

Public Document Pack

Date of meeting Tuesday, 28th January, 2014
Time 7.00 pm
Venue Council Chamber, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Julia Cleary

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies for Absence
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 1 - 12)
To receive the minutes of the previous meetings held on 10th December 2013 and 7th January 2014.
- 4 **Application for Major Development - Land between Apedale Road and Palatine Drive, Chesterton; Land Improvement Holdings Landmatch/Savills; 13/00525/OUT** (Pages 13 - 32)
- 5 **Application for Major Development - Former Sentinel Newspaper Site, Media Way, Forge Lane, Etruria; Bet365; 348/201(SOTCC reference 58186/FUL)** (Pages 33 - 40)
- 6 **Application for Major Development -Etruria Valley, Phase 3A & 3B, Forge Lane, Etruria; Stoke on Trent Regeneration;348/206(SOTCC reference 56150/OUT)** (Pages 41 - 46)
- 7 **Application for Major Development - Former Queens Hotel, 489 Etruria Road, Hanley, Stoke on Trent, ST4 6JJ; David Gough; 348/208** (Pages 47 - 50)
- 8 **Application for Minor Development - Land off Slacken Lane, Kidsgrove; Mr Brooks; 13/00623/FUL** (Pages 51 - 62)
- 9 **Application for Minor Development - Land Adjacent to 1 Chester Crescent, Newcastle; Mr Simon Sanders; 13/00934/REM** (Pages 63 - 70)
- 10 **Application for Minor Development - Exchange House, Liverpool Road; Mr Kandola; 13/00946** (Pages 71 - 78)
- 11 **Application for Minor Development - Boat House at Lake No. 1, Three Mile Lane, Keele; Keele University; 13/00836/FUL** (Pages 79 - 84)

- 12 **Application for Minor Development - Former St Marys Church, Wharf Terrace, Madeley Heath; Mr C Hodges; 13/00978/FUL** **(Pages 85 - 92)**
- 13 **Application for Other Development - 31 Kinnersley Avenue, Kidsgrove; Mr Ian Cliff; 13/00914/FUL** **(Pages 93 - 98)**
- 14 **Application for Financial Assistance from the Conservation and Heritage Fund - Newcastle Methodist Church; 13/13012/HBG** **(Pages 99 - 100)**
- 15 **Appeal Decision - 15 Nantwich Road, Audley** **(Pages 101 - 102)**
- 16 **Appeal Decision - 21 Eddisbury Drive** **(Pages 103 - 104)**
- 17 **Appeal Decision - 6 Swedish House, Chapel Lane** **(Pages 105 - 106)**
- 18 **Appeal Decision - Netherset Hey Lane** **(Pages 107 - 108)**
- 19 **Open Enforcement Cases** **(Pages 109 - 110)**
- 20 **Report on Extensions to Periods within which Obligations under Section 106 can be Entered into** **(Pages 111 - 114)**
- 21 **DISCLOSURE OF EXEMPT INFORMATION**

To resolve that the public be excluded from the meeting during consideration of the following item(s) because it is likely that there will be a disclosure of exempt information as defined in paragraphs 6 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972.

- 22 **Quarterly Report on Progress on Enforcement Cases Where Enforcement Action Has Been Authorised.** **(Pages 115 - 116)**

23 **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, Cairns, Clarke (Chair), Fear, Hambleton, Mrs Hambleton, Howells, Matthews, Miss Reddish, Stringer (Vice-Chair), Studd, Sweeney, Turner, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms upon request.

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

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

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

PLANNING COMMITTEE

Tuesday, 7th January, 2014

Present:- Councillor Michael Clarke – in the Chair

Councillors Miss Baker, Cairns, Fear, Hambleton, Mrs Hambleton, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Turner, Williams and Mrs Williams

17. APOLOGIES

Apologies for absence were received from Cllr Howells.

18. DECLARATIONS OF INTEREST

Cllrs Cairns, Cllr John Williams and Cllr Sandra Hambleton declared that they sat on the Aspire Board and would therefore refrain from participating in the discussion relating to item 8 on the agenda.

19. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT END OF GATEWAY AVENUE, BALDWINS GATE; RICHBOROUGH ESTATES LTD; 13/00426/OUT

A request for a site visit on the was proposed and seconded. The reasons given were to view the site, the access arrangements including Gateway Avenue and its junction with the A53, and from where a construction traffic access might be taken, and to assist members in considering the impact of the development on the landscape

Resolved: That the decision be deferred to enable a site visit to be undertaken.

20. APPLICATION FOR MAJOR DEVELOPMENT - LINLEY TRADING ESTATE, LINLEY ROAD, TALKE; REALTY ESTATES LTD/DPP ONE LTD; 13/00625/OUT

Members voted on the recommendation with 8 in favour and 2 against.

Resolved:

1) That subject to the applicant entering into a Section 106 obligation by 3rd March 2014 to secure the following:

- i. A financial contribution of £313,926 towards the provision of education facilities
- ii. In perpetuity, provision of 2 affordable units
- iii. A management agreement for the long-term maintenance of the open space on the site
- iv. A contribution of £2,150 towards travel plan monitoring
- v. That the financial viability assessment be reviewed if the development has not been substantially commenced within 12 months of the grant of planning permission and appropriate adjustments be made to the numbers/sums referred to in (i) and (ii) above,

((i), and (ii) being on the basis that the development as built is for the full 139 units)

the application be permitted subject to conditions relating to the following matters

1. Standard time limits for submission of applications for approval of reserved matters and commencement of development
2. Reserved matters submissions to be in accordance with the Design and Access Statement submitted with this application
3. Completion of site access
4. Details of parking, turning and servicing
5. Means of surface water drainage
6. Surfacing materials
7. Details and implementation of off-site highway works
8. Construction traffic management Plan
9. Contaminated land
10. Construction management plan
11. Noise mitigation
12. Tree protection
13. Landscaping scheme
14. Protected species mitigation
15. Surface water drainage scheme
16. Boundary treatments
17. Provision of a pedestrian access through to the land to the north and the nearest right of way or public highway within that land

2) Should the matters referred to in (i), (ii), (iii), (iv) and (v) above not be secured by obligation by the 3rd March 2014, that the Head of Planning have delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure appropriate provision for required education facilities, an appropriate level of affordable housing, the provision of adequately maintained public open space, and measures to ensure that the development achieves sustainable development outcomes, and that without such an undertaking, account would not be able to be taken of a change in market conditions and a development that could have made required contributions would not do so; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

21. **APPLICATION FOR MAJOR DEVELOPMENT - PRIORY DAY CENTRE, LYMEWOOD GROVE, NEWCASTLE; EDWARDS AND YU DEVELOPERS LTD; 13/00866/FUL**

Resolved: That the application be refused on the following grounds:

1. That the development would be harmful to the appearance of the area because of its cramped layout.
2. That the development would appear unduly overbearing to neighbouring occupiers and would provide a low level of amenity for future occupants of units 1-7 due to overshadowing from the woodland adjacent to the site.
3. That the development was likely to have an unacceptable impact on the health of nearby visually significant trees and in the absence of a light

assessment demonstrating otherwise if approved would place pressure on the Authority for the removal of other trees of amenity and townscape significance.

4. That the development would provide insufficient space for standard sized refuse vehicles to safely turn into and out of the site at the junction of Lymewood Grove, and also safely manoeuvre within the turning head proposed and then exit in forward gear.
5. That without a secured financial contribution relating to public open space contribution the development would be contrary to policy on the provision of open space for residential development

22. **APPLICATION TO EXTEND TIME LIMIT - HOLDCROFT GARAGE, KNUTTON ROAD, WOLSTANTON; 08/00795/EXTN**

Resolved:

1. That subject to the applicant entering into a S106 obligation by 7th Feb 2014 securing:
 - a) A financial contribution of £35316 for open space enhancement/improvements and maintenance
 - b) A financial contribution of £8,000 for NTADS

the application be permitted subject to conditions relating to the following matters

- Time limit (2 years to implement planning permission as currently approved)
- Approved plans
- Landscaping to be carried out in accordance with details approved under approval 11/00629/REM.
- Prior approval of all external facing materials.
- Prior approval of all surfacing materials to include porous materials to all hard surfaced areas within the curtilage of the dwellings, or provision to direct run-off water from such hard surfaces to a permeable or porous area or surface within the curtilage of the dwellings.
- Prior approval of all boundary treatments, to include a low level fence around the area of incidental open space adjoining the access.
- Removal of permitted development rights.
- Provisions of security windows to all ground floor and accessible windows; and security doors to all external doors.
- Prior approval and implementation of signage at the entrance to identify it as a private road.
- Provision of fence adjacent to vehicular access.
- Contaminated land conditions.
- Prior approval of design measures to ensure appropriate internal noise levels.
- Prior approval of recyclable materials and refuse storage.
- Tree protection measures.
- Prior approval of provision for the future maintenance of all areas of landscaping that are not within the curtilage of any of the dwellings.
- An archaeological watching brief.

- Provision of a footpath of a minimum width of 2m in front of Block A and the first property in Block B.

2. That should the above planning obligation not be secured by 7th February 2014 that the Head of Planning and Development have delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on the provision of open space within residential development and achieving sustainable forms of development, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

23. **APPLICATION FOR MINOR DEVELOPMENT - LAND OFF ROWNEY CLOSE, ROWNEY CLOSE, LOGGERHEADS; ASPIRE; 13/00816/FUL**

Resolved:

That the application be approved subject to conditions relating to:

- Standard time limit;
- Approved plans;
- Prior approval of external facing materials;
- Prior approval landscaping scheme;
- Tree protection measures;
- Highway matters; and
- Affordable housing provision.

24. **APPLICATION FOR OTHER DEVELOPMENT - WILLOWBRIDGE LODGE COTTAGE, WILLOWBRIDGE LANE, WILLOWBRIDGE; R MCDOWELL; 13/00871/FUL AND 13/00872/LBC**

Resolved:

Application 13/00871/FUL:

Permitted, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of facing materials & sections of windows and doors.
- Existing UPVC windows to be replaced with timber to match those approved for the extension prior to occupation of the proposed extensions hereby approved.

Application 13/00872/LBC:

Permitted, subject to the following conditions relating to;

- Time limit condition
- Approved plans
- Submission and approval of facing materials & sections of windows and doors.

- Existing UPVC windows to be replaced with timber to match those approved for the extension prior to occupation of the proposed extensions hereby approved.

25. **APPLICATION FOR OTHER DEVELOPMENT - YEW TREE COTTAGE, DEANS LANE, BALTERLEY; MR LANE; 13/00862/FUL**

Members were informed that the application had been withdrawn.

26. **APPLICATION FOR OTHER DEVELOPMENT - 31 KINNERSLEY AVENUE, KIDSGROVE; MR IAN CLIFF; 13/00914/FUL**

Resolved: That the decision be deferred for appropriate publicity to be given to the received additional drawings for the garage.

27. **APPLICATION FOR OTHER DEVELOPMENT - WILKINS PLECK, WHITMORE; MR C BISSELL; 13/00788/FUL**

Resolved: That the application be approved subject to the standard time limit condition, approved plans condition and condition limiting use of the building to garden storage and toilet purposes.

28. **DEVELOPMENT MANAGEMENT PERFORMANCE REPORT**

Resolved:

- a) That the report received.
- b) That the Head of the Planning and Development continue to operate mechanisms to maintain current high performance levels and improve the service provided for those procedures where our level of performance still needs to be addressed
- c) That the next 'Development Management Performance Report be submitted to the Committee around May 2014 reporting on performance for the complete year 2013/14.

29. **HALF YEARLY REPORT ON PLANNING OBLIGATIONS**

Resolved:

- a) That the report be noted
- b) That the Head of Planning and Development continue to report on a half yearly basis to the Planning Committee on planning obligations which have been secured over the preceding six months, works that have been funded during that period in whole or in part by planning obligations and compliance with their requirements

30. **APPEAL DECISION - 9 RIDGMONT ROAD**

Resolved: That the decision be noted.

31. **APPEAL DECISION - 53 HIGH STREET, KNUTTON**

Resolved: That the decision be noted.

32. **APPEAL DECISION - 109 CHAPEL LANE, KNIGHTON**

Resolved: That the decision be noted.

33. **LAND ADJACENT TO HEALTH END FARM, ALSAGER; FRANK EVASON AND MR ALLAN KEY; 348/209**

Resolved: That Cheshire East Council be advised that the Borough Council **OBJECTS** to the application on the grounds that major development in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Joint Core Strategy

COUNCILLOR MICHAEL CLARKE
Chair

PLANNING COMMITTEE

Tuesday, 10th December, 2013

Present:- Councillor Michael Clarke – in the Chair

Councillors Miss Baker, Cairns, Fear, Hambleton, Mrs Hambleton, Howells, Matthews, Miss Reddish, Stringer, Studd, Sweeney, Turner, Williams and Mrs Williams

Also in attendance – Councillor Loades for application numbers 13/00788/FUL & 13/00551/FUL and Councillor M Taylor for application number 13/00712/FUL

1. **APOLOGIES**

There were none

2. **DECLARATIONS OF INTEREST**

Councillor Turner declared an interest in planning application 13/00712/FUL (Aldi UK Ltd) indicating that he would take no part in the discussion on that application and would not vote.

3. **MINUTES OF PREVIOUS MEETING(S)**

Resolved:- That the minutes of this Committee held on 19th November 2013 be approved as a correct record.

4. **PETER WHALAN-COMMITTEE CLERK**

The Chairman indicated that due to a change in his duties with the Council, Peter Whalan, who had been clerk to the Committee since 1991 would no longer be attending in that capacity.

Members joined with the Chairman in expressing thanks for his support to the Committee over the above period and wished him well for the future.

Resolved:- That the information be received.

5. **APPLICATION FOR MINOR DEVELOPMENT - LAND OFF WATERING CLOSE, NEWCASTLE ROAD, BALDWINS GATE; MR BRIAN VAUGHAN, 13/00551/OUT**

Resolved:- That permission be granted subject to the under-mentioned conditions:-

- Standard time limit for submission of applications for approval of reserved matters and commencement of development
- Reserved matters submissions
- Means of access including details of surfacing
- Layout of site including disposition of buildings and provision of adequate parking and turning within the cartilage
- Means of surface water drainage
- Contaminated land conditions
- Noise assessment
- Internal noise levels for dwellings
- Waste storage and collection arrangements

6. **CONSIDERATION OF A PROPOSAL TO CABINET TO PREPARE A FULL JOINT LOCAL PLAN**

The Committee's comments were invited on the contents of a report that was to be considered by Cabinet on 11 December 2013.

Resolved:- That Cabinet be advised that this Committee notes the contents of the report to be considered by Cabinet on the above date.

7. **CHESHIRE EAST LOCAL PLAN AND LAND AT AND ADJACENT TO WHITE MOSS QUARRY, ALSAGER, CHESHIRE (348/205)**

Consideration was given to a report that highlighted the publication of the Pre-submission version of the Cheshire East Local Plan Core Strategy for consultation purposes and invited the Committee to agree formal representations to be made on behalf of the Borough Council to Cheshire East Council.

The report also informed Members of an application for outline planning permission for residential development at White Moss Quarry, Alsager and invited Members to agree formal representations to be made on it to Cheshire East Council.

Resolved:- (a) That the Committee notes the publication of the Pre-submission Core Strategy and its contents.

(b) That the comments made in the officer's report be endorsed and form the basis of the Borough Council's formal response to the consultation on the Pre-submission Core Strategy within the required timescale.

(c) That Cheshire East Council be advised that the Borough Council objects to the application for outline planning permission for residential development at White Moss Quarry on the grounds that development of this scale in this location would undermine the delivery of the Newcastle-under-Lyme and Stoke-on-Trent Joint Spatial Strategy.

