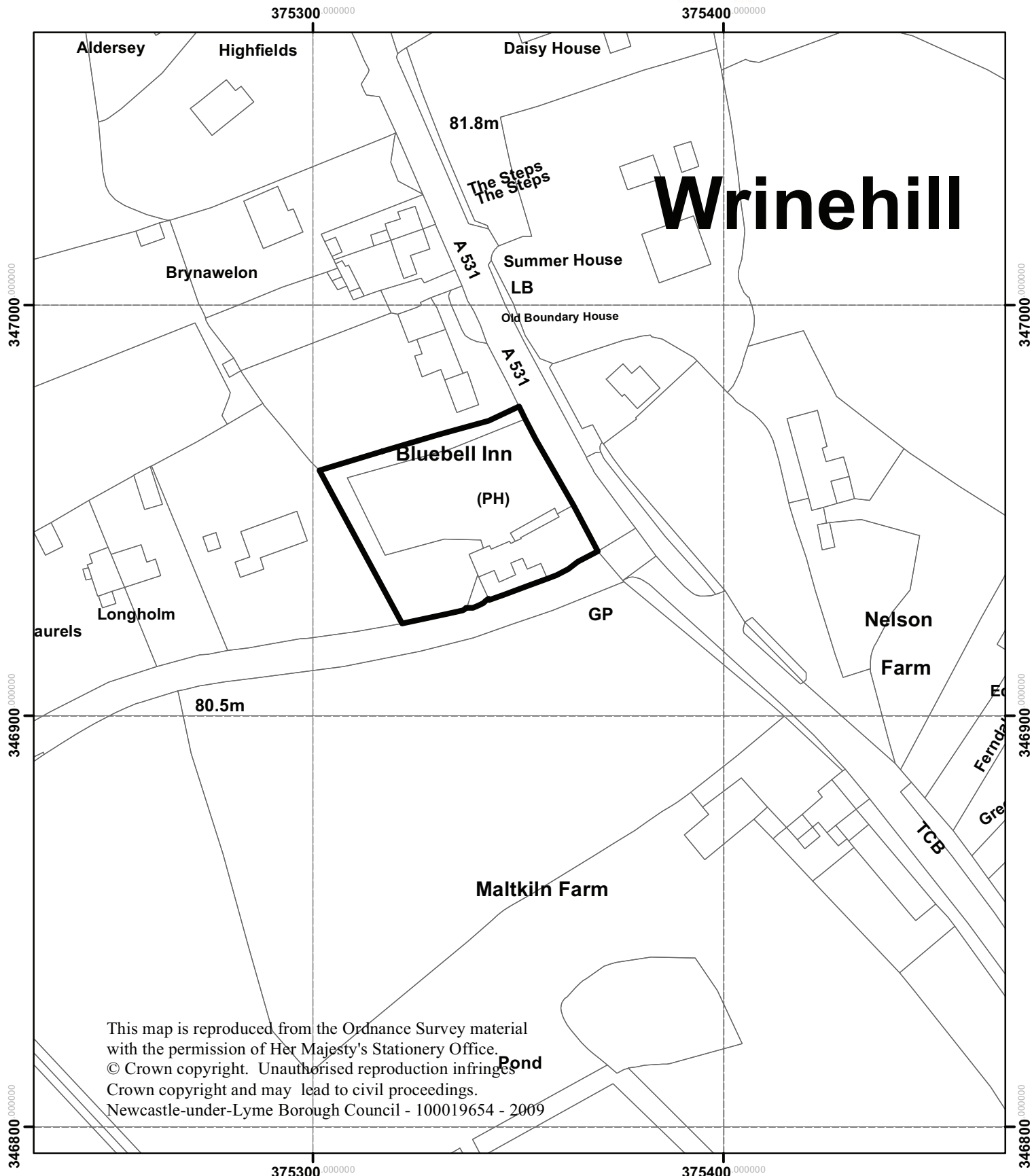
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Former Blue Bell PH Wrinehill

12/357/OUT



NEWCASTLE-UNDER-LYME
BOROUGH COUNCIL



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34A HILLPORT AVENUE BRADWELL
MR. J. HORWELL. 12/00360/FUL

The Application is for full planning permission for the demolition of an existing single storey hairdressing salon and erection of residential property.

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

The application has been called to Committee by two Councillors for decision on the grounds that local residents are supporting the proposal and are concerned that if it is rebuilt as a hairdresser's they will have problems with parking again.

The 8 week statutory determination period expires on 21 August 2012.

RECOMMENDATION

Refuse

- (i) The design of the proposal is out of keeping with the surrounding properties.**
- (ii) The proposal fails to provide adequate private outdoor space.**

Reason for Recommendation

Whilst the principle of residential development on the site is considered acceptable the design of the submitted dwelling is not informed by the character or qualities of the surrounding area and would be detrimental to the wider street scene. The proposal provides limited private outdoor/garden space which is considered to be inadequate to provide reasonable living conditions for the future occupiers of the proposed development.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

- Policy QE1: Conserving and Enhancing the Environment
- Policy QE3: Creating a High Quality Built Environment for all
- Policy 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 (LP)

- Policy H1: Residential Development – Sustainable Location & Protection of the Countryside
- Policy T16: Development – General Parking Requirements
- Policy N12: Development and the Protection of Trees

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)

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.

Views of Consultees

The **Highway Authority** has no objections subject to the access and parking area being completed prior to the occupation of the development.

The **Borough Council's Environmental Health Division** has no objections subject to the report of unexpected contamination and the control of the importation of soil/material.

Representations

Three letters of support have been received advising of their support for the use of the site as residential as opposed to the existing hairdressing uses which as the potential to generate traffic and on street parking issues.

Applicant/Agent's Submission

A Design and Access Statement has been submitted.

This document is 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 single storey building on site and the erection of a single 2 bedroomed dwelling.

The original building was most recently used as a hairdressing business for a number of years, it is understood the building was historically used as a neighbourhood area housing office.

The main issues for consideration of the application are:

- Is the principle of residential development on the site acceptable?
- Is the proposal acceptable in terms of its 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 ?

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 Newcastle.

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

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. 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 and services of Bradwell and there are regular bus services into Hanley and Newcastle. 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 proposal acceptable in terms of its 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 Staffordshire and Stoke on Trent Structure Plan 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 Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 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 Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document 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 distinct rhythm to the massing design and spacing of the existing properties in the immediate area. The character of the area is dominated by traditional semi detached two storey properties with hipped roofs and parking of vehicles down the side or front of the properties.

The existing premises sits between two of these traditional semi detached properties, one square on to Hillport Avenue, the other adjacent property is set at an angle, turning the corner into Arnold Grove.

The existing is a single storey hipped roof building, which has the appearance of a small bungalow (maximum height of approximately 4.9 metres). The existing property has no off street parking provision.

The proposal is to replace this building on a similar footprint, with a taller building (to accommodate bedrooms in the roof space) (maximum height of 6.5 metres) with two dormer windows on the front elevation. The proposal would have a half hipped roof.

The proposed parking to the development would be accommodated on the forecourt in front of the proposal. Pedestrian access would be maintained to the rear of the proposal leading to the rear amenity/garden area.

It is considered whilst the principle of the reuse of this site for residential purposes is acceptable, its execution in terms of the submitted design conflicts with the above design policies and guidance. The main concern is the scale of the roof and the introduction of dormer windows to the street scene. Given the existing simple rhythm and consistency of the built form in the area these features would be out of keeping and are not informed by the character or qualities of the surrounding area. The proposal should be resisted on design grounds.

Would there be any adverse impact on residential amenity?

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

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

The adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides 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 proposal, the position of existing and proposed principal windows, the orientation of the existing properties and the separation distances involved.

Amenity of Future occupiers of the development

The proposal is for a two bedroomed dwelling, it would provide a small area of private garden/outside space with a maximum length of 4.1 metres shortening to a minimum distance of approximately 1.5 metres from the rear boundary. The area of useable outdoor private space equates to approximately 21.6 square metres.

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), this current proposal the dwelling would be 2 bedroomed and as such would technically not conflict with the adopted SPG. Proposal R16 of the urban design guidance provides further assistance with this issue advising the outdoor space should be usable and should relate to the house type and occupiers. The document offers an example which is considered pertinent to this proposal stating a family sized 3 bedroom house is more likely to require a larger garden area than a small 2 bedroom house. The appropriate size of private external space to be provided for each dwelling should be determined in relation to the provision and location of local open spaces.

The nearest public open space area is to the north of the site off Arnold Grove which is approximately 120 metres walking distance away.

Whilst the urban design guidance indicates that a smaller area of outside space is required for 2 bedroom as opposed to 3 bedroom houses, it is considered the amount of private outdoor space proposed with this proposal falls short. Whilst the site is in close proximity to public open space this would not serve all the requirements of future occupiers of the development for example the storage of refuse and recycling bins, an area to dry washing, etc. Your officers consider the proposed outdoor space would feel oppressively enclosed, cluttered and uninviting place to sit out, hang washing and store bins and as such would be detrimental to the living condition of future residents of the development and should be resisted.

Is the proposal acceptable in terms of highway safety?

The existing premises has no off street parking provision and as such when the hairdressers was in use customer had to park on the highway. This proposal would provide a parking area on the frontage of the premises and as such this can be seen as a highway gain over the existing situation. The Highway Authority has no objections to the proposal subject to the imposition of condition relating to the access and parking areas. It considered there are no sustainable reasons to resist the proposal on highway grounds.

Background Papers

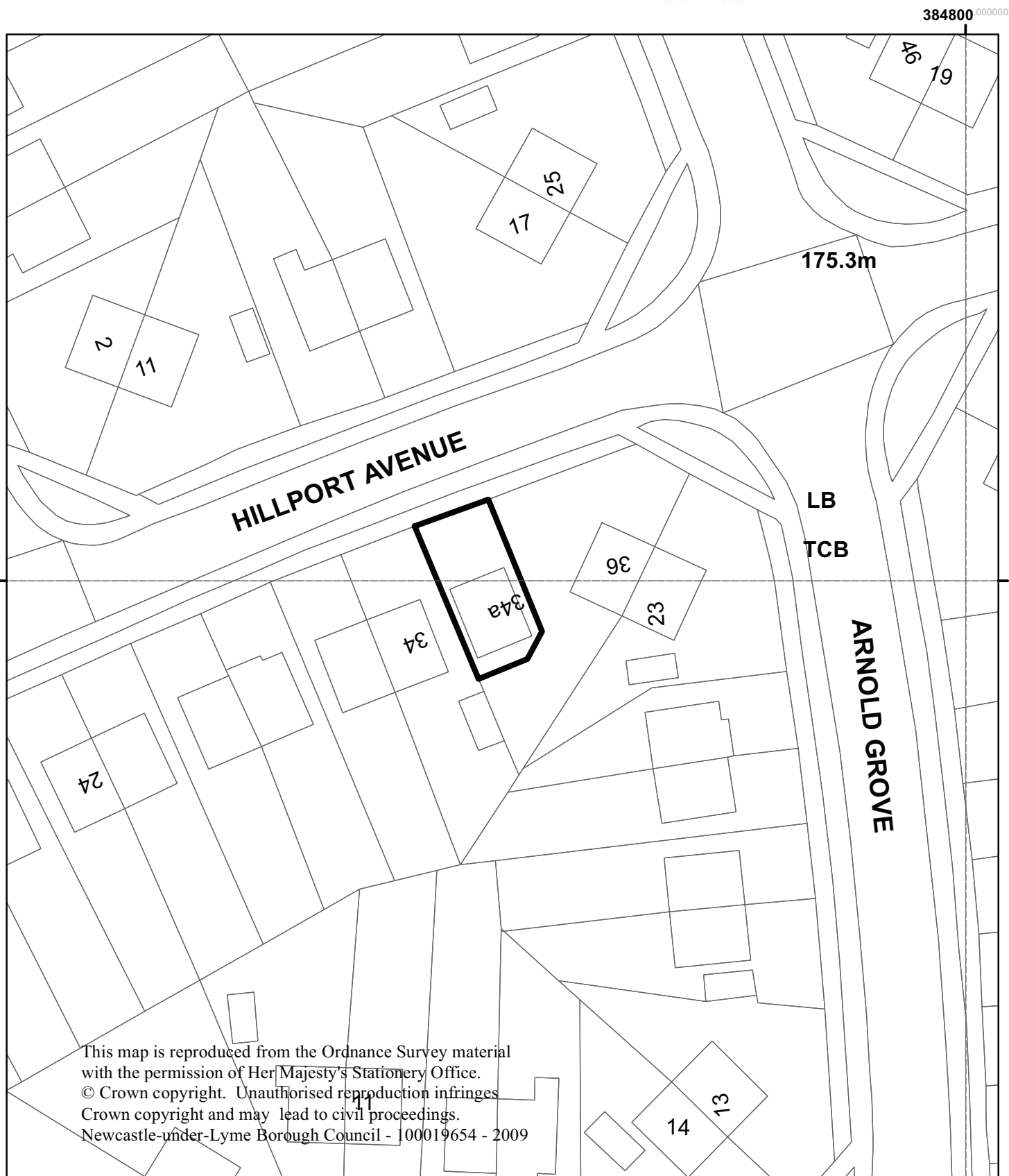
Planning file

Planning documents referred to

Date Report Prepared

8 August 2012

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WESTLANDS SPORTS GROUND, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL. 12/00361/DEEM3

The Application is for full planning permission for a replacement bowls pavilion at the Westlands sports ground located off Wedgewood Avenue. The site is located within a suburban residential area of Newcastle, as indicated on the Local Development Framework Plan Proposals Map.