8. **APPLICATION FOR MAJOR DEVELOPMENT - THE HAWTHORNS; KEELE SEDDON LTD; 13/00425/CON**

Resolved:- That the application be refused because, in the absence of approved and acceptable plans for the redevelopment of the site, there would be harm to the character and appearance of the Conservation Area, and approval would be contrary to policy both within the Newcastle Local Plan and National Planning Policy Framework.

9. **APPLICATION FOR MAJOR DEVELOPMENT - LAND AT THE JUNCTION OF BLACKFRIARS ROAD AND LOWER STREET; ALDI UK LTD; 13/00712/FUL**

Resolved:- (a) That subject to the applicant entering into a Section 106 Obligation by agreement by no later than 31st January 2014 to secure the following:-

- A contribution of £46,552 towards the Newcastle(urban) Transport and Development Strategy (NTADS)(or other such amount which is considered to be reasonable)
- A Travel Plan monitoring fee of £2,150

- The use of automatic number plate recognition system to ensure to restrict parking to a 90 minutes shoppers car park or other car park management system that is agreed by the Local Planning Authority
- A contribution of £76,000 for improvements to the two subways referred to in the report
- The provision of a footpath within the site in the future should the opportunity arise

and the objections raised by the Environment Agency with regards to the Flood Risk Assessment being withdrawn by 20th December 2013 the application be permitted subject to the under-mentioned conditions:-

- Commencement within 3 years
- Prior approval of materials
- Approved plans
- Finished floor levels
- Hard and soft landscaping scheme to be carried out in accordance with the approved details unless otherwise agreed.
- Tree protection measures
- Prior approval of details of the accesses and implementation prior to occupation
- Prior approval of the details of the zebra crossing and alterations to the lay-by and implementation before development commences
- Provision of visibility splay on Lower Street prior to occupation
- Provision of parking, servicing, loading and turning areas prior to occupation
- Prior approval of surfacing materials for the access, parking and servicing areas; surface water drainage of such areas; and delineation of parking bays, servicing and loading bays and provision prior to occupation
- Prior approval and implementation of a Delivery Vehicle Management Plan
- Prior approval and implementation of a Construction Method Statement-highways(detailing site compound; routing of construction vehicles; parking of vehicles; loading and unloading of plant and materials; storage of plant; and wheel wash facilities)
- Provision of cycle storage
- Implementation of Travel Plan
- Litter disposal and collection arrangements
- Prior approval and implementation of measures to prevent shopping trolleys leaving the site
- Prior approval and implementation of a construction management plan-environmental health(to include control of noise and vibration; control of dust and measures to prevent mud deposition off site)
- Prior approval and implementation of measures to secure the car park outside store opening hours
- Prior approval and implementation of details of external noise generating plant
- Prior approval and implementation of external lighting
- Contaminated land conditions
- Prior approval and implementation of a written scheme of archaeological investigation
- Any additional conditions recommended by the Environmental Health Division
- Conditions recommended by the Environment Agency where considered required by the Head of Planning

(b) That failing completion of the above planning obligation by 31st January 2014, the Head of Planning be given delegated authority to refuse the application on the grounds that in the absence of the obligation the proposal fails to make an appropriate contribution to the Newcastle (urban) Transport and Development Strategy (NTADS) which seeks to improve local accessibility and promote the most sustainable modes of travel: secure improvements to the subway and thereby failing to adequately improve connectivity to the town centre; and fail to secure the opportunity to rediscover the potential of the Lyme Brook and improve connectivity in the future should the opportunity arise; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

(c) That in the event that the Environment Agency's objections are not withdrawn by 19th December 2013 the application be brought back to Committee for re-consideration.

10. **APPLICATION FOR MAJOR DEVELOPMENT - LAND ADJACENT TO 31 BANBURY STREET, TALKE; BROWNS LTD; 13/00785/FUL**

It was reported that this application had been withdrawn.

Resolved:- That the information be received.

11. **APPLICATION FOR MINOR DEVELOPMENT - ST MARY AND ALL SAINTS CHURCH, THREE MILE LANE, WHITMORE; PCC OF ST MARY'S CHURCH; 13/00813/FUL**

It was reported that this application had been withdrawn.

Resolved:- That the information be received.

12. **CONSTITUTION OF THE COUNCIL. COUNCIL PROCEDURE RULES-DURATION OF MEETING**

The Committee, having sat continuously for a period of 3 hours, was advised that if it wished to continue then a resolution to that effect would have to be passed in accordance with the Council's Constitution. (paragraph 16 – Council Procedure Rules)

Resolved:- That in accordance with the wishes of a majority of the members present the meeting be not adjourned and continues to consider items on the agenda.

13. **APPLICATION FOR MINOR DEVELOPMENT - ILKLEY PLACE BALL PARK, PLAYGROUND, SILVERDALE; NULBC; 13/00858/DEEM3**

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

- Standard time limit
- Approved plans
- Permitted floodlighting not to be in use beyond 10 pm on any day
- Development to be carried out in accordance with the submitted lighting report.
- Appropriate condition as recommended by Environmental Health.

14. **APPLICATION FOR MINOR DEVELOPMENT - WILKINS PLECK, WHITMORE; MR C BISSELL; 13/00788/FUL**

Resolved:- That consideration of this application be deferred pending receipt of further information to be requested from the applicant.

15. **DEVELOPMENT MANAGEMENT HALF YEARLY PERFORMANCE REPORT**

Resolved:- That consideration of this matter be deferred to the next meeting.

16. **SECTION 106 HALF YEARLY REPORT**

Resolved:- That consideration of this matter be deferred to the next meeting.

COUNCILLOR MICHAEL CLARKE
Chair

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**LAND SOUTH OF APEDALE ROAD AND NORTH OF PALATINE DRIVE, CHESTERTON
LANDS IMPROVEMENT HOLDINGS LANDMATCH_ 13/00525/OUT**

The application is for outline planning permission for residential development of up to 350 dwellings including open space, new vehicular access, infrastructure, ancillary development and associated earthworks. The site is predominantly a greenfield site (i.e. not previously developed), part of the site has been subject to mineral extraction (this area is un-restored and has renaturalised and is subject to a condition requiring its restoration)

All matters of detail are reserved for subsequent approval with the exception of the means of vehicular access – a single vehicular is being proposed off Apedale Road (an unclassified road).

The application site, of approximately 16.27 hectares in extent, is within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal, and the Green Belt all as indicated on the Local Development Framework Proposals Map.

The 13 week period for the determination of this application expired on 4th October 2013.

RECOMMENDATION

A. Subject to

(i) your Officer being satisfied by the District Valuer that it has been demonstrated that the scheme cannot at present provide policy compliant affordable housing provision or Section 106 contributions, that appropriate advice has been received from the District Valuer as to what level of contributions can be sustained, and the Planning Committee's agreement to this approach and to how the available contributions should be divided up

(ii) the applicant entering into a Section 106 obligation by 31st March 2014 to require:-

- 1) A contribution of phased payments towards the Newcastle (urban) Transport and Development Strategy (NTADS) (the level to be agreed following the outcome of (i) above)**
- 2) A contribution of phased payments towards an extended bus service (the level to be agreed following the outcome of (i) above)**
- 3) A contribution of phased payments towards school spaces (the level to be agreed following the outcome of (i) above) and the sum being able to be adjusted should the development as built be for less than the full 350 units**
- 4) Affordable Housing provision (the level of which to be agreed following the outcome of (i) above)**
- 5) EITHER a contribution of £672,000 towards open space maintenance OR the entering into of a Management agreement to secure the long term maintenance of the public open space**
- 6) A Travel Plan monitoring fee of £6,200**
- 7) The review of the financial assessment of the scheme by the District Valuer at the commencement of the second and third phases of the development and appropriate adjustments being made to the sums and numbers referred to in 1), 2), 3), and 4) above, and**
- 8) That the financial viability assessment be independently reviewed by the District Valuer if phase 1 of the development has not been substantially commenced within 18 months of the grant of this outline planning permission and appropriate adjustments be made to the numbers/sums referred to in 1), 2), 3), and 4) above**

Permit the application, subject to conditions concerning the following matters:

- o Condition to reflect outline nature of application**
- o Time limit for submission of any approval of reserved matters and for commencement conditions**
- o Approved plans and documents**
- o Phasing plan to including engineering works, openspace provision, and infrastructure works including non vehicular links**
- o Reserved matter submission to be informed by the principles within the submitted Design and Access Statement**
- o Tree protection measures**
- o Landscaping reserved matters to include replacement tree planting**
- o Reserved matters to include details relating to surface water drainage and road specification**
- o Provision of the new access onto Apedale Road**
- o Off Site traffic management details including new signage**
- o Provision of details relating to movement framework, connection to surrounding areas for all modes of transport, connection for pedestrian and cyclists through the site.**
- o Provision of details of residential street layout and character**
- o Mitigation measures prevent debris being deposited on the Highway**
- o Construction traffic routeing**
- o Site and construction compound details**
- o Contaminated Land Conditions**
- o Construction hours restriction where appropriate**

- **Construction management plan**
- **Dust mitigation measures**
- **Internal noise levels in dwellings**
- **External noise levels**
- **Waste storage and collection arrangements**
- **Archaeological evaluation and subsequent mitigation measures**
- **Ecological mitigation**
- **Flood Risk Assessment**

B. Failing completion by 31st March 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to improve local accessibility and to promote the most sustainable modes of travel; and provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the on-going maintenance of on site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

Whilst the site is greenfield, it is in a sustainable location and in the context of the Council's current inability to demonstrate a 5-year supply of deliverable housing sites it is not appropriate to resist the development. The scheme is considered acceptable in terms of impact on landscape, highway safety and trees. Subject to the imposition of suitable conditions and appropriate financial contributions, it is not considered that there are any material considerations which would justify a refusal of outline planning permission. A further report will however be required on the issue of the ability of the scheme to fund these contributions, and members should note that it may well be necessary for your Officer to request deferral of a decision on this application as a consequence of information yet to be received.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

No amendments were considered necessary during the course of the application. Officers of the Local Planning Authority and the Authority's agents have cooperated in an appropriate manner in the financial assessment of the scheme.

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

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

Strategic Aim 2 (SA2) – To facilitate delivery of the best of healthy urban living in the development of the conurbation and to ensure that new development makes adequate provision for all necessary community facilities including health care, education, sports and recreation and leisure and that the quality and accessibility of existing facilities are enhanced and retained where they provide for the justified community needs.

Strategic Aim 10 (SA10) - To facilitate development within identified priority regeneration areas of the North Staffordshire conurbation.

Strategic Aim 16 (SA16) - To eliminate poor quality development and establish a culture of excellence in built design by developing design skills and understanding, by requiring good, safe design as a universal baseline and distinctive design excellence in all development proposals, and by promoting procurement methods which facilitate the delivery of good design.

Strategic Aim 17 (SA17) - To minimise the adverse impacts of climate change in the move towards zero carbon growth through energy efficiency, promoting the use of renewable energy sources and green construction methods in accordance with best practice

Strategic Aim 18 (SA18) - To promote mixed use and residential development where it can support city, town and local centres

Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP2: Historic Environment
Policy CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets
Policy CSP5: Open Space/Sport/Recreation
Policy CSP6: Affordable Housing
Policy CSP10: Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1: Residential development: Sustainable location and protection of the countryside
Policy T16: Development - General Parking Requirements
Policy C4: Open Space in New Housing Areas
Policy C21: White Rock – Apedale Road
Policy N12: Development and the Protection of Trees
Policy N13: Felling and Pruning of Trees
Policy N17: Landscape Character – general Considerations
Policy N22: Area of Landscape Regeneration
Policy B3: Other Archaeological Sites
Policy IM1: Provision of essential supporting infrastructure and community facilities.

Other material considerations include:

National Planning Policy

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

Draft National Planning Practice Guidance August 2013

Circular 11/95 The Use of Conditions in Planning Permissions

CIL Regulations, particularly Section 122

Manual for Streets

Supplementary Planning Guidance/Documents

Developer Contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings (SpAD) SPG (July 2004)

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

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

North Staffordshire Green Space Strategy – adopted December 2009

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

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2008/09

Planning for Landscape Change – Supplementary Planning Guidance to the former Staffordshire and Stoke-on-Trent Structure Plan

Views of Consultees

The **Highway Authority** has no objection to the proposal subject to:

- Approval of the reserved matters details
- Approval of the means of surface water drainage and disposal
- Full road construction specifications
- The provision of the new vehicular site access arrangements in accordance with the Safety Audit recommendations.
- The provision of the details of the amendments to the Audley Road/ Apedale Road junction, in accordance with the Safety Audit recommendations.
- The provision of off site traffic management scheme including new signage relating to the routing of Heavy Commercial Vehicle (HCV) traffic accessing and leaving Apedale Business Park.
- Prior approval of site layout plan showing movement framework, connection to the surrounding area for all modes of travel, connection through the site and onto the public highway for pedestrians and cyclists, residential street layout and character and the development phasing.
- Submission of details to prevent the deposit of waste material on the public highway during the construction phase.
- Submission of details of parking of vehicles of site personnel, operatives and visitors, loading and unloading arrangements for plant and materials and storage area for plant and materials.

The Highway Authority is also requesting that financial contributions should be sought in respect of a residential travel plan (£6200) and towards the Newcastle Transport and Development Strategy (£193,313).

The County Council as the **Education Authority** advises the development falls within the catchment of Churchfields Primary School and Chesterton Community Sports College.

They advise a development of the scale proposed could generate an additional 74 Primary School aged pupils, 52 High School aged pupils and 10 Sixth Form aged pupils. They have requested an education contribution for a development of £816,294 based on the primary school places advising that whilst the development would place pressure on High School places, current demographics indicate that the College should be able to accommodate the likely demand from pupils generated by the development.

The comments are made based on the development providing 350 dwellings (25% of which would be affordable units) and if that number increase or the number of affordable housing reduces, a revised calculation will be necessary.

The **Landscape Development Section** has no objection in principle subject to:

- The upgrading/improvement of the buffer between the Country Park and the site to ensure the longevity of this area.
- Protection measure for all retained trees and hedges

They raise concerns regarding the number of higher quality trees that are being proposed to be removed to accommodate the proposed changes to the ground levels (thus prolonging the period of greater visual impact of the development whilst the replacement landscaping scheme establishes).

A maintenance contribution to the value of £672,000 for the 350 dwellings or a management agreement for the long term maintenance of the open space on the site would also be required.

The **Environment Agency** has no objections subject to:

- The development being carried out in accordance with the submitted Flood Risk Assessment
- Submission of details of the sustainable surface water drainage
- Submission of details regarding the extent of the floodplain
- Contaminated land Conditions
- No infiltration of surface water into ground without prior approval, to prevent site contaminants entering into water courses.
- Submission of details controlling Japanese Knotweed

The **Environmental Health Division** has no objections subject to:

- Contaminated Land Conditions
- Restriction of construction hours
- Construction management plan
- Protection of highway from mud and debris
- Dust mitigation measure during the construction period
- Noise Assessment
- Internal noise levels in dwellings
- External (garden and amenity areas) noise levels
- Waste and recyclables storage and collection arrangements

The **Police Architectural Liaison Officer** acknowledging the submitted layout is indicative at this stage request the following matters are taken into consideration in any subsequent detailed submission:-

- Rear gardens would back onto rear gardens providing excellent mutual security;
- There would be a clear distinction between public and private space;
- Defensible space would exist at the front of the properties;
- Active frontages would address public space, road network etc and there is potential for dual aspect corner plots;
- There would be generally good levels of natural surveillance throughout the development including of the country park, residential square and urban park;
- Safe Desire lines would be incorporated into the layout.
- Illustrative linkages and internal footpaths would potentially be overlooked;
- The school boundary would be secured along the north-east edge of the site;
- The opportunity would exist for the private rear gardens to be made secure by placing fencing and gating (as close to the front of the building line as possible) to prevent unauthorised access from the front of the properties;
- There would be good use of integral, garaged and overlooked in-curtilage parking which would be ideal and some overlooked on-street parking.