The statutory 8 week determination for this application expires on 31 August 2012.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- (i) Standard Time limit condition.**
- (ii) Approved plans.**
- (iii) Materials as detailed.**
- (iv) Permission for the benefit of Newcastle-under-Lyme Borough Council only.**

Reason for Recommendation

The proposed development is considered to represent an acceptable design and scale and would not result in significant harm to the visual amenity of the area. The proposal by virtue of its scale and location would not result in material harm to the residential amenity of neighbouring properties. The proposed development is therefore in accordance with the principles and requirements of the National Planning Policy Framework 2012, and policies D1, D2 and R1 of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 and policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026.

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

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE3: Creating a high quality built environment for all

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 R1: Providing for Recreation and Leisure

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

Strategic Aim 16: To eliminate poor quality development;
Policy CSP1: Design Quality.

Newcastle under Lyme Local Plan 2011 (LP)

Nil

Other Material Considerations Include:

National Planning Policy Framework (March 2012)

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (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

1963 NNB05825 Extension to bowls pavilion - permit

Views of Consultees

Sport England considers that the proposals for this application would be of a benefit to sport and therefore, Sport England offers its support to this application.

The **Environmental Health Division** has been consulted and as the period for comments has expired it must be assumed that they have no observations to make upon the proposal.

Representations

Nil

Applicant/Agent's Submission

The application is supported by a Design & Access Statement which details the following key points:

- The existing Bowls Pavilion has a floor area of around 32 m² plus a 7.5 m² overhanging canopy; this is to be demolished.
- The proposed new Pavilion will be built on the same site and have an area of around 51.2 m² plus a 10 m² overhanging canopy.
- The construction will be oak framed with an outer cladding of 200 mm oak boards in a shiplap style
- The new Bowls Pavilion has been designed to be accessible to all, regardless of any infirmity or disability.
- This building has been designed to include separate Ladies and Gents toilet facilities and a unisex disabled toilet installation suitable for wheelchair users.
- The roof is to be of hipped construction as opposed to the existing building, which is gabled construction.
- In this respect, the roof of the new building, at an overall height of 4.25 m will be lower than that of the existing pavilion, which currently measures 4.6 m.

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

Key Issues

The proposed bowls pavilion would replace an existing pavilion adjacent to the bowling greens of Westland Sports Ground. The proposed building would be constructed close to the boundary which is shared with properties of Brookside Close.

At paragraph 68, the recently published NPPF states that "The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities." It also details that local plan policies should be given due weight according to the degree of consistency with the framework.

The proposed building would be larger than the existing building it would replace but would provide improved and additional facilities for the clubs members.

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

- The design of the proposal and the impact on the visual amenity of the area, and
- The impact on the residential amenity of neighbouring properties.

The design of the proposal and the impact on the visual amenity of the area

At paragraph 56, 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 building would be a natural oak framed building with natural oak boards in a shiplap style. The building would have a maximum width of 10 metres with a length of 6 metres but due to its shape it would only have a floor area of approximately 52 metres. It would have a hipped roof that would have a maximum height of 4.25 metres.

The existing building is smaller than the proposed building; however the design of the slightly larger replacement building is of a good quality design that would provide additional facilities for the use of the bowling club.

The proposal would be viewed within the context of the sports ground and due to its size, centralised position and vegetation around the site it is considered that the views from the wider area would be minimal.

As discussed the building would be constructed of natural oak and whilst the existing building is dark stained it is considered that the natural oak appearance should be maintained due to the quality finish this provides.

Therefore, it is considered that the proposal represents an acceptable design that would not harm the visual amenity of the area and the wider community benefits would outweigh any minimal harm.

The impact on the residential amenity of neighbouring properties

The replacement building would be built close to the boundary which forms the rear boundaries of residential properties of Brookside Close. These single storey properties are set considerably lower than the application site with extensive vegetation (trees, bushes and shrubs) between the houses and the site and as such the existing building is not clearly visible from these properties and the windows of these properties are over 16 metres from the application site.

Due to the size and location of the proposal, along with the relationship with the neighbouring properties, it is not considered that any significant harm would be caused to the residential amenity of neighbouring properties in this instance. The proposal is therefore considered acceptable.

Background Papers

3 August 2012

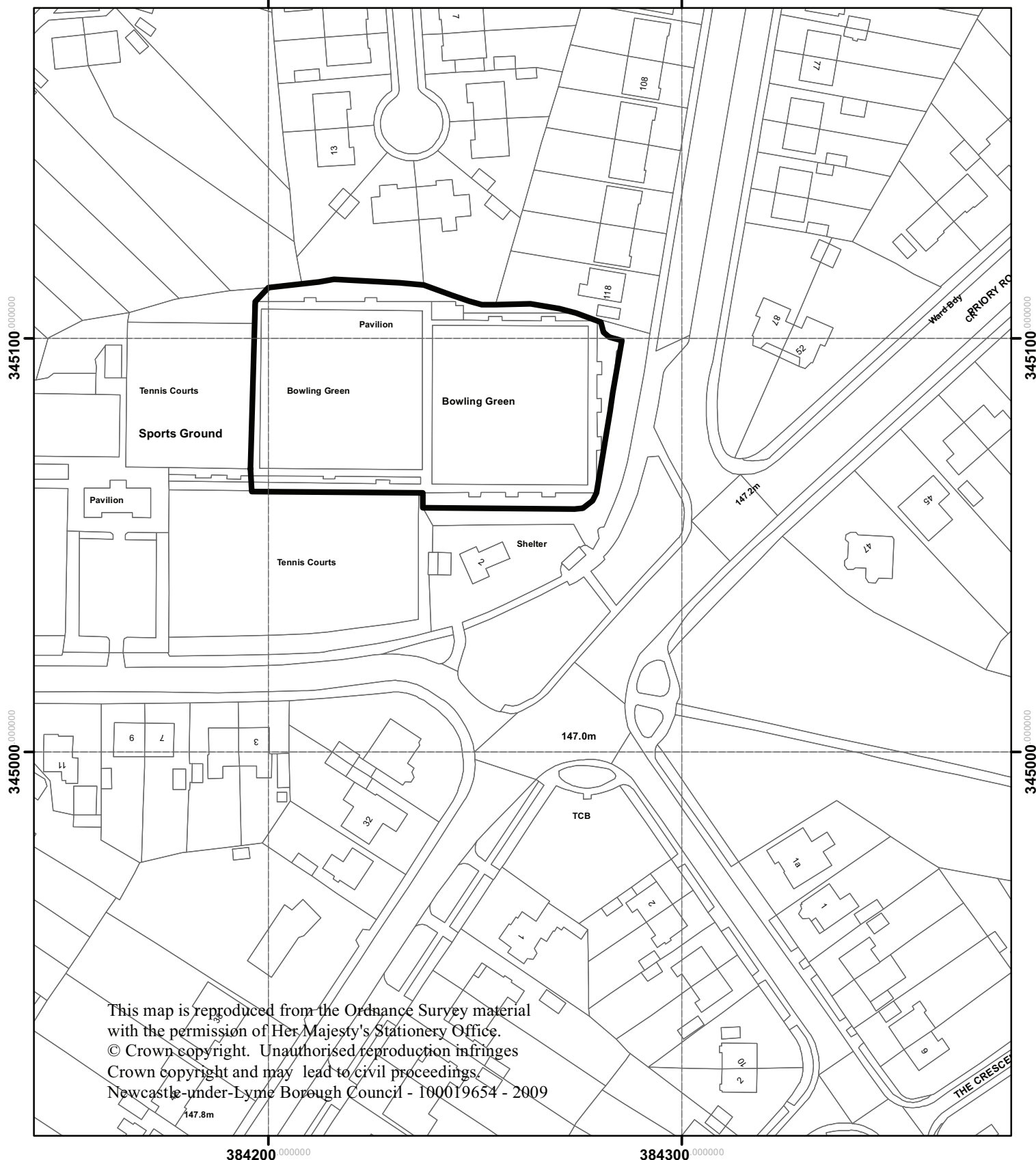
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Newcastle under Lyme Borough Council
Planning & Development Services
Date 21.08.2012