They recommend that in due course serious consideration is given by the developer to seeking 'Secured by Design' accreditation for this development.

The **Waste Management Service** has no objections to the outline proposal subject to any subsequent detailed submission providing details of the site layout allowing adequate access for refuse vehicles reducing the requirements to reverse long distances together with details of storage of waste and recycling containers.

The **County Council's Archaeologist** advises the submitted archaeological desk based assessment conforms to the Institute for Archaeologists standard and guidance for Historic Environment Desk-Based Assessments (2012). They advise the application site lies within an area of demonstrable archaeological potential due to the proximity of the Roman Fort at Chesterton whose its extent, to date, has not been adequately charted. Given the above they are recommending a condition is attached to any consent requiring an archaeological evaluation be undertaken in advance of groundworks. This work should be carried out sufficiently in advance to inform the need for and

scope of any further archaeological mitigation. This approach is supported by the advice found in the National Planning Policy Framework.

The Coal Authority advises that the site does not fall within the defined Development High Risk Area and as such it recommends that any grant of planning permission is accompanied with The Coal Authority's Standing Advice as an informative note.

The County Council as the **Local Mineral Authority** has no objections to the proposal subject to the Borough Council liaising with the County Council on works to ensure the satisfactory restoration of the whole site, and the safeguarding of protected species and enhancement of their habitats.

The **County Council's Ecologist** initially raised concerns regarding insufficient information and a further submission has been made. The Ecologist makes the following comments on the revised details - The Phase 1 Habit survey report is adequate to inform the ecological mitigation plan; the principles and aims within the submitted Ecological Mitigation Plan are appropriate to the site and the existing assets and in accordance with National Planning Policy Framework and the proposed measure are appropriate to the site. They note the Design and Access Statement Plan conflicts with the Ecological Mitigation Plan and will require amendment prior to any consents to reflect ecological mitigation proposal. They recommend a condition requiring the submission of a detailed ecology and landscape management plan to include protection of habitats and species during site preparation and development together a landscaping scheme incorporating Ecological Mitigation Plan and Natural England requirements.

MADE acknowledges this is an exciting site with the potential to do something spectacular and give people an exceptional place to live. The Panel are supportive of the Urban Park and consider it as an essential part of the scheme adding value to the proposal. The panel are disappointed that the proposal of this size only has one vehicular access but understand there are land ownership issues restricting this but encourage the use of pedestrian links to the south and east of the site. They raise issues in respect of it being undesirable for volume house builder to use their standard house types on this site due to the topography of the site.

In conclusion the Panel acknowledges the proposal are seeking to raise the level of environmental quality and place making in this part of Newcastle but require clarity about how these aspirations for quality are delivered.

Greater Chesterton Locality Action Partnership (LAP), United Utilities, Staffordshire Wildlife Trust and Natural England have been consulted on this proposal and have not provided a response and as such it should be assumed they have no comments to make.

Representations

Seven letters of representations together with a petition of objection with 810 signatories organised by the **Chesterton Action Group** have been received raising the following concerns:-

- The increase in traffic movements along Apedale Road
- Construction traffic movements
- Antisocial behaviour from the use of new pedestrian/cycle accesses
- Loss of views
- Devaluation of property
- Construction Noise
- The lack of School spaces
- Loss of Wildlife habitats
- No demand for new housing
- The development will not help the local area
- The loss of access to the existing green spaces
- The increase in demand for medical facilities
- Adverse Impact on the Country Park
- Antisocial Behaviour from the proposed play area and open spaces
- Encroachment into and the urbanisation of this green area.

- The availability of other brownfield sites
- Light and Noise Pollution

Applicant/agent's submission

The application is supported by the following documents:

- Planning Statement
- Statement of Community Involvement
- Design and Access Statement
- Landscape and Visual Appraisal
- Transport Assessment including a Travel Plan
- Flood Risk Assessment
- Air Quality Survey
- Noise Survey
- Protected Species Survey Reports
- Arboriculture Survey
- Phase 1 Desk Study – Land Contamination/ ground conditions
- Site Investigation and Reclamation Strategy
- Geophysical Survey report
- Archaeological Desk based Assessment
- Written Scheme of investigation for an Evaluation by Trial Trenching
- Draft Heads of Terms for Section 106 Planning Obligations
- Extended Phase 1 Habitat survey and ecological mitigation plan (submitted as result of concerns raised by consultees)

Where relevant, reference is made to points made within these documents within the Key Issues section below.

All of these documents are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/ApedaleRoad

KEY ISSUES

1.1 This application is for outline planning permission for residential development for up to 350 dwellings on this predominantly greenfield site. A section of the site was previously used for mineral extraction however this part of the site is un-restored and as re-naturalised since the mineral extraction ceased. The mineral extraction works is subject to a planning condition requiring the restoration of the site.

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

- Is the principle of the development of this site for residential purposes acceptable?
- Is there conflict with development plan policy that seeks the regeneration of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?
- Would the development be acceptable in terms of the impact on the form and character of the area?
- Would the proposed development have any adverse impact upon highway safety, does the development promote sustainable transport choices and, if so, how does this need to be secured?
- What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?
- Can adequate provision be made to deliver affordable housing as part of the development?
- What are the ecological implications of the development and are they acceptable?
- What are the implications of the development for archaeological interests and are they acceptable?
- Would there be any issues of flood risk?

- Will appropriate open space provision be made?
- Would some lesser contributions towards the cost of addressing the above issues be justified given issues of viability?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole?

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

2.1 The site lies within an Area of Landscape Regeneration and the Newcastle Urban Neighbourhood and abuts the site of the White Rock Community Facility proposal and the Green Belt all as indicated on the Local Development Framework Proposals Map. No part of the site meets the definition of previously developed land contained within the NPPF.

2.2 Saved Policy NLP H1 indicates that planning permission for residential development will only be given in certain circumstances – one of these is where the site lies within the urban area of Newcastle – which this site in policy terms does, even though it is the subject of a landscape designation unlike any other similar site. It is expressly not, it should be noted, covered by the policy designation Policy N16 which refers to a “green heritage network”. Sites subject of that particular designation include locations such as Wolstanton Marsh, Wolstanton Golf course, Poolfields, Bradwell Wood Western spur and similar. Residential development of the application site therefore is accordance with policy H1.

2.3 CSS Policy SP1 states that new housing in the Borough will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods within General Renewal Areas and Areas of Major Intervention and within the identified ‘significant urban centres’. It also 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 site here lay within one of the General Renewal Areas and Area of Major Intervention as identified by the former regeneration body RENEW.

2.4 Policy ASP5 of the Core Spatial Strategy (CSS) referring to the Kidsgrove and Newcastle urban neighbourhoods sets a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 3,200 dwellings within Newcastle Urban Central (which includes Silverdale, Thistleberry, Knutton, Cross Heath, Chesterton and the Town Centre).

2.5 Although not a material consideration in itself in the determination of this application, members may wish to note that the delivery of housing on this site has already been taken into account within the calculation of the Borough’s five year housing supply (Five Year Housing Supply Assessment for Newcastle under Lyme: 1 April 2013 to 31 March 2018 (May 2013)) – within the above calculation 120 dwellings have been already included.

2.6 The Local Planning Authority (LPA), by reason of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years worth of housing against its policy requirements (the CSS) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent underdelivery of housing, the LPA is required to increase the buffer to 20%. The Borough is currently unable to demonstrate a five year supply of specific, deliverable housing sites – the current shortfall being of the order of 949 dwellings and the latest housing land supply figure being 3.27 years..

2.7 Paragraph 49 of the NPPF states:

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

The application has therefore to be assessed against the NPPF including paragraph 14 which states:

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

...For decision-taking this means:

- ...where...relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.”

2.8 The site is greenfield. As indicated SP1 refers to “new development being prioritised in favour of previously developed land”, but given the position indicated above, as a policy on the supply of housing is must be considered to be out of date at least until there is once again a five year housing supply. The location of the application site, relatively close to the District Centre of Chesterton, various services and facilities, and employment locations, all are indicative that this is a location where sustainable development can be achieved, and whilst greenfield development is by definition less sustainable than brownfield development (the latter can be considered to have the merit of involving the recycling of land) the fact that a considerable part of the site is previous mineral workings can be given some weight in this particular context. The issue of the transportation aspect of sustainability is explored further later on in the report, but it is not unreasonable to conclude that there is a presumption in favour of the development at this location, although appropriate weight needs to be given in particular to any conflict with landscape policies contained within the development plan, and any other policies which do not relate to the supply of housing. For this reason the report next considers that first issue.

2.9 Consideration will be given to whether there are any adverse impacts arising from granting planning permission that would outweigh the benefits of the provision of housing land under the headings below and a conclusion reached at the end of the report regarding the acceptability of the proposed development.

3. Is there conflict with development plan policy that seeks the regeneration of the landscape of which the site forms part of, and other landscape policies, and if so, what weight should be given to this?

3.1 The site forms part of the Area of Landscape Regeneration (saved NLP policy N22). This policy states the Council *will support, subject to other plan policies, proposals that would regenerate the landscape appropriate to its urban or rural location, and that where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.*

3.2 CSS Policy CSP4 indicates that the location, scale, and nature of all development should avoid and mitigate adverse impacts (on) the area’s distinctive natural assets and landscape character. This policy is considered to be consistent with the NPPF which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

3.3 The NPPF in paragraph 109 advises the planning system should contribute to and enhance the natural and local environment by, amongst other headings, protecting and enhancing valued landscapes. It is considered the above NLP and CSS landscape policies are not in conflict with the more recent advice found within the NPPF.

3.4 Supplementary Planning Guidance on Planning for Landscape Change to the former Staffordshire and Stoke-on-Trent Structure Plan, which was adopted in 2001, identifies the site as being a Coalfield Farmlands landscape character type. It states that the area is characterised by landscapes of sparsely wooded landscapes of former mining villages and small and medium sized hedged fields on undulating plateaux close to large population centres. It states that incongruous landscape feature in these areas include modern urban expansion, electricity pylons, busy roads , golf courses, sewage works and electrified railway lines. The SPG was used in the NLP to set policies for landscape consideration.

3.5 As the NPPF indicates due weight should be given to policies in existing development plans (those adopted prior to the publication of the NPPF in March 2012) according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them).

3.6 The designation of the site as part of an Area of Landscape Regeneration cannot, given the actual wording of the policy, be read as preventing development of the site. Indeed as already indicated whilst the application site is within a landscape designation it is also within the urban area as defined by the NLP and local development framework proposals map, and there is a presumption (within the development plan) in favour of its development for residential purposes.

3.7 That said it is appropriate to consider how the proposal performs in terms of the Landscape policy – does it make a positive contribution towards landscape regeneration?

3.8 The application site is readily seen in virtually its entirety when viewed from the other side of the Apedale valley from within the Country Park, it is also readily seen from other points around the site such as Apedale Road and the existing residential areas to the south and east of the application site. All these views have the backdrop of either the existing urban townscape of Chesterton and beyond or the existing industrial/ commercial uses/paraphernalia along or off Apedale Road together with the existing Brick Works beyond on Audley Road. Abutting the lower part of the application site is the White Rock NLP Policy 21 area which is referred in the section above and to date is undeveloped.

3.9 As stated above the applicants have an indicative layout plan in their submission and whilst this detail does not form part of this outline application it provides the decision maker with a useful reference document to see how the site could be developed.

3.10 The site, subject to approval, would be subject to some major land form alterations across the majority of the site. This would result in the formation of three distinct areas of landscape within the site, namely, an 'Urban Park' which would utilise the existing topography of former mineral workings with grass terraces and a play area; 'Residential Square' located at the southern part of the site again containing a play area; 'Natural Open Space' located the west and south, at the lower parts of the site, providing a more naturalised area with wetland habitats together providing areas for sustainable drainage methods. The remainder of the development would be best described as 'townscape'

3.11 All these proposed landscape areas provide opportunities for landscaping and tree planting within the proposed urban forms, they also provide opportunities for views from within site towards the Country Park.

3.12 The applicants have provided a Landscape and Visual Appraisal. It acknowledges the development will result in the loss of open landscape whilst still retaining and enhancing existing landscape features. The requirement to restore the former mineral extraction site, as required by planning condition, would if pursued result in the removal of some of the existing landscape features on the site. In other areas of the site existing tree cover would be lost as a result of the development, however the development provide opportunities to establish new areas of landscaping, for example the proposed Urban Park. The appraisal highlights the potential for views into and out of the application site and how the development could be designed to maintain the views from the site towards the Country Park and also provide physical link towards the Country Park.

3.13 The Landscape Development Section have no objection in principle to proposed development but they have raised concerns that the land remodelling would result in the loss of higher grade trees on the site.

3.14 Given the existing topography of the site it would be impossible to develop the site in an efficient manner which provides an acceptable level of density such as being proposed here, therefore on balance the loss of the trees, whilst it is unfortunate, is necessary to provide an efficient use of land. It is recommended that in any approval granted appropriate conditions are attached relating to the future landscape of the site which should include a suitable level of tree planting to assist in mitigating the loss of any existing trees together with tree protection measure for those to be retained.

3.15 In conclusion the proposal would have a noticeably impact / encroachment into the surrounding landscape, given it involves the development of a greenfield site which is highly visible when viewed from the adjacent Country Park on the opposite side of the valley, albeit having a backdrop of the existing townscape. Whilst the development would result in the removal of some of the existing landscape features on the site, the development provides the opportunity to create, retain and enhance other landscape features. Overall, subject to conditions regarding proposed landscaping, it is not considered that the proposed development would have such an adverse impact on the character or quality of the wider landscape to justify a refusal.

4. Would the development be acceptable in terms of the impact on the form and character of the area?

4.1 The site is located on the edge of the existing urban area with a number of existing uses either sharing a boundary with the application site or located in close proximity of the site, including a school and playing fields to the east, existing residential properties to the south, south west and north, Apedale Country Park some 400 metres to the south west and industrial/commercial uses on the opposite side of Apedale Road to the north west. The site abuts, to the south west saved NLP Policy C21 area "White Rock – Apedale Road" which is an area of approximately 13 hectares allocated for community leisure use. That policy advises planning permission may be given for a wide variety of leisure and recreational uses appropriate to the needs of the local community and in keeping with adjoining activity. It also advises that car parking for these uses must be on a limited scale and any application (for that site) should be accompanied by an environmental statement.

4.2 The application site being considered here slopes down from the high point on its eastern boundary to its lowest point western boundary, the ground levels difference between these points is approximately 44 metres over approximately 575 metres. Over parts of the site these level changes are relatively gentle whilst in the areas which were formerly used for mineral extraction the existing ground level changes are more severe.

4.3 If permitted the proposal would involve some major ground level changes to accommodate the residential development, although some of the existing landforms would be retained. For example the proposed urban park in the middle of the site is proposed to be sited on part of the site of the former mineral extraction area.

4.4 In pre application discussions, the applicants' agent advised that this re-profiling of ground levels on the site would not require any material to be either taken off site or imported on to the site although this is not referred in the application submission, clarification on this point has been sought.

4.5 Whilst this proposal seeks outline planning permission for residential development with all matters reserved for subsequent approval with the exception of the means of vehicular access into the site, the applicants have submitted an indicative layout plan and indicative street elevations. The applicants have provided this with their submission to demonstrate how they envisage the development of this challenging site could be achieved and demonstrating that up to 350 dwellings could be provided on the site with an acceptable density. Whilst not forming part of the application to be determined, the indicative layout plan does provide a useful guide to the decision maker.