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26 REPTON DRIVE, NEWCASTLE
MR TREVOR BEARD. 12/00354/FUL

The Application is for full planning permission for a two storey rear extension and an increase in height to the roof ridge to facilitate a loft conversion involving a rear dormer window and velux windows to the front, sides and rear.

The property is a detached bungalow in a suburban residential area of Newcastle, as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following a recent approval for a similar development (app no. 11/00306/FUL). Works to implement that permission have started on site.

The application has been called in by two councillors following concerns expressed by neighbours.

The 8 week statutory determination period expires on 20 September 2012.

RECOMMENDATION

Permit with the following 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) Submission and approval of parking layout within one month of decision.**

Reason for Recommendation

The size and appearance of the extensions as permitted in the previous planning permission 11/00306/FUL were considered to be acceptable as they would not significantly harm the integrity of the original design of the group of dwellings that form the street scene or the visual amenity in general. The proposed extensions, whilst larger than that approved, would also have an acceptable design and appearance that would not be harmful to the street scene or the visual amenity in general. Taking into account the position of the development, its scale and the inclusion of relevant conditions, it would not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light.

Policies and Proposals in the approved Development Plan relevant to this decision:-

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

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

Policy CSP1 Design Quality

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to planning control

Other Material Considerations

National Planning Policy Framework (NPPF) (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

2011	11/00306/FUL	Two storey rear extension with increase in the height of roof ridge to facilitate loft conversion with dormer window to the rear and velux windows - permit
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Representations

11 letters of representation have been received from 9 objectors. These raise the following objections:

- The height of the proposal would not be in keeping with the existing street scene.
- Proposed rear dormer windows and balcony would result in a loss of privacy to neighbours.
- On street car parking would be caused due to the size of the proposed property which would cause major highway concerns.
- The driveway cannot accommodate 5 cars.
- Loss of privacy to neighbouring gardens.
- The proposal would set an unwelcome precedent.
- The proposals represent over development of the property.
- The submitted information is incorrect and there are no measurements on the plans.
- The applicant has been carried out unauthorised work.
- The additional extension is un-neighbourly and would over shadow rear garden and internal eating areas.
- The change to the internal layout is unacceptable.
- The plans suggest that a business may operate from the property but a covenant restricts a business being operated.
- A covenant only allows bungalows on this side of Repton Drive.
- Windows of the proposal would result in a loss of privacy to neighbouring properties.

Key Issues

The application is a resubmission following a previous approval. Works to implement the permission have started on site. The design and impact on the visual amenity of the area, along with the impact on the residential amenity of neighbouring properties and highways safety was previously considered acceptable. However, this application seeks planning permission for a larger two storey rear extension.

Since the previous decision the NPPF has also been published which details that local plan policies should be given due weight according to the degree of consistency with the framework.

In light of the above it is considered that the key issues in the determination of this application are:

- The Design of the Proposal.
- Impact upon Residential Amenity.
- Parking provision and the impact on highways safety.

Design of the proposals

Paragraph 56 of the NPPF addresses design and details 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.”

The approved two storey rear extension had a proposed length of 4 metres with the amended proposal now having a length of 5.2 metres. The width and height of this proposed extension would be as previously approved but the UPVC horizontal planking is no longer proposed at first floor on the rear elevation. This is now to be facing brick.

It was accepted in the previous application that the proposals would increase the size of the original property substantially and this element of the current proposal is unchanged from that approved. As the overall height of the bungalow has not been amended the appearance of the property will be the same as that approved when viewed from the street. The approved scheme was considered to be acceptable in terms of the general character and appearance of the property and was not considered to represent over development of the site due to the large curtilage. Whilst the proposed two storey rear extension would be larger than the previously approved extension, it is not considered that the increased size would result in a significantly harmful impact on the visual amenity of the area due to its location at the rear. It is also not considered to tip the balance, in terms of the proposals being classed as over development of the site.

Impact upon residential amenity

Supplementary Planning Guidance provides advice regarding residential extensions.

The previously approved proposals were not considered to result in significant harm to the residential amenity of neighbouring properties. However, as discussed the rear extension would project out from the existing rear elevation by an additional 1.2 metres compared to what was originally approved. This additional 1.2 metres would result in the rear elevation of the proposal being approximately in line with the rear elevation of the nearest neighbouring property (no. 28). No. 28 has no principal windows in its side elevation facing the application property and so no significant harm would be caused to the neighbouring property in terms of any loss of light or overbearing impact to principal windows.

In terms of privacy there are still ground floor windows in the side elevation and four velux windows in the roof slope of the proposals that would face towards No. 28. The ground floor window would not cause any harm because there are no principal windows on the side elevation of No. 28 and a fence provides further privacy between the two. A condition of the previous permission restricted the velux windows to be obscure glazed and non-opening. This condition is again considered appropriate to further minimise any potential impact.

It is also not considered that the Juliette balcony in the rear elevation of the proposal would result in any additional adverse harm to the residential amenity of the neighbouring property than the previously approved scheme, despite its location.

Objections have been received detailed that the proposals would overshadow the garden of No.28. It is acknowledged that some overshadowing may be caused but due to the proposals scale and the size of the neighbouring garden, it not considered that the proposal would result in a significant harm to the enjoyment of the neighbours' garden. The proposal would not conflict with guidance set out in the relevant SPG.

In summary it is not considered that there would be any significant adverse impact on the amenity of the neighbouring properties that would be contrary to the SPG or the requirements of the NPPF.

Parking provision and the impact on highways safety

A condition was attached to the previous permission detailing that a parking layout should be submitted to and approved in writing by the LPA prior to the commencement of development. The condition specifies that at least 4 car parking spaces can be accommodated on the parking area between the principal elevation of the dwelling and the highway. The development has commenced and a plan has not been submitted. The applicant is in breach of this condition and should be encouraged to submit a plan within a month of any approval. However, it is not considered that further parking should be required as a result of the rear extension being larger than previously approved.