4.6 Members should note that applicants for outline planning permission are required to include information on the *amount* of development proposed for each use referred to in the application. In the absence of any condition to the contrary any reserved matter would need to comply with and can refer to and draw support from the Design and Access Statement submitted with an application. Where an applicant indicates that the proposal is for up to a certain number of dwellings, in the event of outline planning permission being granted, unless a 'floor' or minimum number of units is imposed by a condition a reserved matters application seeking approval for any number of units up to the specified upper number would be in accordance with the outline planning permission. However if the Authority were to conclude that only a lesser number of dwellings would be appropriate, the appropriate course of action would be to refuse the application detailing the basis for this conclusion.

4.7 The indicative layout shows the proposed vehicular access from Apedale Road serving an indicative internal road network laid out in an irregular 'figure of eight' format with secondary shorter residential roads off both the inner and outer edges of this arrangement and the proposed urban park within the larger loop and a play area adjacent to the smaller loop.

4.8 The indicative layout also shows how the proposed development could connect through pedestrian links with the existing uses around the site including the residential areas to the east and south and the school premises to north, however, some of these links involve land that is owned by third parties and are not to public highways.

4.9 The submission also includes some indicative elevational details for the proposed residential development and whilst not forming part of the formal submission to be considered at this stage it does give the decision maker an opportunity to understand how the site could be developed in the future and how the topography of the site could accommodate residential development showing differing house styles with varying roofscapes and the use of palette of different surface materials finishes.

4.10 Taking all of the above into account it is considered that the site does have the potential to accommodate the number of units which the application seeks consent for, subject to the details being satisfactory.

4.11 The main principles of the proposed design and layout of the site are outlined in the Design and Access Statement. The content of that document is considered appropriate as a basis for the reserved matters submission and therefore, a condition is recommended requiring any subsequent reserved matters applications to be in accordance with the principles of the Design and Access Statement.

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

5.1 This application is for outline planning permission with all matters of detail reserved for subsequent approval with the exception of the means of vehicular access to the application site from the existing highway network. The internal on site access arrangements are not part of the submission.

5.2 The proposed single vehicular access would be off Apedale Road between the existing terraced properties on that road and its junction with Rowhurst Close. The new highway would be on a gentle curve in effect diverting the existing Apedale Road into the site and providing a spur junction off this curve to continue Apedale Road towards the Country Park, etc.

5.3 The development would obviously increase the useage of Apedale Road and would place demands on its junction with Audley Road (known as the 'Eagle and Child' junction). Improvements to this junction are being proposed, these are relatively straightforward improvements involving the alteration of the position of the Stop Line and changes in road markings.

5.4 Members will be aware that a section of Apedale Road has an existing traffic weight restriction imposed on it which is the subject of various signs. This prohibits the use of the road by vehicles of over 7.5 tonnes other than for access purposes to properties that lie within the frontage covered by the Order. Heavy Commercial vehicles (HCVs) can use Rowhurst Close and Watermills Road to access Audley Road. Some concerns have been expressed regarding the development construction traffic having to use Apedale Road, it is considered this could be adequately controlled by a suitably worded condition relating to the route for HCV construction traffic. A wheel wash or similar to reduce mud and debris being deposited on the public highway could be required by a condition.

5.5 During the determination period of the application discussions and negotiations have taken place which has resulted in the Highway Authority recommending a condition (one of several conditions they are recommending) which relates to an off site traffic management scheme comprising a signage scheme detailing the permitted routeing for HCVs accessing and leaving Apedale Business Park. It is considered the alteration to the proposed re-alignment of Apedale Road together with proposed signage would assist in making the use of the Apedale Road less attractive by HCVs.

5.6 In terms of the sustainability of the site in transport terms, as already indicated it is located immediately adjacent to the existing urban area of Chesterton which has a number of services and facilities which could serve any new development and with a number of public transport links to the major urban areas beyond. Whilst this proposal is for outline planning permission and as such the detail of the final development is to be subsequently approved this submission indicates a number of potential pedestrian/cycle links to the surrounding existing uses. The applicant has advised, within their submission, their wish to extend one of the existing public transport (bus) routes into their site. A travel plan has accompanied the application, as an appendix to the submitted Transport Assessment. The travel plan would promote sustainability of the development including promoting the existing and proposed public transport links and the provision of a “welcome pack” to the new householders on the site which promotes sustainable modes of transports open to new residents.

5.7 It is considered the site is a sustainable location in easy reach of surrounding services and facilities and the proposal would enhance this sustainability by providing an improved bus service together with permeability to, through, and from the site. Conditions would however need to be appropriately worded to ensure that this critical permeability is achieved.

5.8 The Highway Authority supports the extended bus route and travel plan monitoring and they are also recommending an NTADS contribution in the sum of £193,313 should be sought, all of these could be secured by means of a planning obligation.

5.9 It is considered these requests would be fully in line with development plan policy and the Core Strategy. Planning obligations must pass certain statutory tests as set out in the CIL Regulations. It also considered the requested obligations meet the statutory tests and as such should be sought in this case.

6. What impact would the development have upon the local schools in terms of additional pupil numbers and how could this matter be addressed?

6.1 Staffordshire County Council as the Education Authority, and the body charged with ensuring sufficient school places, advises the development site falls within the catchment of Churchfields Primary School and Chesterton Community Sports College. They advise a development of the scale proposed could generate an additional 74 Primary School aged pupils, 52 High School aged pupils and 10 Sixth Form aged pupils

6.2 They have requested an education contribution for a development of £816,294 based on the primary school places advising that whilst the development would place pressure on High School places, current demographics indicate that the school should be able to accommodate the likely demand from pupils generated by the development.

6.3 The comments are made based on the development providing 350 dwellings and if that number were to be different or the number of affordable houses change, a revised calculation will be necessary.

6.4 The number of children attributable to the proposed housing and the contribution per pupil place has been calculated using the methodology set out within Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated for 2008/09.

6.5 The statutory tests in the CIL Regulations which planning obligations must pass require that a planning obligation should be:-

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

The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the education contribution sought is considered reasonable.

7. Can adequate provision be made to deliver affordable housing on the site?

7.1 Policy CSP6 of the CSS states that new residential development within the urban area, on sites or parts of sites proposed to (accommodate), or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. With a maximum of 350 units this would therefore equate to approximately 87 units.

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

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

7.4 In terms of the tenure mix of the affordable housing, a policy compliant scheme would provide approximately 52 social rented units and approximately 35 shared ownership units (based on 350 units being provided on the site).

7.5 The applicants' agents in their submission advises that, subject to the viability of the proposal, the applicant will enter into an obligation to provide up to 25% of the dwellings for affordable housing in line with the adopted Supplementary Planning Document and Policy CSP6 of the CSS. They also advise the delivery by a registered provider, timing of its provision and nomination requirement would be delivered by a suitable section 106 obligation. The provision of affordable housing provision on the site is discussed further in the viability section of the report.

8. What are the ecological implications of the development and are they acceptable?

8.1 The application is supported by Phase 1 Habitat Survey and Ecological Mitigation Plan. The Habitat Survey identifies a number of protected species and their habitats across the application site. The Mitigation Plan proposes a number of ecological techniques including relocation (under licence) and creation of alternative habitats and habitats sites.

8.2 The County Ecologist does not raise an objection to the proposal subject to conditions and as such there are no sustainable reasons to resist the proposal due to the adverse impact on the ecology of the site.

9. What are the implications of the development for archaeological interests and are they acceptable?

9.1 The application site is located adjacent to a known archaeological feature namely a Roman Fort adjacent to the school premises. The application is accompanied by an Archaeological Desk Based Assessment.

9.2 Staffordshire County Council's Archaeologist has been consulted in this respect and advises the submitted Assessment conforms to the Institute for Archaeologists standard and guidance for Historic Environment Desk-Based Assessments (2012).

9.3 They also advise the application site lies within area of demonstrable archaeological potential due to the proximity of the Roman Fort at Chesterton and its extent has not, to date, been adequately charted.

9.4 Given the above they are recommending a condition is attached to any consent requiring an archaeological evaluation be undertaken in advance of any construction groundworks being undertaken. This work should be carried out sufficiently in advance to inform the need for and scope of any further archaeological mitigation. This approach is supported by the advice found in the National Planning Policy Framework.

9.5 Given the conditional support of the Authority's expert consultee there are no sustainable reasons to resist the proposal due to the impact on any archaeological grounds. The views of CAWP are being obtained and will be reported to the Committee.

10. Would there be any issues of flood risk?

10.1 A Flood Risk Assessment (FRA) submitted to accompany the application advises the majority of the site is within Flood Zone 1 being an area of low probability (of flooding) with the lower lying sections of the site being in Flood Zones 2 and 3 adjacent to the route of the Lyme Brook. The built development proposal would be located in Flood Zone 1 area being the preferable option when considered in context of the sequential test found in the National Planning Policy Framework.

10.2 The development proposes a number of sustainable drainage options including SUDS channels and basin together with permeable surfacing, etc.

10.3 The Environment Agency has no objections to the proposal subject to conditions including a requirement to carry out the development in accordance with the FRA and the mitigation measures included within the FRA. Subject to the imposition of conditions, it is not considered that an objection could be sustained on the grounds of flood risk.

11. Will appropriate open space provision be made?

11.1 The saved NLP Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured.

11.2 As stated above three distinct areas are proposed as open space provision. These areas have a variety of formal and informal uses, are located appropriately within the site for the future occupiers of the site and existing residential users surrounding the site.

11.3 The amount of publicly assessable open space being proposed is in compliance with the NLP policy. The Landscape Development section (LDS) have no objection in principle to proposed development advising the submitted details shows the provision of a Local Equipped Area for Play (LEAP) and two Local Area for Play (LAP) which are can be naturally surveyed by the proposed housing and provide links in to the surrounding landscape from the proposed open spaces on the site. The LDS are also recommending either a maintenance contribution is sought to the value of £672,000 payable on transfer of the land after it has been formally laid out and maintained for a 12 month minimum period or alternatively a management agreement is secured for the long term maintenance of the open spaces areas.

11.4 Again the suggested above contribution must pass the statutory test set out in the CIL regulations, as set out in the section above. The calculations have a clear and reasonable rationale and it is considered that the CIL tests are met. Accordingly the open space maintenance contribution sought is considered reasonable. There is no reason not to give the developer the choice of which option to take up.

12. Would some lesser or nil contributions towards the cost of addressing the above issues be justified given issues of viability ?

12.1 As indicated above, to comply with policy, certain contributions would be required to make the development acceptable. These are either financial contributions or ones in kind, but they are all capable of being costed, and they would be considered by a developer to be "additional" costs. These are, in no particular order, the provision of affordable housing (an uncalculated but very significant value relative to the other contributions), financial contributions towards NTADS, extended bus service, travel plan monitoring fee, and provision for additional educational capacity. That for the maintenance of the open space on the site can be considered to fall into a different category – I tis more for the provision of a service (the adoption of the open space within the development).The financial contributions would total up to £2,037,807 (or just over £5800 per unit). This excludes the cost of the affordable housing provision.

12.2 A Viability Assessment has been submitted with the application which concludes that a policy compliant development would not be viable The assessment concludes that the development could support a reduced financial contribution and reduced affordable housing provision.

12.3 The assessment indicates the level of financial contributions the development could provide and still be viable would be approximately 90% of the policy compliant requirement (circa. £1.8 million or

£5,272 per dwelling). The level of affordable housing being offered is 10% of the total number of dwellings (i.e. 35 based on 350 dwellings) – the policy compliant position is 25% of the total number of dwellings (i.e. approximately 87 dwellings).

12.4 It is acknowledged that in some circumstances an applicant may believe that what is being asked for by the Council will render a development unviable. The Developer Contributions SPD, adopted by the Borough Council in September 2007, has a section on the issue of “viability” and it starts with the point that any developer contributions required will need to comply with the tests set out in the circular, which include those of fairness and being reasonably related in scale and kind to the proposed development, and reasonable in all other respects.

12.5 The Council’s position is that in such circumstances, for the Council to be persuaded to reduce its requirements, the onus is upon the applicant to justify why and how special circumstances apply. A list of the type of information which an applicant might consider useful to demonstrate why the Council’s requirements are too onerous is provided and it is indicated that negotiations over the level of and nature of contributions will be assessed on a ‘site by site’ basis, having regard to a financial appraisal (which may be informed by independent advice) and that such negotiations will need to take account of the economics of the development and other national, regional, and local planning objectives that may affect the economic viability of the proposal.

12.6 On request, the applicant in this case has submitted financial information to substantiate their claim that the Council’s requirements as an LPA (of which affordable housing is one part) would render a policy compliant scheme unviable. The information submitted has been sent by your officers to the District Valuer (an independent third party who has the skills required to assess financial information in connection with development proposals) for further advice.

12.7 As indicated above the contributions being sought are ones which make the development policy compliant and ‘sustainable’. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

12.8 Local Planning Authorities are advised in the NPPF to take account of changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled. It has been indicated the development, if granted, would be provided in three building stages and with this in mind your officers have discussed with those consultees who have requested contributions the potential of phasing the financial contribution payments over the life of the development.

12.9 The principle underlying the timing of contributions is that payment should be made so that the needs and impacts arising from new development are addressed *before* they arise. As a consequence these contributions are normally required to be paid prior to development commencing, but the Developer Contributions SPD itself recognises that in the case of major phased developments, contributions may be paid in instalments on the commencement of each phase. It is important to note that most contributions are index linked – so as to allow for any inflation – for example in the costs of providing school places. The consultees have not raised an objection to the idea of phasing payments and the general consensus is the payments could be split into thirds – a third paid prior to commencement of the development, a third paid prior to the commencement of the 120th dwelling and a third paid prior to the commencement of the 240th dwelling. This assumes that the development as eventually built is for the full 350 units referred to in the application.

12.10 The contributions for NTADS and the educational provision contribution payment would it is suggested be equally split across the three phases. Whilst the extended bus service contribution could be split across the three phases it is considered that a higher percentage of the payment should be paid earlier in the development period to reflect the greater need to subsidise and support the bus services early on in the development at the point where there can be expected to be the greatest gap between takings and costs. The POS maintenance contribution would be required to be paid on the transfer of these areas after these areas have been laid out and maintained for a minimum of 12 months, thus this timing of this payment, to a degree, would be in the hands of the developer, although early payment should be encouraged or a financial bond be put in place to guarantee this payment. Alternatively the applicant has suggested these areas could be subject to a management

plan /agreement with the future occupiers of the site and as indicated above your Officer considers either option acceptable. It is considered the Travel Plan monitoring fee should be paid prior to any development commencing.

12.11 This flexible approach to the phasing of Section 106 payments has been shared with the applicants, their agent and the District Valuer and will feed into the financial assessment and its appraisal and may result in an increase the level of contributions provided whether those are in kind or financial. .

12.12 At the time of writing the advice of the District Valuer is still awaited (there having been a prolonged exchange of correspondence between the parties over the last couple of months), but your officer now have good reason to believe that within the next week at least draft advice from the District Valuer will have been received. That advice will however need to be properly considered and it may well be necessary for your Officer to seek clarification on its contents, or even to ask the District Valuer to consider new aspects. Accordingly there is a strong possibility that it may be considered necessary to ask the Committee to defer a decision on this application at the meeting on the 28th January. At this stage it is considered premature to give further advice, other than to remind members that it may well be that there is evidence that if the Council were to pursue the policy compliant position relating to affordable housing and the financial contributions the development would simply not happen, and accordingly no contribution would be received. This would mean that much needed housing development would not take place in part of the district where there continues to be a need to pursue the regeneration of the area, and where residential development is likely to bring benefits in terms of increased trade to the local District Centre in Chesterton The Authority is accordingly faced with a dilemma. Your Officer's view is that provided the viability case is established with evidence verified by the District Valuer there are sufficient circumstances here, to justify accepting the development with reduced contributions reflecting the level of contribution which the development can support.

12.13 That said market conditions, and thus viability can change. On this basis it would be quite reasonable and necessary for the LPA to require the independent financial assessment of the scheme to be reviewed (and the level of contributions and affordable housing adjusted to reflect the findings) given the proposal would be delivered in phases. Similarly should there not be a substantial commencement of any phase of the development, as opposed to just a 'commencement', within an appropriate period then equally it would be appropriate to require the same. All of these matters would need to be secured via a Section 106 agreement.

13. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole?

13.1 The development would result in some local impact on the character and appearance of the area specifically the landscape impact. However the proposal represents sustainable development which would make a significant contribution towards addressing the undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. On this basis the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. Evidence validated by the Authority's adviser (the District Valuer) is expected to come forward to demonstrate that a fully policy compliant development would not at this moment in time be viable and what level of contributions it could support. Having regard both to the contribution that the development would make to the supply of housing land, and the further regeneration of Chesterton, it is considered appropriate to grant planning permission for the development on this basis.

Background Papers

Planning file
Planning documents referred to

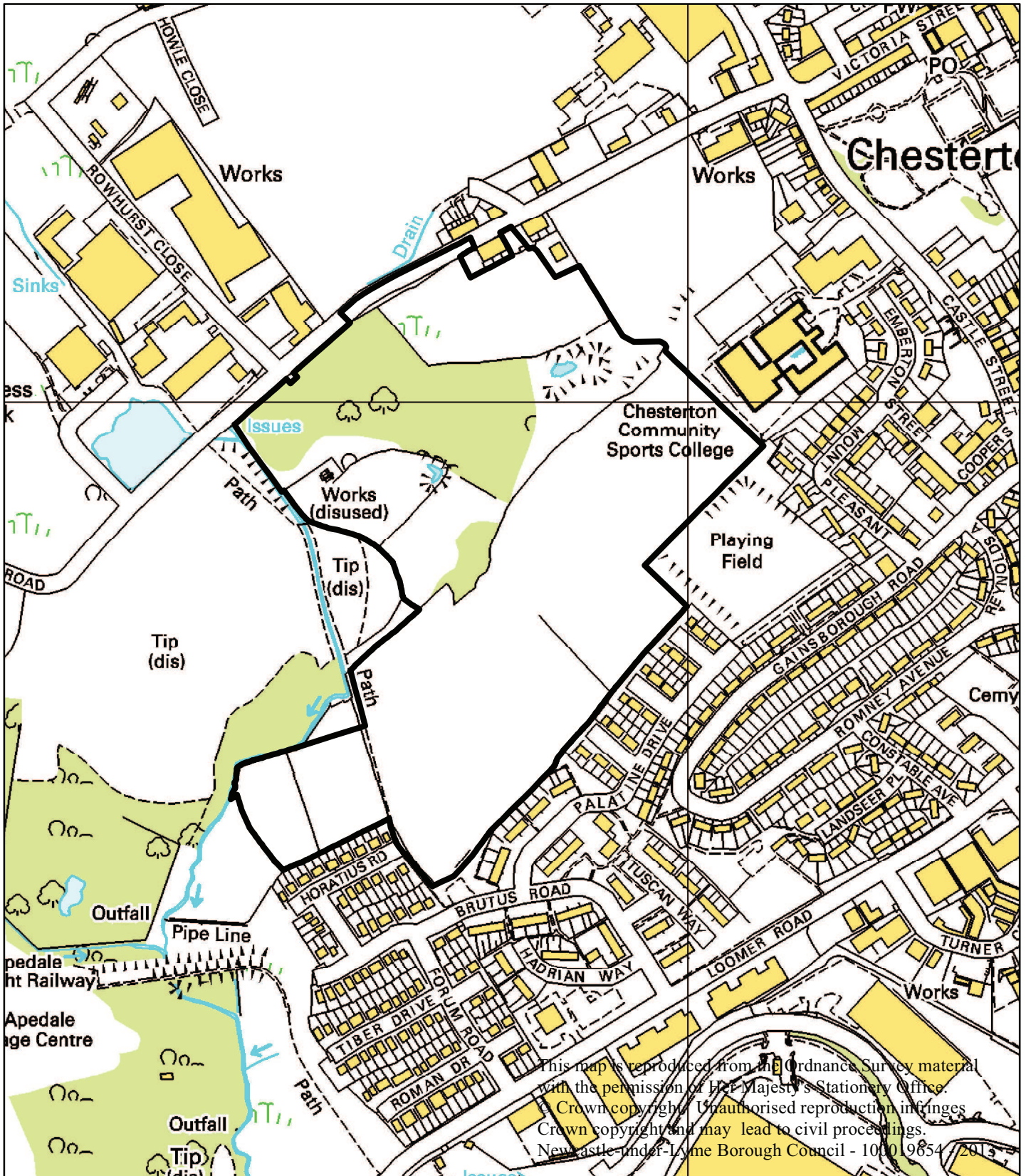
Date report prepared

17th January, 2014

Land between Apedale Road and Palatine Drive, Chesterton



13/00525/OUT



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**FORMER SENTINEL NEWSPAPER SITE MEDIA WAY, FORGE LANE, ETRURIA.
BET365 GROUP LTD 348/201 (SOTCC ref 56186/FUL)**

The Borough Council has been consulted by the City Council on a full application on a site measuring 3.4 hectares for the demolition of the existing Sentinel buildings and the erection of a three storey office building providing a total floor space of 14,153 square metres and three single storey ancillary buildings. Associated works are also proposed including car parking (911 spaces) and landscaping.

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 29th January.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed development subject to the City Council receiving no objections from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction (on Basford Bank).

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. It is accepted however, that insofar as the Borough is concerned, the proposal meets the sequential test as an available and suitable sequentially preferable site has not been identified. Furthermore provided that no objections are received from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction the proposed development would not result in an unacceptable impact on the highway network that could have an adverse impact on the interests of the Borough Council.

Policies and proposals in the Development Plan relevant to this recommendation:

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)

Draft National Planning Practice Guidance (August 2013)

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)

Applicant's Submission

The application is supported by a number of documents as follows:-

- Planning Statement
- Design and Access Statement
- Sequential and Impact Test

- Traffic Assessment
- Travel Plan
- Landscape Design Statement and Landscape Plan
- Archaeological/Heritage Statement
- Flood Risk Assessment
- Air Quality Assessment
- Lighting Assessment
- Preliminary Environmental Risk Assessment
- Ecological Scoping and Bat Survey Report
- Foul and Surface Water Drainage Strategy
- Sustainability Checklist
- Renewables Report

All these documents are available to view on Stoke City Council's website www.stoke.gov.uk using the City Council reference 56186/FUL.

Relevant Planning History

The following decision is relevant to part of the site that has been advanced as a sequentially preferable site by the Economic Regeneration Section in their comments reported below. It relates to the Bristol Street Motors site on London Road, Newcastle.

2007	07/00869/FUL	Refuse	Residential development comprising 60 houses and 32 apartments.
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Views of Consultees

Whilst it is the role of the City Council to carry out consultations, the views of the **Regeneration and Economic Development Section** have been sought. The comments received are summarised as follows:-

- Bristol Street Motors Site is a sequentially preferable site.
- It is available.
- A sketch scheme has been prepared to demonstrate that the site is suitable including parking for 755 vehicles largely on the existing site (some are shown within Lyme Valley Park)
- The site is a quarter of a mile from the shops, services and restaurants of the town centre and the siting of a major employer on this site would act as a considerable boost to the economy of the town. It is walkable for those staff who choose to come to work by bus, so reducing the need for parking to that identified in the application.
- The proposal is contrary to the NPPF as the sequential test is failed.
- The proposal is contrary to the Core Spatial Strategy which identified Stoke City Centre and Newcastle Town Centre as the two strategic office locations in North Staffordshire to which new large scale office development should be encouraged.
- It is not the case that there are two different markets for office development in North Staffordshire. All the office developments that have taken place at Festival Park/Etruria Valley in recent years they would have preferred to locate in the City or Town Centre and could have located there.
- Whilst planning permission was refused on highway grounds for residential development on the Bristol Street Motors site there were no objections from the Highway Authority and it cannot be presumed that they would object to the office development on this site.
- In order to accommodate part of the parking requirements of the scheme on the Bristol Street Motors site a minor incursion into the Green Belt. The considerable economic benefits that would accrue to the Newcastle Town Centre would amount to exceptional circumstances. There is a precedent in accepting some loss of Green Belt land in strategically important circumstances as the new Stoke City Academy was permitted to be built further down the Lyme Valley in Clayton. In amenity terms the loss of the slither of land which would be removed from the Green Belt could be

- mitigated by appropriate planting.
- The Newcastle-under-Lyme and Stoke-on-Trent Joint Employment Land Review (July 2011) is not a planning policy document and the opinions expressed by the consultants on the use of land at Festival Park/ Etruria Valley are not shared by the Borough Council.

In response to the comments above and the sketch scheme presented on the Bristol Street Motors site, consultation has been undertaken with the Landscape Development Section and the Highway Authority.

The **Landscape Development Section** indicate that the Lyme Valley Parkway is one of the Council's priority district level parks and the Bristol Street Motors proposal shows a significant level of encroachment into the park. The encroachment/impact of this scale would need a significant mitigation in terms of investment in the remainder of the park to enable the proposal to be considered. There would also need to be consultation with the Friends Group, ward members and other stakeholders to determine if it was acceptable to the community. The area where the encroachment occurs has received investment from various grant sources over a number of years and the proposal as shown intrudes into the historic canal basin, which is one of the parkway's key features and part of the borough's heritage.

The **Highway Authority** has verbally indicated that the level of parking shown on the sketch proposal on the Bristol Street Motors site is not adequate for the scale of the office development for this end user, which would result in highway safety concerns as staff would not all be able to park on site. Additionally in the absence of a Transport Assessment that demonstrates otherwise it is doubtful that Lyme Valley Road and its junction (with Brook Lane (A519)) has the capacity to accommodate the additional vehicular movements.

Key Issues

The proposal involves the construction of 14,153 square metres of Class B1(a) office floor space on an out of centre site at Forge Lane, Etruria. Offices are defined as a main town centre use in the NPPF and the Borough Council have consistently objected to any proposal involving Class B1 uses at Festival Park/Etruria Valley on the basis that in none of the cases it had been demonstrated, through a sequential test, that the development could not be undertaken within on the edge of Newcastle Town Centre.

The main points to consider are:-

1. The interpretation of Core Spatial Strategy policy in regards to the location of office development
2. The sequential analysis of alternative sites as required by the NPPF

1. 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.

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.

2. The sequential analysis of alternative sites as required by the NPPF

The NPPF, at paragraph 24, states that Local Planning Authorities (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.

Two sites within and outside of Newcastle Town Centre have been identified by the Regeneration and Economic Development Section for consideration.

- Former Sainsbury's site and the Civic Offices known as the Ryecroft site
- Former Bristol Street Motors site

The sequential test undertaken in support of the application concludes that the former Sainsbury's site and the Civic Offices are not available as it is currently not known when the Council are likely to relocate from its current offices. It goes on to indicate that excluding the Civic Offices site results in a site which is too small to accommodate the development proposed in a satisfactory manner and as such is unsuitable.

The Planning Committee, when considering the application for an Aldi store on the former Blackfriars Bakery site at its meeting of 10th December 2013, concluded that the Ryecroft site was not realistically available. There have been no material changes in circumstances since that decision and as such your officer accepts that the former Sainsbury's site and the Civic Offices is not a sequentially preferable site for the purposes of this application.

The consideration of the Bristol Street Motors site in the sequential test undertaken in support of the application concludes that it is not suitable for the proposed development. It states that the site could theoretically accommodate a large 3 storey office development but that car parking provision would be limited and would have to be provided either in a multi storey and/or undercroft format. Given the proximity of residential properties, the scale of an acceptable multi storey car park would be limited in height.

In promoting the Bristol Street Motors site as a sequentially preferable site the Regeneration and Economic Development Section have commissioned an architect to provide a potential layout for office development and associated car parking on this site. The plan demonstrates that approximately 12,000 sq.m of floor space (i.e. less than the 14,153 sq.m proposed at Etruria, 84% of the size of that development) could be provided in a building that would be two storeys where it fronts onto London Road, and 4 storeys where it faces the Lyme Valley Parkway, with three storey links between the two. In addition the plan shows parking for 755 vehicles of which 416 spaces are provided in a two and three storey car park with the remaining 341 at surface level. 34 of the parking spaces are shown on the site frontage with direct access off London Road. The remainder of the spaces would be accessed off Lyme Valley Road, which in turn connects to Brook Lane (A519). This plan will be exhibited at the Committee.

The Bristol Street Motors site is defined, applying the definition within the NPPF, as an out of centre site for office development as it is more than 500m from a transport interchange. The Town Centre SPD defines the town centre, when considering proposals for office development, as the whole of the area that is covered by the SPD and given that this site is abutting the area of the SPD the Bristol Street Motors site is edge of centre. Either way it could be argued that the Bristol Street Motors site has better connectivity to a town centre,

than the Etruria Road site, and as such could be viewed as a sequentially preferable site if it is available and suitable for the proposed development.

The plans that have been drawn up for the Bristol Street Motors site do not provide the same level of floor space and car parking spaces as the Forge Lane proposal includes. The NPPF, however, indicates that when applying the sequential test both applicants and LPAs should demonstrate flexibility on issues such as format and scale and it is necessary therefore to consider whether the smaller scale development that can be provided on this site is suitable, bearing in mind the need to demonstrate flexibility.

The views received from the Highway Authority suggests that in recognition of the nature of this particular type of office development (primarily a call centre) and knowing the parking requirements Bet365 have for their existing offices any significant reduction in the level of parking would be unacceptable. The proposal, however, provides a similar level of parking taking into account the greater level of floor space proposed at Forge Lane. The Highway Authority were asked to clarify if they agree that the level of parking is appropriate for the amount of floor space on the plans drawn up for the Bristol Street Motors site and if any information is available on a national database called TRICS as to whether such call centres have lower parking requirements when they are in comparable locations where there is a greater choice of public transport, but they have been unable to confirm the position to date. If such information is received it will be reported to the Planning Committee. The Borough Council does not subscribe to this database and so it is reliant upon the Highway Authority for such information.

Additionally the Highway Authority has doubts about whether the Lyme Valley Road junction with the A519 (part of the Regional Primary Route Network) has the capacity to accommodate that level of additional vehicular movements.

In light of such concerns it would not appear prudent to promote the Bristol Street Motors site as a sequentially preferable site as it has not been demonstrated to be suitable.

Even if it could be demonstrated in a Transport Assessment that the Lyme Valley Road junction could be suitably improved (without adversely affecting in turn flows on the A519 and the functioning of the 'Morrisons' roundabout in particular) and adequate parking would be provided, it needs to be acknowledged that the plan drawn up on behalf of the Regeneration and Economic Development Section requires additional land that is outside of the 'Bristol Street Motors' site, in the Lyme Valley Parkway and within the Green Belt. If such land was excluded from the site it would reduce the level of parking provision by approximately a further 239 spaces (which results in a level of parking at approximately 68% of that for the Forge Lane proposal) which could not be argued to be an acceptable level of parking.

Potentially a very special circumstances case could be advanced that the economic benefits to the town centre of such an employment generating development would outweigh the harm that arises by virtue of the development being inappropriate in the Green Belt, and any other harm, and as such the encroachment into the Green Belt could be justified. However appropriate weight would need to be given to the scale of the encroachment into the Green Belt and it is unlikely that very special circumstances could be claimed if, as appears to be the case, the development could be carried out on a site that is not in, or partially in, the Green Belt as in this case – namely at Forge Lane. In addition, in light of the comments of the Landscape Development Section, it could not be concluded that the encroachment into the Lyme Valley Parkway and the subsequent loss of publicly accessible open space would be acceptable and the impact able to be appropriately mitigated.

In conclusion it is therefore considered that the Borough Council could not demonstrate that there are sequentially preferable sites available within or outside of Newcastle Town Centre.