Other matters raised by objectors

A number of other matters have been raised by objectors. The issue of covenants is a matter that cannot be taken into consideration because it is not a material planning consideration. Therefore, it cannot be given any weight in the determination of the planning application.

In terms of the unauthorised works it is considered that this application seeks to regularise these works. If these works are deemed unacceptable it will be necessary for the Council to determine whether it is expedient to take any action.

There was a previous issue with the submitted plans and the measurements not scaling correctly. However, amended plans have been submitted and now appear accurate.

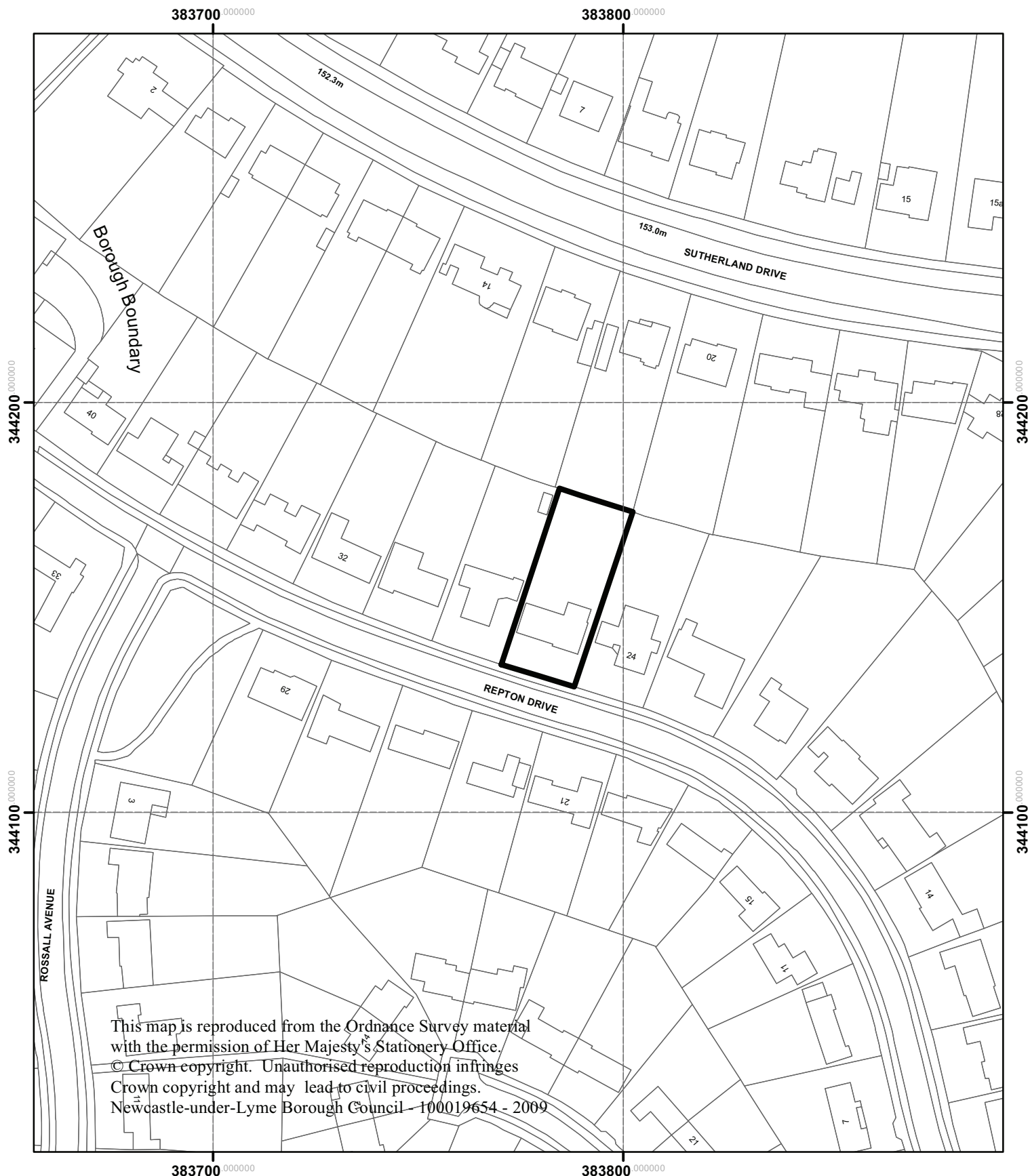
Finally, the proposals are classed as householder development. Therefore if permitted this would not authorities a business to operate from the premises if a material change of use is involved. The Council will investigate any complaints received if a business does starts to operate from the premises. At this stage there is no indication that it is.

Background Papers

7 August 2012



12/354/FUL



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Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document

Purpose of the Report

To inform the Planning Committee of the results of the consultation process on the draft Madeley Conservation Area and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption by Cabinet.

Recommendations

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

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

1. Introduction

- 1.1 The Planning Committee, on 17 April this year, approved a draft Madeley Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of Working Party of the results of the consultation on the draft SPD, and to enable the Planning Committee to consider the final draft SPD prior to it being placed on deposit for representations and then considered for adoption by the Cabinet.

2. Background

- 2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. The SPD redefines the special interest of the Madeley Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

3. Consultation Process and Results

- 3.1 The consultation on the draft SPD took place over a six week period from 1 May to 12 June 2012. This draft is available to view on the Council's website www.newcastle-staffs.gov.uk.
- 3.2 The consultation exercise involved working with the Parish Council and Madeley Conservation Group and:
- Letters about the consultation were sent to target groups such as the Civic Society and local elected Members. Other groups such as the Madeley Community Association, Madeley Tidy Group, Madeley Residents' Association and the Madeley Locality Action Partnership were all consulted.
 - The documents were on the Council's website and made available in Newcastle Library, the Guildhall and the Madeley Centre.
 - A news release has gone to the local media and is on the Council's website, its Facebook page and Twitter feed.
 - A well publicised consultation event with Officers was held at Madeley Community Centre on 29 May between 2 – 6pm.
- 3.3 In total, there were only two submitted responses to the consultation on the draft. As required by legislation a Consultation Statement has been prepared with each individual comment and the response to them, including any recommended changes. A copy of this Consultation Statement is appended to this report as Appendix A. Copies of these comments have been retained on file and can be viewed on request.

- 3.4 The response to the document was minimal, and that may be for a number of reasons. The document was written with the help and cooperation of Madeley Conservation Group, who are a local organisation acting on behalf of Madeley residents to protect and preserve the environment. It was also endorsed by the Parish Council who were in full support of the Conservation Group representing the interests of residents.
- 3.5 As a result of the consultation undertaken some very minor typographical amendments are proposed to the consultation draft Appraisal and Management Plan SPD. Because of the limited nature of these proposed amendments members of the Committee are asked to look at the copy of consultation draft that they were provided with as part of the agenda for the Planning Committee on 17 April (Appendices 1 and 2 of item 8). Any member wishing to obtain a new hard copy of the documents is asked to contact Planning Services
- 3.6 The Conservation Advisory Working Party at its meeting on 17 July resolved to commend to the Planning Committee the Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document as now amended.