The Transport Assessment submitted in support of the Forge Lane application indicates that the level of vehicle generated by the proposed development is less than the existing use of the site. If the Highway Authority and the Highway Agency are satisfied with such conclusions it is considered that the Borough Council have no basis to object to the proposal on the

grounds of highway capacity.

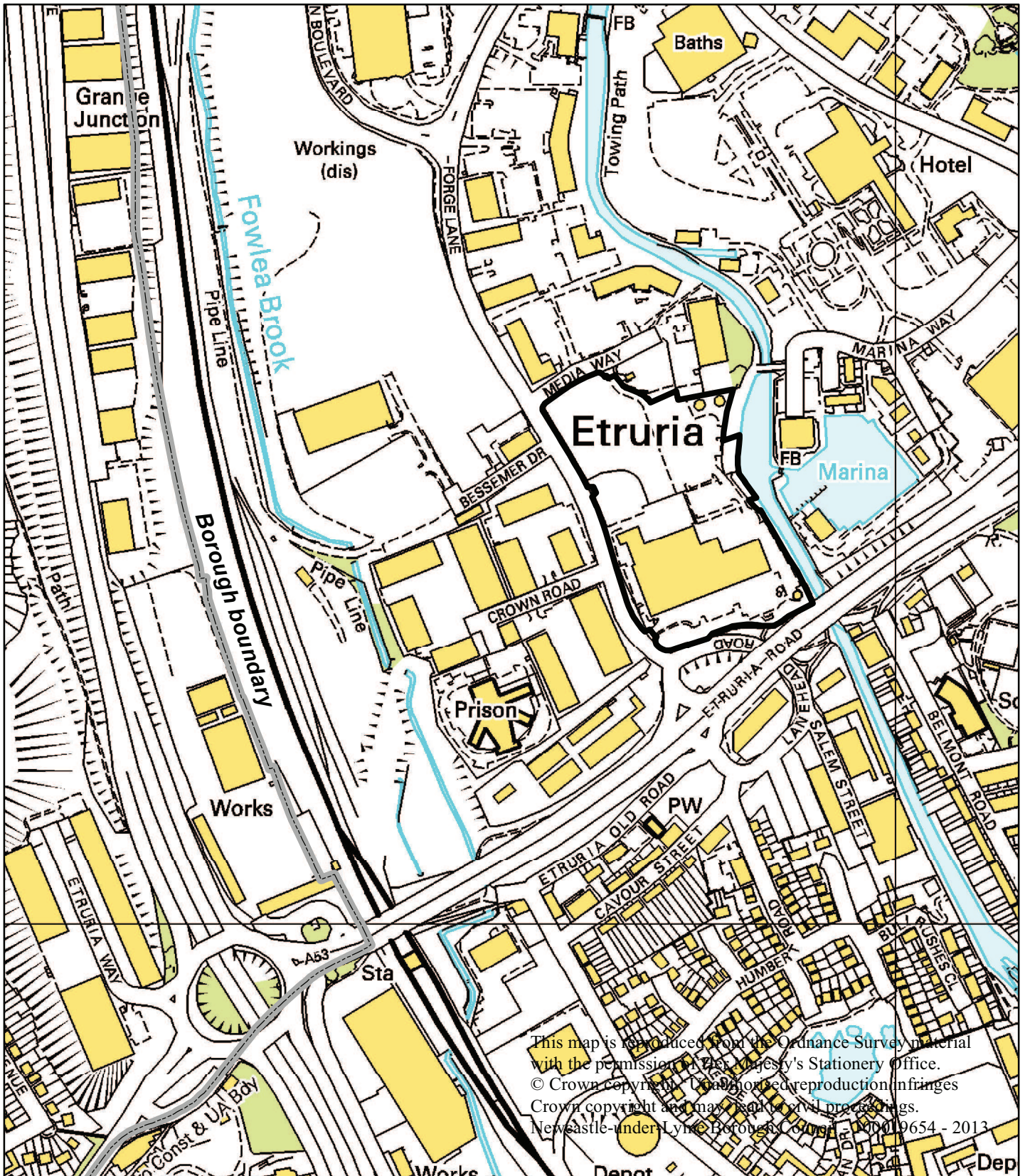
Background Papers

Planning Policy documents referred to
Planning files referred to

Date Report Prepared

14th January 2014.

348/201



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Agenda Item 6

ETRURIA VALLEY PHASE 3A, FORGE LANE, ETRURIA, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION **348/206 (SOTCC ref 56150/OUT)**

ETRURIA VALLEY PHASE 3B, FORGE LANE, ETRURIA, STOKE-ON-TRENT.
STOKE-ON-TRENT REGENERATION **348/207 (SOTCC ref 56151/OUT)**

The Borough Council has been consulted by the City Council on two outline applications as follows

Phase 3A (NuLBC ref 348/206, SOTCC ref 56150/OUT) - on a site measuring 5.85 hectares for employment development of up to 13,720 square metres of floor space comprising 20% Class B2 (General Industrial), and 80% Class B8 (Storage and Distribution) with ancillary B1 (Offices).

Phase 3B (NuLBC ref 348/207, SOTCC ref 56151/OUT) - on a site measuring 14.55 hectares for employment development of up to 33,950 square metres of floor space comprising 20% Class B2 (General Industrial), and 80% Class B8 (Storage and Distribution) with ancillary B1 (Offices).

For any comments that the Borough Council may have on these proposals to be taken into account, they have to be received by the City Council by no later than 29th January.

RECOMMENDATION

That the City Council be informed that the Borough Council has no objections to the proposed developments on Phase 3A and 3B subject to the City Council receiving no objections from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction at Basford Bank.

Reason for Recommendation

The proposals involve Class B2 and Class B8 development which would accord with policies of the Core Spatial Strategy and of the NPPF and as such developments would not adversely affect the Borough Council's interests subject to no objections being received from the Highway Authority and/or the Highway Agency in respect of any unacceptable impact the developments may have on the A53/A500 junction.

Policies and proposals in the Development Plan relevant to this recommendation on both applications:

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 ASP2 - Stoke-on-Trent Inner Urban Core Area Spatial Policy
Policy ASP4 – Newcastle Town Centre Area Spatial Policy

Other Material Considerations for both applications include:

National Planning Policy Framework (March 2012)

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

Etruria Valley Enterprise Area – Supplementary Planning Document (adopted by the City Council March 2013)

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.
- NuLBC Ref 348/187 (SOT/52732) Stoke-on-Trent Regeneration Ltd. Business Park comprising Use Classes B1 business, B2 general industrial and B8 storage and distribution was granted outline permission in 2012. The Borough objected to this application.

Applicants Submission

The applications are supported by a number of documents as follows:-

- Planning Statement
- Design and Access Statement
- Transport Statement
- Travel Plan
- Landscape and Visual Appraisal
- Land Quality Statement
- Ecological Impact Assessment
- Flood Risk Assessment
- Air Quality Assessment
- Coal Technical Note

All these documents are available to view on Stoke City Council's website www.stoke.gov.uk using the City Council reference 56150/OUT and 56151/OUT

Key Issues

The Borough Council were consulted, in 2012, 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 24th January 2012 and subsequently at the meeting of 21st August 2012 following a further consultation by the City Council. Following both consultations the Borough Council objected 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.

The objection of the Borough Council in respect of the Phase 2A development was specifically about the Class B1(a) office floor space that was proposed and in doing so concluded it had no particular interest in the proposed B2 or B8 uses on the site. The Borough Council expressed a similar view when consulted upon the draft Etruria Valley Supplementary Planning Document.

The proposals on Phase 3A and 3B relate to Class B2 and B8 uses with any office floor space that may be provided being ancillary to such uses. The location of such uses in this location would accord with the policies of the Core Spatial Strategy and those within the NPPF and as such it remains the view of your Officer that no objection should be advanced in respect of the principle of such uses.

The applications referred to in this report do not include a direct connection of the development to the A500 at its junction with Grange Lane via a new bridge over the West Coast Mainline. Members will remember that such link is proposed within the Etruria Valley Enterprise Area SPD, upon which the Borough Council was consulted. The proposals do not prejudice the implementation of such a proposal.

When considering the application for Phase 2A Etruria Valley the Borough Council did not address or raise any concerns about the traffic that would be generated and any impact of such traffic upon the A53/A500 junction (at Basford Bank) which is known to be close to capacity. The supporting Transport Assessment with that application identified a total trip envelope generated by the development proposed in Phase 2A which was considered to result in no adverse impact on the wider highway network. The Transport Statements submitted in the applications the subject of this report indicates that there was an overestimation of trips generated by Phase 2A and the combination of trips generated by that development and the current proposals would be 83 fewer trips at the AM peak and only 4 additional trips at the PM peak which is said to have a negligible impact. Provided that the Highway Authority and the Highway Agency are satisfied with such conclusions it is considered that the Borough Council have no basis to object to the proposal on the grounds of highway capacity.

Background Papers

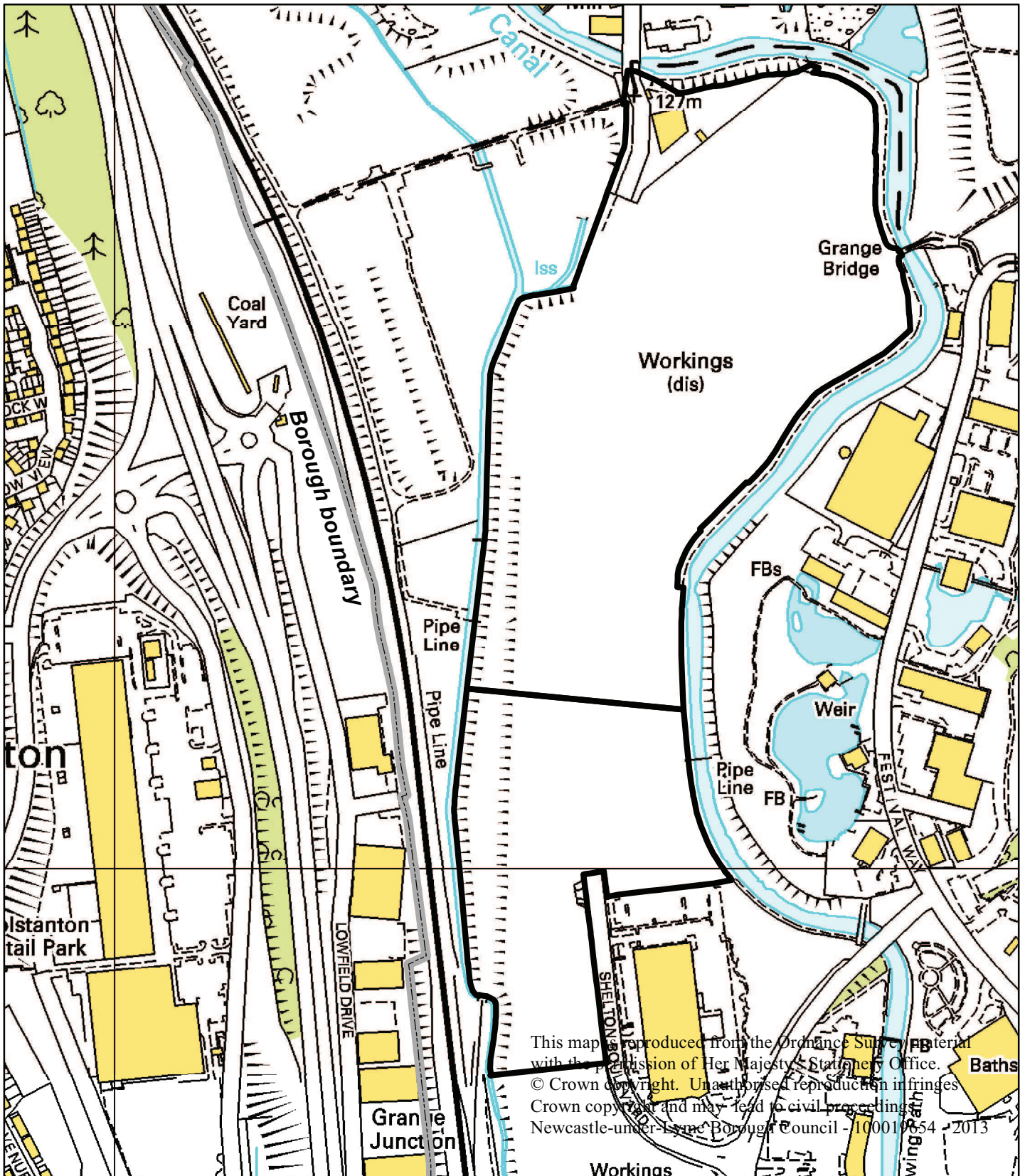
Planning Policy documents referred to
Planning files referred to

Date Report Prepared

10 January 2014.

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348/206, 348/207



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QUEENS HOTEL ETRURIA ROAD, BASFORD
DAVID GOUGH (GOUGH INVESTMENTS)

348/208

The Borough Council has been consulted by the City Council on an application for full planning permission for the part demolition of the Public House known as the Queen's Hotel, its conversion to 12 apartments, elevational alterations including first floor extension and dormer windows, plus the erection of 6 three storey dwellings and associated parking. The City Council's reference is 56109/FUL.

The site is located off Etruria Road (A53)

For the Borough Council's comments to be taken into account by the City Council they must be received by them by 29th January 2014.

RECOMMENDATION

That the City Council be advised that the Borough Council has NO OBJECTIONS to the application subject to the following:-

- An Archaeological Watching Brief condition is imposed on any approval. Consideration should also be given to the Roman Road and the cobbled road.
- Access to the public right of way is maintained during the construction period or a temporary diversion is put in place during this period.
- Less intrusive methods are explored to manage the Japanese Knotweed problem, which would retain the visually significant trees on the site boundaries.
- Landscaping Scheme

Reason for Recommendation

The same proposal has been previously considered by the Planning Committee at its meeting on 16th July 2013 when it was concluded that the site was previously developed in a sustainable location and therefore, in principle, the proposal doesn't conflict with development plan policies, and the proposal would maintain the historic elements of the existing building and provide an appropriate form of new development. The Committee considered the suggested conditions would assist in maintaining the Borough Council residents' reasonable level of residential, visual and recreational amenity.

Policies and Proposals in the approved development plan relevant to this recommendation:-

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

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

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1: Design Quality

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

Applicant/agent's submission

The application is supported by the following;

- Design and Access Statement including Heritage Statement
- Japanese Knotweed Management Plan
- Lighting assessment
- Bat and Bird Survey
- Air Quality Assessment
- Photographic Survey

These documents are available to view both at the Stoke-on-Trent City Council Offices and on their website at www.stoke.gov.uk/dm under reference 56109/FUL.

KEY ISSUES

As indicated above, the Borough Council has been consulted by the City Council on an application for full planning permission for the part demolition of the public house, its conversion to 12 apartments, elevational alterations including first floor extension and dormer windows, plus the erection of 6 three storey dwellings and associated parking.

The site adjoins the Borough Council's administrative area. The existing property is 'locally listed' by the City Council and the site is of archaeological interest and a public right of way runs in front of the site.

The Borough Council is being asked for its views on this proposal. The Planning Committee, with respect to "major developments", is the part of the Borough Council which decides what comments are to be put to the City Council in response to such consultations.

Member will recall the same proposal on this site which was reported to this Committee on 16th July 2013 when members resolved to raise no objections subject to the conditions found in the recommendation of this report above.

The City Council subsequently refused that application due the development failing to provide the required affordable housing provision.

The Borough Council should not attempt to deal with the matter as if it were the relevant planning Authority. There is, it is suggested, no merit in it commenting upon detailed issues or technical considerations upon which the City Council will obtain advice both from their specialist officers and consultees.

Given the Borough Council has relatively recently expressed a view on this proposal and this proposal is the same as previously considered and there have been no material changes in planning circumstance since that view was given, it is considered the same views should be forwarded to the City Council in respect of this current proposal.

Background Papers

Planning Policy documents referred to
Planning file referred to

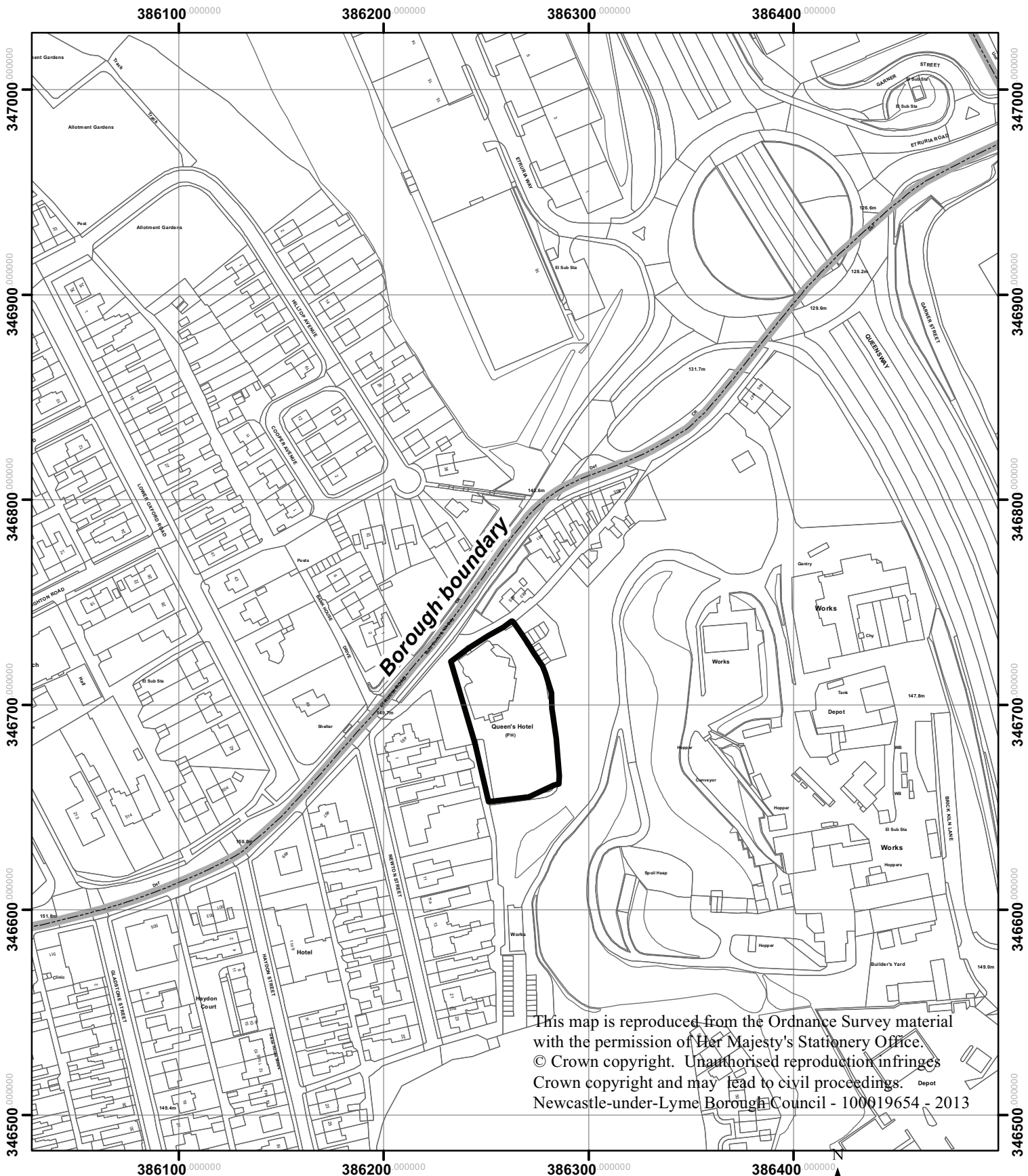
Date report prepared

10th January 2014.

Former Queens Hotel, 489 Etruria Road



348/208



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SLACKEN LANE, KIDSGROVE
MR PAUL BROOKS

13/00623/FUL

The application is for full planning permission for the erection of 5 bungalows at Slacken Lane, Kidsgrove.

The site lies within the urban area as defined on the Local Development Framework Proposals Map.

The application has been called in to be determined by planning committee by two councillors for the following reasons:

- Loss of amenity
- Over development - detrimental to the local environment and the abundance of wildlife in the area
- Access – off a footpath beyond the wide part of Slacken Lane, and would require widening and adoption.
- Flooding issues on Slacken Lane
- Waste collection issues
- Would affect possible development of adjacent sites
- Butt Lane is becoming over developed as a whole and that persistent development is putting severe pressure on the A34, Congleton Road.

The 8 week period for the determination of this application expired on the 8th November 2013.

RECOMMENDATION

a) Subject to the applicant entering into a Section 106 obligation by 28th February 2014 to secure the following:-

- i. A financial contribution of £3,000 towards the Newcastle (urban) Transport and Development Strategy**

Permit subject to conditions relating to the following matters:-

1. Standard time limit condition
2. Approval of materials
3. approval of finished floor levels
4. Approval of boundary treatments
5. Foul and surface water drainage works shall be completed prior to any occupation of the development commencing
6. Prior approval of off site highway works, including improvements to the junction of Slacken Lane and Congleton Road and surfacing of the access a minimum distance of 10m from the junction with Congleton Road
7. Prior approval of revised access details indicating the widening of the south east section of Slacken Lane to a width of 6m as broadly detailed on Mayer Brown drawing No X/PBSlackenLn.1/01
8. Development shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans
9. Prior to first occupation of the dwellings the unmade section of Slacken Lane from the Junction with Congleton Road through to the site access shall be reinstated by grade and level with compacted stone in accordance with details to be submitted to and approved in writing by the LPA
10. Condition to limit Construction hours
11. Prior approval of dust mitigation measures
12. Prior approval and implementation of waste storage and collection arrangements
13. Contaminated land conditions
14. Implementation of the recommendations of the submitted noise assessment
15. Prior approval of a landscaping condition

(b) Failing the securing of the above planning obligation by the 28th February 2014, that the Head of Planning and Development be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on achieving sustainable forms of development, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

This application, through the removal of the dwelling to the rear of the site, overcomes the previous reason for refusal of application reference 13/00266/FUL. The development, provided appropriate conditions are included, would have an acceptable impact upon residential amenity, highway safety, waste management and flood risk. The application is therefore considered to be a sustainable form of development which complies with Policies ASP 5, CSP1, CSP3 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026, Policies T16, H1 and N12 of the Newcastle-under-Lyme Local Plan 2011, and the objectives of the NPPF.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The Local Planning Authority has liaised with the agent throughout the application process, and the applicant has been able to overcome previous issues with the application, therefore the application is considered to be a sustainable form of development.

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

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

Policy SP1 Spatial Principles of Targeted Regeneration
Policy SP2 Spatial Principles for Economic Development
Policy SP3 Spatial Principles of Movement and Access
Policy ASP5 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1 Design Quality
Policy CSP3 Sustainability and Climate Change
Policy CSP4 Natural Assets
Policy CSP10 Planning Obligations

Newcastle-under-Lyme Local Plan 2011

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 T18 Development – Servicing Requirements
Policy N3 Development and nature conservation – Protection and enhancement measures
Policy N12 Development and the protection of trees
Policy N13 Felling and pruning of trees
Policy N14 Protection of landscape features of major importance to flora and fauna

Other material considerations include:

National Planning Policy

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)
Space around Dwellings Supplementary Planning Guidance (July 2004)
Developer Contributions Supplementary Planning Document (October 2007)

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

Newcastle (urban) Transport and Development Strategy (NTADS)

Circular 11/95 The use of conditions in planning permissions

Relevant Planning History

76/03196/OUT	Permitted	Proposed ex-servicemens social club
00/00419/OUT	Refused	Residential development (Amended highway information)
10/00437/PLD	Permitted	Certificate of lawfulness for a proposed ex service mens social club

Views of Consultees

The **Staffordshire County Council Flood Risk Officer** indicated in previous consultations the proposed development does not currently drain to the adjacent culverted watercourse and the County Council's recent hydraulic modelling for the Kidsgrove Surface Water Management Plan (SWMP) has shown the culvert to be at capacity, therefore any further connections would increase the flows in the culvert and exacerbate a surface water flooding problem which already exists downstream. With regards to the updated drainage scheme for the proposed development; by connecting the surface water drainage to the United Utilities combined sewer to the North East of the development, this is now considered feasible on a level and capacity basis. Therefore they have removed their initial objection on a flood risk basis and now has no objections to the application. .

The **Environment Agency** is yet to comment on the application. Any comments received will be reported to the Planning Committee

The **Highway Authority** has no objections subject to conditions relating to:

- Development not commencing until details of off site highway works, including improvements to the junction of Slacken Lane and Congleton Road and surfacing of the access a minimum distance of 10m from the junction with Congleton Road, have been submitted and approved in writing
- Notwithstanding submitted plans, no development shall commence until revised access details indicating the widening of the south east section of Slacken Lane to a width of 6m as broadly detailed on Mayer Brown drawing No X/PBSlackenLn.1/01
- Development shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans
- Prior to first occupation of the dwellings the unmade section of Slacken Lane from the Junction with Congleton Road through to the site access shall be reinstated by grade and level with compacted stone in accordance with details to be submitted to and approved in writing by the LPA

They request a £3000 contribution to NTADs.

They further advise:-

- that if the footpath becomes damaged as a result of vehicular use they reserve the right to take legal action against the developer and property owners to request the reinstatement of the footpath
- It is the applicant's responsibility to ensure they have vehicular access rights to serve this proposed development and to widen the road.

The **Environmental Health Division** advises that a noise assessment has been submitted and that the implementation of the recommendations will secure appropriate internal noise levels, as such there are no objections subject to conditions relating to:

- Construction hours
- Dust mitigation measures
- Waste storage and collection arrangements
- Contaminated land conditions
- Implementation of the recommendations of the submitted noise assessment

The **County Council Rights of Way** Section has not commented on this application, however previously commented on 13/00266/FUL that Public Footpath No 10 (Kidsgrove:

Hardingswood) runs along the access track (Slacken Lane). The footpath constitutes the full width of the track and the width of the path cannot be restricted as a result of the application proposal. The applicant must be made aware that cars cannot be parked on the footpath.

The **Waste Management Section** of the Council has concerns over the access to the proposed properties off Slacken Lane which is an unadopted road, which is narrow and in a generally poor state of repair. Servicing these properties would require a collection point to be agreed close to the main Congleton Road. Recommend a prior to commencement condition for approval of details of recyclable materials and refuse storage and collection close to the main Congleton Road.

United Utilities had no objections to the previous application 12/00266/FUL for five dwellings. They stated in their response that if possible the site should be drained on a separate system with only foul drainage connected to the foul sewer. Surface water should discharge to the soakaway/watercourse/ surface water sewer and may require consent of the Local Planning Authority. If the surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

In response to the proposal to drain to the United Utilities combined drain they indicate that it would be necessary to provide a clear written statement that the culvert is flooding with evidence of when this occurs along with confirmation that no connection will be allowed as they are concerned that the wider area may become available for development and therefore discharging any surface water flows from "Greenfield" sites in to a combined sewerage system when the existing area is naturally drained is in direct conflict with the Surface Water Management hierarchy and Part H of The Building Regulations.

Kidsgrove Town Council has objected to the application on the following grounds:

- Loss of amenity
- Over development – the development of this site would be detrimental to the local environment and the abundance of wildlife in the area.
- Inappropriate development – number of bungalows proposed is not in keeping with area
- Insufficient access arrangements
- Landscaping - Lack of public spaces, the properties have only been allocated rear gardens with no provision for any soft landscaping to fronts of the dwellings to improve their appearance.
- Flooding – there are several issues relating to flooding both on the proposed access road, Slacken Lane, and on the site itself. A full flood risk assessment should be carried out.
- Refuse – refuse collection vehicles would not be able to get across Slacken Lane to the site and therefore consideration for how the refuse from the bungalows will be collected must be considered, before any application is approved, as this potentially causes an environmental impact on the surrounding areas.

The Council is also of the opinion that Butt Lane is becoming over developed as a whole and that persistent development is putting severe pressure on the A34, Congleton Road.

The **Canal and River Trust** has responded stating that they have no comments to make

The **Landscape Development** indicate that it would appear the access driveway for this site is within the root protection area of trees to be retained and the information provided is not

sufficient to show the impact of the development and its construction on overhanging trees along the access route and within the site. It is advised that should the development be approved a landscaping condition should be included on any approval to soften the visual impact of the development from the open space beyond

Representations

25 separate representations have been received which include a collective representation from residents, representations from Councillors Kyle Robinson and Silvia Burgess, and Joan Walley MP. The key points raised are summarised below:

- The access is too narrow and would not allow for any pavement.
- The road is unadopted and residents have to maintain it.
- Conflict between increased vehicular movements and pedestrians using the public footpath.
- Increase in traffic would cause problems joining the A34 from Slacken Lane.
- Loss of public amenity.
- Destruction of important open space and wildlife area.
- Over development of the local area.
- Number of windows overlooking existing properties is of concern.
- Slacken Lane includes a hidden culvert if damaged will lead to flooding.
- One of the conditions for building the bungalow "The Shires" was that the public footpath should not exceed 10 foot in width.
- Danger of more traffic is of concern.
- Maps and plans submitted do not reflect land ownership and the true width of Slacken Lane outside the site.
- Increase in noise, traffic pollution and deliveries will cause disturbance to existing residents.
- Lack of green space in the area.
- Concern that the land is waterlogged which could be exacerbated if developed.
- Localised flooding problem particularly with standing water in the lane.
- Ongoing inadequate surface water drainage facility problem with flooding.
- Refusal of planning permission issued in 1974 on the land in question, refused for reasons of deficiency of adequate surface water drainage facilities and inadequate access.
- The proposal that the footpath and curb across the junction of Slacken Lane with Congleton Road be removed to accommodate a new turn-in, would effectively channel surface rain-water running down the hill and along the A34, directly into the lane and towards existing Slacken Lane properties without any provision for drainage.
- Local infrastructure cannot cope with increase in development already permitted.
- If this application is approved it will open the gates for the larger area beyond to be developed.
- The Local Authority should look at the Wildlife and Countryside Act 1981 (amended by the Environmental Protection Act 1990) and the Conservation Regulations 1994 before making any future decisions on planning approval.
- Losing important social beneficial uses.
- Introducing unnatural features to the landscape.
- Loss of important trees, hedges and other vegetation and habitats for wildlife.
- Conflict with character of the area.
- Better alternative sites available in the Borough.
- Primary schools in the area are already over subscribed.
- No clear waste collection plans.
- The development of the brown field site known as "Bluebell Croft" (off Old Butt Lane) has only recently been completed in its' first phase and further building work on

adjoining land has been approved. The impact of the volume of additional traffic generated by this new estate on local roads and, in particular, at the junction of Old Butt lane with Congleton Road and Slacken Lane has yet to be assessed.

- Butt Lane has already completed its quote for new build.
- We need to retain our green space. To this end, an independent survey by Staffordshire Wildlife Trust to verify the range of species of both flora and fauna in this locality would be appreciated.
- The plans do not recognise that land to rear of 34 Pickwick Place is owned by the resident at 34 Pickwick Place.
- The site is land locked, and has never enjoyed any rights of access to any property on this land. Feel that the approval of the application would be granting rights for use of the lane currently not in existence to the six new bungalow owners (and the necessary construction crew) without the obligation of responsibility.
- The representations include a log of the use of the footpath along Slacken Lane which was completed by 31 individuals.