4. **Next Steps**

- 4.1 Under the new Local Planning Regulations, before the SPD can be adopted, the Council has to make available for inspection both the SPD and the Consultation Statement and allow a further limited 4-week period for representations to be made. Any representations made would then have to be considered, and delegated authority is sought to deal with these unless they seek significant amendments. The decision on whether or not to adopt the SPD is for Cabinet to make. Once adopted, the SPD together with an Adoption Statement will be made available and a copy sent to anyone who has asked to be notified of the adoption of the SPD.

5. **Background Papers**

Consultation Draft SPD
Copies of representations made on the draft SPD
The SPD Consultation Statement

Consultation Statement

Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

Background

The SPD redefines the special interest of the Madeley Conservation Area and identifies issues which threaten these special qualities. The Management Plan provides a framework for future actions.

Once adopted, the SPD will supplement the objectives and policies contained in the Joint Core Spatial Strategy.

1. Introduction

- 1.1 Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 which came into force on 6 April 2012 state that before a Local Planning Authority adopt a Supplementary Planning Document (SPD) they must prepare a statement setting out: the names of any persons the authority consulted in connection with the preparation of the SPD (these are filed within the Planning and Development Service); a summary of the main issues raised in these consultations and how these have been addressed in the SPD. In addition before the SPD can be adopted this Statement, known as a Consultation Statement, has to be made available, with the Supplementary Planning Document, together with details of the date by which representations on it must be made and the address to which they must be sent.
- 1.2 This Consultation Statement explains the consultation process followed for the SPD, and aims to demonstrate that the Council undertook sufficient public consultations, using its best endeavours to consult and involve the community in the most effective way possible.

2. The Consultation Process

- 2.1 The Council contacted the Madeley Conservation Group and Madeley Parish Council to see if they were interested in being involved in the process of carrying out a review of the Madeley Conservation Area. They both expressed interest and the Parish Council agreed that the Conservation Group would represent the Parish interests in the process.
- 2.2 A six week consultation programme was carried out on the draft consultation Madeley Conservation Area Appraisal and Management Plan Supplementary Planning Document from 1 May to 12 June 2012.

The consultation involved:

- Letters and the SPD being sent to: Council members and stakeholders including the Madeley Community Association, Madeley Tidy Group, Madeley Residents' Association and the Madeley Locality Action Partnership.
- The draft SPD and supporting documents being made available to download from the Council's website both during and after the consultation period.
- An exhibition and consultation event held at the Madeley Centre on 29 May for 4 hours.

- New release to the Sentinel.
- Inspection copies of the SPD being made available in the Guildhall, the Borough Council offices and the Madeley Centre.

3. Summary of the main issues raised and how these have been addressed

- 3.1 The draft SPD has been well received informally by a number of parties, including English Heritage and the Council's Conservation Advisory Working Party, as well as by the Madeley Conservation Group (as co-author) and Madeley Parish Council.
- 3.2 In total, 2 individuals submitted comments. This is interpreted as an indication that the involvement of the local community in drafting the SPD has been effective in engaging with the purpose of the SPD and its proposals.
- 3.3 Section 4 sets out in summary the main issues raised by those persons. Proposed minor amendments to the draft SPD are set out.

4. Consultation Schedule - Comments Received, Council's Response and Actions

Rep ID	Name	Summary of main issue raised	Response	Changes proposed to draft SPD
1	Mr J Worgan	Noted a 3 typographical errors and suggested word changes.	Noted and accepted.	Amend text to correct typographical errors.
2	Rita Foster	Refers specifically to former wall outside Smithy House which the Council demolished when the footpath was widened and replaced by an unsympathetic brick wall. Can this be replaced with more sympathetic wall?	It is likely that this was the County Council. If funding ever became available it may be possible to consider reinstatement as walls are an important part of the Conservation Area.	No change.

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

Old School Hall, (Formerly St Thomas' Sunday School), Congleton Road, Mow Cop
(Ref. 12/13001/HBG)

Purpose of Report

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

Recommendation

That the Committee approve a grant of £245 for the Old School, Congleton Road, Mow Cop, subject to the appropriate standard conditions.

The building is Grade II Listed and situated adjacent to the Church of St Thomas in Mow Cop. It is now run by the residents for community uses. The building was awarded a small Historic Building Grant of £512 towards the cost of roof repairs in 2011. Later in the year another grant of £600 was given to help deal with the damp problems and restore 2 of the side leaded windows on the side elevation. The residents' group now want to open up and reinstate the 2 other windows on the other gable elevation.

The work is estimated as costing £1,225. At the agreed contribution rate (in the case of a Listed building up to 20% of the costs, and no more than £10,000) this would indicate that a grant of up to £245 could be appropriate.

Financial Implications

There is sufficient funding to meet this grant application at just over £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. The Conservation Advisory Working Party has considered this application and recommends to the Planning Committee that a grant of £245 be offered subject to the appropriate standard conditions.

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65 LOWER STREET (FORMER MAXIMS NIGHTCLUB) NEWCASTLE

Purpose of the Report

The purpose of this report is to seek the Planning Committee's approval to offer the owner a grant from the Historic Building Grant Fund towards the cost of the implementation of the works that may be referred to in an Urgent Works Notice.

Recommendation

That the Committee approve a grant from the Historic Building Grant Fund to the owner of 65 Lower Street of whichever is the lesser amount - 20% of the cost or up to £10,000 - towards the cost of urgent works at the property on the production of two competitive quotes in accordance with the Grant Fund's normal terms and conditions

Reason

To ensure that the Borough's heritage assets are conserved appropriately for future generations during this period of challenging economic circumstances.

1. Background

- 1.1 At its meeting on 19 June 2012 the Committee agreed to a change in the terms and conditions of the Council's Historic Building Grant Fund. In particular the Committee agreed that in principle the fund could be used to support the serving of an Urgent Works or Repairs Notice on Listed Buildings or historic buildings in Conservation Areas, including the costs of drawing up a schedule of work and the execution of that work.
- 1.2 The Council recently conducted a Building at Risk survey of all 365 of its Listed Building entries in the Borough and published which ones were at risk and which require monitoring. When the report went to Planning Committee in October 2011 there were 19 Buildings at Risk. The building to which this report relates is identified as being "At Risk". It is vacant, neglected and subjected to vandalism and theft.
- 1.3 The Council funded an Archaeological Assessment and condition survey of the building in June 2011. The Archaeological Assessment identified the significance of the building and its archaeological potential. The building is a former house that dates from the late 17th century. The level of survival of historic fabric is variable and whilst there are some significant features remaining there has also been substantial alteration and loss of historic fabric particularly at ground floor with the use of the building as a nightclub. The upper floors retain more historic fabric. The front elevation is of high value, and has such features such as the door hood, brickwork, overall proportions, moulded string course and its fenestration (added in 18th century). The rear elevation contains the remains of the bow window and rear wall which are of high value and were added in the 18th century.
- 1.4 The condition survey concentrates on urgent works which are necessary to prevent further damage and deterioration to the property. These it estimated would cost approximately £50,000 –£60,000 to undertake. In another section of the report there is a draft costed schedule of work to bring the building back into use to an appropriate conservation standard, removing all the flat roof buildings to the rear etc. and reinstating the ground floor bay window which has been evidenced during the archaeological assessment. This element is envisaged at costing approximately £500,000- £600,000 excluding fees and VAT.

2. Current Position

- 2.1 Despite negotiations with the owner to persuade him to carry out the works identified as urgent by the condition survey, the owner has not as yet undertaken the majority of the work. The building remains on the open market, an agent has been appointed and the Council understands that there is interest in the building and the site. However this is a complex site. As well as the condition of the building which essentially means that the building has a negative value, the land has a complicated lease

arrangement between the owner of the site, the Council and other parties that may be frustrating the overall development potential of the site.

- 2.2 The Council's Conservation Officer has explored the possibility of a local Building Preservation Trust taking the building on and thereby being able to access funding from the Heritage Lottery. At present it has not been possible to identify a viable Trust willing to take on this project.
- 2.3 Recently there has been a fire in the outbuilding to the rear of the main building and Staffordshire Fire Service, due to concerns for the building and public safety, called a multiagency meeting which the Council has attended, represented by its Building Control, Environmental Health, Planning and Conservation and Community Safety sections. The Police included their Architectural Liaison Officer who also attended the meeting. There are concerns over the imminent danger of certain aspects of the building and the owner attended a meeting to discuss all of the issues. It was agreed the owner would erect a secure fencing system around the perimeter of the side and rear of the building which would include a drop zone to ensure safety for the public and prevent access. This fence is now in place and some of the dangerous parts of the building have already been removed.
- 2.4 Whilst the fence will stop any further vandalism and prevent access to the building by unauthorised people, this will not help to achieve essential maintenance and repair of the property that was identified by the condition survey.

3. **Urgent Works Notices**

- 3.1 An Urgent Works Notice can be served (Section 54 of the Listed Buildings and Conservation Areas Act 1990) on the owner of an unoccupied Listed Building and is restricted to emergency repairs as are required to keep a building wind and weatherproof and safe from collapse or action to prevent vandalism or theft. The Council must believe at the time that the specified works are urgently necessary and reasonable. At the time of drafting any Notice the Council must weigh up the interests of the owner and the interests of society in the preservation of the Listed Building.
- 3.2 Section 54 of the Listed Buildings Act 1990 gives notice on the owner of not less than 7 days notice in writing of the local authority's intention to carry out the works. This gives the owner the chance to discuss issues with the Council and carry out the works himself. If the Council goes in and carries out the work, it can recover their expenses from the building owner under Section 55 of the Act.

4. **Proposed Action**

- 4.1 The following steps are proposed at this stage:
- That the Council should write to the owner and tell the owner that the Council is preparing an Urgent Works Notice. Experience shows that a written warning of an impending Notice can be sufficient to encourage the owner to undertake the works and evidence shows that 60% of drafted Notices never have to be served.
 - That the Council use the existing condition survey as a basis for drawing up a more detailed schedule of work which will form the basis of the Notice.
 - That this schedule of work is given to the owner of 65 Lower Street giving him an opportunity to organise a contractor to carry out the work.
 - To offer the owner of the building a grant towards the cost of the urgent works at the building to a maximum of £10,000 based on the specification. The grant will then be paid on completion of the works if they have been undertaken satisfactorily
- 4.2 If the owner does not carry out the work, the Council will then have to consider whether or not to serve the Urgent Works Notice, and if there is non-compliance with the Notice, whether it is expedient to carry out the work itself. That would have significant budget implications particularly if there were grounds to believe that the Council would not be able to subsequently recover the costs involved. At this stage no decision has been made on whether or not to proceed with the service of a Notice and on whether it would be expedient to carry out the work if there is non-compliance. Detailed consideration would need to be given to the implications of such action.

- 4.3 The Conservation Advisory Working Party at its meeting on 17 July resolved to support the recommendation being made to the Committee and a proposal to use the Grant Fund to assist in the preparation of a schedule of work, but the latter is not now required, following assistance from officers within the Council's Facility Management Section.

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

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning and Development of the authority to extend periods within which planning obligations can be secured by (as an alternative to refusal of the related planning application).

Recommendations

(a) That the report be noted.

(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 by the Chairman and Vice Chairman.

Introduction

For sometime the Committee have usually, when resolving to permit an application subject to the prior completion of a planning obligation, also agreed to authorise the Head of Planning and Development to extend the period of time for an applicant to enter into the Section 106 obligations if he subsequently considers it appropriate (as an alternative to refusing the application or seeking such authority from the Committee).

When this practice was first established it was envisaged that such an extension might occur where the Head of Planning and Development was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. In several cases the Head of Planning and Development has been required by the Committee to consult first with the Chairman and Vice Chairman, before making his decision. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your Officer would provide members with a regular quarterly report on the exercise of that authority.

In the period since to the Committee's consideration of the last quarterly report on the exercise of this Authority to mid July 2012 it has been necessary to decide whether or not to exercise this delegated authority on 10 occasions with respect to 7 applications. In each case where an extension has been agreed it has been on the basis that the applicants similarly agree to extend the period within which they cannot appeal against the Council's failure to determine the application, and that should the Head of Planning and Development consider at any time there to have been a material change in planning circumstances he has a right to bring the matter back to the Planning Committee for reconsideration regardless of the stage the Section 106 negotiations have reached at that point.

Details of the cases involved are provided below:-

Application ref 11/00430/FUL – Milliners Green site, Keele Road (Persimmon)

The proposal for the erection of 61 dwellings at land off Keele Road came before the Planning Committee on 4 October 2011 and Members resolved to permit the application subject to the completion of a section 106 obligation by 18 November 2011 (securing obligations similar to those entered into in 2000). The 13 week period for the application ended on that same day. An appeal against an earlier decision was withdrawn on the basis of the Committee resolution. The obligation was not completed by the date referred to in the Committee resolution. Given that all parties had made significant efforts to resolve this matter but due to the complexity of the issues that had not happened, it was agreed to extend the period for the completion of the obligation to 9 January 2012 and then a further extension until 23 March.

When this matter was reported to the Planning Committee on 6 March Members indicated that unless very special circumstances emerged as to why a further extension should be given, this date (of 23 March) should not be exceeded, and that the Chairman and Vice-Chairman should be consulted by the Head of Planning and Development if he was proposing to accept any further extension.

As was reported in May, the Head of Planning and Development consulted the Chairman and Vice Chairman on proposals to extend the period to 26 April and then to 10 May. In each case that extension was agreed to by him.

10 May passed without the obligation having been completed and once again the Head of Planning and Development, being minded to agree to a further extension to 18 May, consulted the Chairman and Vice Chairman neither of whom objected to the extension. A further extension to 18 May was agreed, the obligation was completed on 18 May, and the decision notice was issued subsequently, well outside the 13 week period.

Application 12/00036/FUL – Charter Road (Barratt Mercia and Aspire Housing)

Members may recall that at the Planning Committee meeting on 17 April 2012 with respect to the planning application for residential development at Charter Road, Cross Heath, Members resolved to permit the application subject to the securing by agreement of various Section 106 obligations by 1 May.

The agreement was not completed by that date, despite considerable efforts by all parties.

It is considered all parties acted expeditiously in trying to achieve the completion of the agreement. The 13 week period for this application ended on 3 May.

Under these circumstances, and the agreement being at an advanced stage, the Head of Planning and Development considered it unreasonable to exercise his delegated authority to refuse the application, and instead an extension of time for the completion of the agreement was provisionally given until 14 May (which was reported to 8 May Committee) and subsequently to 7 June. The obligation was completed by that later date and the planning permission was issued shortly afterwards, somewhat outside of the 13 week period

Application ref 11/00284/FUL – Silverdale Goods Yard (Reliant Building Contractors)

The proposal for the erection of 23 houses at the former Silverdale Goods Yard site came before the Planning Committee on 13 September 2011 and Members resolved to permit the application subject to the completion of a Section 106 Obligation by 3 October 2011 (the 13 week period expiring on 10 October). The obligation was not completed by this date and the period was then extended on several occasions

When this matter was reported to the Planning Committee on 6 March 2012 and the Committee was advised that an extension had been agreed until 27 March it indicated that unless very special circumstances emerged as to why a further extension should be given this date (of 27 March) should not be exceeded, and the Chairman and Vice-Chairman should be consulted by the Head of Planning and Development if he was proposing a further extension

27 March passed without completion, a further extension of time was agreed, in consultation with the Chairman and Vice Chair, until 15 June.

As was reported in May to the Committee, the original September 2011 resolution included a requirement that the Section 106 obligation require that the independent financial viability assessment submitted with the application be reviewed if the development is not substantially commenced within one year of having been granted and the securing of a clawback or overage provision to allow for the possibility of some contribution to offsite provision of affordable housing should the viability of the scheme significantly alter by the time of its completion.

Members were reminded in May that the independent viability assessment in this case was undertaken in March 2011, that your officer was concerned that as a consequence of the delay in completing the agreement and thus granting the consent, the applicant was in effect extending the period before a reappraisal of financial viability is required without the LPA having evidence to demonstrate that the circumstances have not materially changed and that it remains the case that the provision of any affordable housing within the development would render it unviable. In the light of this officers pursued the obtaining of a new viability assessment. It took some time to reach an agreement with the applicant as to financing of this new assessment and then for it to be undertaken. In the meantime understandably no progress was made on the

terms of the agreement, 15 June date passed without its completion and the new assessment was received in mid July. It confirms that the financial viability position is largely unchanged.

Upon its receipt the Head of Planning and Development, having consulted the Chairman and Vice-Chairman, considered it unreasonable to exercise his delegated authority to refuse the application and he has agreed to an extension of time to complete the obligation to 15 August 2012. An update on this case will be given in a supplementary report.

Application ref 11/00627/FUL – Kidsgrove Ski Centre (North Staffordshire Ski Club)

The proposal for an extension to the existing ski slope at the Kidsgrove Ski Centre, Bathpool Park came before the Planning Committee on 6 March 2012 and Members resolved to permit the application subject to the completion of a Section 106 obligation by 6 April (the eight week period expiring on 5 March).

The agreement was not completed by this date and the period for the completion of the agreement was extended to 27 April and then to 30 May. Since the May meeting it has been extended, initially to 15 June, and then to 29 June. There has throughout been evidence of the continued willingness of the applicant to enter into this agreement, and they have promptly responded to correspondence but progress by the Council has continued to be limited, and therefore, it has been considered that to exercise the delegated authority to refuse the application at this stage would be unreasonable. 29 June passed without completion.

The applicant's solicitor had other commitments in the coming weeks and due to the complexity of the case it was not considered appropriate to require them to transfer the case to a colleague during this period given this would have incurred additional costs for the applicant in a situation for which they were not responsible. Given this and that the delays to date have been as a result of the Council's limited progress the Head of Planning and Development considered it unreasonable to exercise his delegated authority to refuse the application, and an extension of time for the completion of the agreement has been agreed to 9 August. An update on this case will be given in an advance supplementary report.

Application 11/00611/FUL – Wolstanton Retail Park (Marks & Spencer and McLagan Investments)

The proposal for the demolition of existing retail warehouse units, distribution unit and redundant methane pumping station. construction of new retail store with ancillary refreshment facilities, new and altered car parking, servicing and sewerage facilities at Wolstanton Retail Park came before the Planning Committee on 17 April 2012 and the Committee resolved that the Secretary of State be notified that the Council is minded to grant planning permission and, subject to the Secretary of State not "calling in" the application and subject to applicant entering into Section 106 obligations by 31 July to grant planning permission subject to various conditions.

The Secretary of State having been notified of the above resolution subsequently advised the Council that he considers that the application should be determined at local level and he has accordingly not called it in.

The matters to be addressed within the obligations being numerous and complex the period for their completion was longer than normally considered appropriate and necessary. However, it has not proved possible to secure the obligations by the agreed date. Whilst progress has been made, such progress has proved slow due to the time it has taken for all involved to consider and respond to the information received. A request for an extension of time by a further month has also been received from the County Council's Solicitor and their suggestion that a further month is necessary for the S106 to be completed is considered reasonable and appropriate.

Given the above, the Head of Planning and Development considered it unreasonable to exercise his delegated authority to refuse the application, and an extension of time for the completion of the obligations has been agreed to 31 August.

Application 12/00127/OUT - Land South Of West Avenue, West Of Church Street And Congleton Road And North Of Linley Road, Butt Lane, (Revelan Developments)

The proposal for residential development on land off West Avenue came before the Planning Committee at its meeting on 8 May 2012. The resolution of the Committee was that planning permission should be granted subject to the prior securing of various obligations by 6 June. Progress on the Council's side was slow and an

extension until 26 June was initially granted, followed by another of until 10 August. There has been progress made particularly over the last month – with an exchange of drafts but it may well be that 10 August will pass without the agreement being completed – particularly so given not only that the text of agreement has yet to be fully agreed but also because of the number of parties involved. An advance supplementary report will be provided to the Planning Committee on this matter.

Application 12/00069/FUL – 140 Gloucester Road, Kidsgrove (Ideal Care Homes)

The proposal for a new care home for the elderly on this site off Gloucester Road came before the Planning Committee at its meeting on 17 April 2012. The resolution of the Planning Committee was that planning permission should be granted subject to the prior securing by the 11 May by obligation of payment of a Travel Plan monitoring contribution. An undertaking to this effect was promptly entered into but at the last moment deficiencies in the document were noted, which took time to resolve. In the circumstances the Head of Planning and Development agreed to extend the period of time, the undertaking was revised, and planning permission issued after the end of the 13 week period.

Date Report Prepared

3 August 2012