Applicant/agent's submission

A Design and Access Statement, utilities information, a contaminated land phase 1 desk study, an Arboricultural implications assessment, a Drainage Plan, a Flood Risk Assessment and an acoustic report have been submitted along with the requisite plans and application form.

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

KEY ISSUES

This is an application for full planning permission for 5 No. bungalows and the formation of new accesses at Slacken Lane, Butt Lane, which is within the urban area of Kidsgrove as indicated by the Local Development Framework Proposals Map.

The site forms an arc around No. 17 Slacken Lane and five bungalows are proposed to the south east of No. 17 Slacken Lane. The previously proposed dwelling to the rear of No. 17 Slacken Lane has been removed from this proposal.

The reason for refusal of the 6 dwelling scheme was as follows:

“The unacceptable design, orientation and close proximity to the site boundary of the dwelling to the rear of No. 17 Slacken Lane would adversely impact upon any development of adjoining land for residential purposes, materially reducing the number of dwellings that can be constructed. Such an adverse impact is contrary to the principles of good design , which significantly and demonstrably outweighs the benefits of the development on the supply of housing land and as such there isn't a presumption in favour of this development as set out in paragraphs 14, 49, 56 and 57 of the National Planning Policy Framework.”

Slacken Lane is an un-adopted road and has a public right of way running along and adjoining the site's frontages.

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

- The principle of residential development of the site
- Flood Risk
- Highway Safety and access issues

- Design and impact on the character of the area
- Impact upon residential amenity
- Impact on trees and hedgerows
- Waste and recycling storage and collection arrangements

The principle of residential development of the site

The site is within the urban area, as identified on the Local Development Framework Proposals Map. The site is currently un-developed, however works commenced on an ex servicemens club some years ago, and a certificate of lawful development was granted in 2010 confirming that it could be lawfully completed, meaning that the site has the potential to be developed into an ex servicemens club without the need for further planning permission.

Area Spatial Policy 5 of the Core Spatial Strategy seeks to provide 600 dwellings in the Kidsgrove area over the plan period to 2026. The National Planning Policy Framework specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. In this case, the creation of 5 residential units in Butt Lane Kidsgrove with access to a good range of local facilities and reasonably good transport links to both Kidsgrove and Newcastle Town Centre, is considered to be a sustainable development.

The delivery of this site is taken into account within the calculation for the Borough's five year housing supply and given the Council is currently unable to demonstrate a five year supply of housing land a refusal of planning permission could, depending upon the reason for that decision, result in further shortfall in this supply.

The National Planning Policy Framework (NPPF) advises, at paragraph 14, that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole. The NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

There is a presumption in favour of this development, therefore, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development on the supply of housing land. Such impacts are addressed below.

Flood Risk

A Flood Risk Assessment has been submitted with the planning application which has been considered by the Staffordshire County Council Local Flood Authority who initially objected to the application on the basis that satisfactory drainage solutions were not achievable with the proposal to drain to the culvert due to it being at maximum capacity.

Following further discussions with the Flood Risk officer and the applicant, the applicant has been able to locate a United Utilities combined drain on neighbouring land, which the Flood Risk Officer has no objections to being utilised. The Flood Risk officer therefore recommends that the planning application is acceptable provided the development is drained to the combined United Utilities drain on adjacent land which is outside of the applicant's control.

The applicant has submitted evidence in the form of emails from United Utilities and the land owner of the neighbouring land, which imply their agreement in principle to the development

being drained to the United Utilities drain on neighbouring land. United Utilities has stated that they would be obliged to obtain a clear written statement that the culvert is flooding with evidence of when this occurs along with confirmation that no connection will be allowed. United Utilities has concerns that the wider area may become available for development and therefore discharging any surface water flows from "Greenfield" sites in to a combined sewerage system when the existing area is naturally drained is in direct conflict with the Surface Water Management hierarchy and Part H of The Building Regulations. The comments of the Staffordshire County Council Local Flood Authority effectively confirms that no connection to the culvert would be allowed and have evidence of flooding and in light of this it is considered that United Utilities would agree to the surface water drainage being connected to their drain on neighbouring land.

In conclusion it is considered that acceptable drainage could be achieved for this development, however with it involving off site works, these works would be required (via condition) to be completed prior to the first occupation of the development.

Highway safety and access issues

The previous application was not refused on issues of highway safety or access. There have been no material changes in planning circumstances to conclude that any highway matters arising from the development could not be dealt with by condition as with the previous application.

The Highway Authority comments that should the application be approved, a contribution of £3,000 in the form of a unilateral undertaking is required, to contribute towards the Newcastle (urban) Transport and Development Strategy (NTADs). The reduction in the amount sought from the previous scheme reflects the reduction in the number of dwellings proposed from 6 to 5.

Overall, provided that the applicant enters into a unilateral undertaking to secure £3,000 towards NTADs, the development is considered to be acceptable in terms of highway safety and as such there are no adverse impacts arising, in this regard, which would prevent the granting of planning permission.

Design and impact on the character of the area

The previous scheme was refused due to the unacceptable design, orientation and close proximity to the site boundary of the dwelling to the rear of 17 Slacken Lane, which was considered to adversely impact upon any development of adjoining land for residential purposes, materially reducing the number of dwellings that can be constructed. As the dwelling to the rear of the site has been removed from this application, this overcomes the previous reason for refusal on design grounds. There have been no material changes in planning circumstances that would justify the refusal of the proposed five bungalows which were considered to be acceptable in the previous application.

Therefore, in terms of design and impact upon the character of the area, it is considered that this is acceptable on design grounds.

Impact upon residential amenity

It is important to assess how a proposed development will impact upon existing residents and proposed occupants of new development, to ensure they benefit from acceptable residential amenity standards. The previous proposal was not refused on the basis of its adverse impact on residential amenity and there have been no material changes in planning

circumstances to conclude that the current proposal, which has the same relationship with existing dwellings, would now be unacceptable in this regard.

The Environmental Health Division of the Borough Council recommends that the noise levels identified in the submitted noise assessment need to be achieved for all dwellings should the application be approved.

Impact on trees and hedgerows

The previous application was considered acceptable in this regard and there have no material changes in planning circumstances to conclude differently.

Waste and recyclable materials storage and collection

From a waste management perspective the waste management division has concerns over the access to the proposed properties off Slacken Lane which is an un-adopted road, which is narrow and in a general poor state of repair. However they would have no objections to the development provided a waste collection point is agreed prior to the commencement of the development close to the junction of Slacken Lane and Congleton Road. A suitably designed waste collection point could be secured by a negatively worded, or Grampian, condition which would require it to be agreed and provided before occupation of the dwellings.

Background Papers

Planning file
Planning documents referred to

Date report prepared

9th January 2014

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LAND ADJACENT NO.1 CHESTER CRESCENT, NEWCASTLE
MR. SIMON SANDERS

13/00934/REM

The Application is for the approval of reserved matters relating to access, appearance, landscaping, layout and scale following outline planning permission which was granted in May 2013 for a detached dwelling (Ref. 13/00226/OUT) with all matters of detail reserved for subsequent consideration.

The site is located within a residential area of Newcastle which has no specific land use designations, as defined on the Local Development Framework Proposals Map.

The application is before the committee following a request from members when resolving to permit the outline planning application at its meeting of the 7th May 2013

The 8 week period for the determination of this application expires on 29th January 2014

RECOMMENDATION

A) Subject to satisfactory amended plans being submitted, as discussed in the main report below, PERMIT with conditions relating to the following;

- **Link to outline planning permission and conditions**
- **external facing and roofing materials**
- **existing and proposed ground levels and proposed floor levels**
- **boundary treatments**
- **hard and soft landscaping scheme**
- **surfacing and drainage details**
- **access, parking and turning areas being completed**
- **first floor side facing windows to be obscure glazed with top light opening only.**

B) If satisfactory amended plans are not received REFUSE for the following reason;

- **The proposed development by reason of its design, size and imposing scale would detract materially from the character and form of the area due to its location within the street scene which would be harmful to the character of the area in general, contrary to the guidance and requirements of the National Planning Policy Framework, Policy CSP 1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026 and the advice found in the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010).**

Reason for Recommendation

The principle of a residential dwelling was accepted by the granting of outline planning permission and the proposed development, subject to conditions and the requested amendments being submitted, would represent a sustainable development that would not significantly harm the character and form of the area. The proposed development would therefore meet the guidance and requirements of the National Planning Policy Framework and the provisions of the development plan indicated below and there are no material considerations which would justify a refusal of the reserved matters submission.

The proposed dwelling as initially submitted would detract materially from the character and form of the area due to its location within the street scene which would be harmful to the character of the area in general contrary to policy and guidance. As such if satisfactory amended plans are not received it is considered that the application should be refused.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Amendments are being sought from the applicant and subject to these being acceptable it is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

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

Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle-under-Lyme Local Plan 2011

Policy N12: Development and the Protection of Trees
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance/Documents

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

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

Relevant Planning History

13/00228/OUT	Detached Dwelling	Permit
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Views of Consultees

The **Highways Authority** raises no objections subject to conditions that the access, parking and turning areas are provided in accordance with the approved plans and the garage being retained for the parking of motor vehicles and cycles.

The **Environmental Health Division** raises no objections.

The **Landscape Development Section** have detailed that contrary to Condition 4 of the outline permission some existing trees on the site have been felled. Therefore, before they can comment an Arboricultural Impact Assessment and Tree Protection Plan, both to BS5837:2012, are to be submitted for the remaining trees, along with any special measures necessary to accommodate them. A landscaping scheme for the front of the property should also be submitted. This should provide continuity with the existing street scene. It should also include tree planting to mitigate the loss of existing trees.

Representations

Six letters of representation have been received, one in support and five objecting to the proposal.

The letter of support makes the following comments;

- The proposal would bring a derelict and overgrown site back into positive use which would benefit the area.

- The removal of the existing building and boundary wall/ fence would improve the visual appearance of the area.
- The proposed dwelling has been designed to blend in with a 1930's Westlands style house.

The letters of objections raise the following concerns;

- The size of the proposal would have a detrimental impact on the residential amenities of neighbouring properties in terms of a loss of privacy to principal windows.
- The proposal should only be two storeys in height and should have tall boundary structures to minimise any loss of privacy to neighbours.
- The height of the proposal is unacceptable and the roof should be hipped.
- The proposal would be overbearing on neighbouring properties.
- The proposal would be out of keeping with the existing 1930's design of the street scene.
- It would devalue house prices.
- The proposal is poorly designed, out of character and ill placed.
- The existing building line of Chester Crescent would be breached significantly
- The proposal would have very little garden space for future occupiers
- Trees have been removed illegally
- The building should be scaled down
- It would lead to a loss of light to windows of a neighbouring property
- The layout would be in keeping if it was to the right of the site. This would result in the property being centrally placed.
- A revised layout would result in vehicles not driving close to a sewer

Applicant/agent's submission

A design and access statement has been submitted to support the application and a summary of this is as follows;

- This is an area of reasonably large private homes, of a style redolent of the period from the early 1930's to the late 1950's.
- Chester Crescent is built on a hill with successive houses set above the neighbouring property.
- The newly proposed second floor is created wholly in the roof space and adds nothing to the bulk of what would otherwise be a two storey building.
- The overall width is 11.3 metres, height to eaves 5.2 metres and the ridge is at 9.75 metres.
- The overall bulk of the property matches that of either the detached dwellings on The Plaisance and Edward Avenue, or the semi-detached pairs on Chester Crescent.
- Proposed materials are red/multi facing brick walls with blue brick plinth and quoins, and dark grey clay roof tiles.
- The front will be symmetrical with gabled, tile hung, bays.
- Hard surfaces on the site will either be permeable or will drain to permeable gravel margins.
- Subject to a successful percolation test in consultation with building control the roof water drainage will be taken to two newly formed soakaways in the front and rear garden.

The application plans and documents can be viewed by following this link www.newcastle-staffs.gov.uk/planning/ChesterCrescent

KEY ISSUES

This application seeks approval of all the reserved matters following outline planning permission which was granted in May 2013 for a detached dwelling (Ref. 13/00228/OUT).

The application site forms part of the residential curtilage of no. 17 Edward Avenue. The site is located within a residential area of Newcastle which has no specific land use designations, as defined on the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Design and the impact on the character and appearance of the area
- Impact on residential amenity on neighbouring properties
- Highway safety
- Impact on trees
- Other matters

Design and the impact on the character and appearance of the area

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

The Urban Design SPD indicates in R14 that “Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them.”

The existing street scene is of semi-detached dwellings of a similar size but varying front facades. These are set within modest plots with front gardens and a number have been extended previously.

The layout plan and elevation submitted for the outline planning application were for indicative purposes only and as such in granting outline planning permission approval was not given to those plans. The proposed dwelling is much larger in scale than the indicative plans envisaged and it is considered that a dwelling of the scale proposed would have an adverse impact on the street scene contrary to policy. Amendments have been sought seeking reductions to the ridge height and footprint whilst also seeking the introduction of a hipped roof which is characteristic of the area. These amendments would reduce the dominance of the proposal within the street scene and represent a more acceptable design that would be more in keeping with other neighbouring properties.

The principle of living accommodation in the roof space is not objected to, on a matter of principal, and is a common scenario in many residential areas, thus resulting in a two and a half storey dwelling. However, the overall high ridge height, gable roof and steep roof pitch needs to be addressed.

The principle of a detached dwelling was accepted during the outline application and whilst there would be a contrast with the prominent semi-detached character of the street scene the design of the front façade seeks to be similar to the existing properties. A hipped roof and reduction in the ridge height would also improve the appearance of the dwelling within the street scene and amendments have been sought from the applicant,

A reduction in the footprint of the property has also been sought to result in a greater set back to ensure that the siting reflects the building line within Chester Crescent.

A number of representations have been received regarding the design, layout and scale of the property and the impact that this would have on the character of the street scene. It is considered that if the amendments sought are achieved then it would address these concerns and not result in a dominant development that would adversely harm the character or integrity of the street scene.

Subject to satisfactory plans being submitted that include the amendments sought being submitted and them addressing the concerns of officers it is considered that the layout, scale and appearance of the proposed dwelling would not be harmful to the character of the street

scene and it would comply with policy CSP 1 of the CSS, the urban design SPD and the guidance and requirements of the NPPF which is considered acceptable.

Impact on the residential amenity on neighbouring properties

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

A number of representations have been received raising concerns about the scale of the proposal and the impact that windows in the rear roof slope would have on the amenity of neighbouring properties. The windows would not be classed as principal windows and they would not directly face towards neighbouring principal windows and as such the roof lights as proposed would not be in conflict with guidance in the Council's space about dwellings SPG.

Furthermore the ground floor and first floor windows on the rear elevation would not directly face neighbouring principal windows and so comply with the Councils SPG, as do windows in the front elevation. There are windows proposed in both side elevations but these serve none principal windows and the first floor windows can be restricted to be obscure glazed with restricted opening to further minimise the impact.

The siting of the proposed dwelling has a close relationship with no.1 Chester Crescent and would be elevated above it. An amendment is being sought to reduce the footprint which would result in the front elevation being set back a further 1.5 metres. This would minimise the impact on a first floor window of no.1. The reduction in the ridge height and a hipped roof would also minimise the impact on the neighbouring window which is unlikely to be a principal window to the property.

The proposals, due to the separation achieved, would not result in a significant adverse impact to the occupiers of no. 17 Edward Avenue but the amendments being sought would further minimise any impact.

The layout shows a rear garden area of over 110 square metres with an additional front garden also. This is considered adequate for the scale of property once the amendments have been made.

The proposals would not result in a significant and adverse impact to the residential amenity of neighbouring properties in terms of loss of privacy light or any overbearing impact to principal windows. It is therefore in accordance with the Councils SPG and the requirements and guidance of the NPPF.

Highway safety

The access to the proposal would be achieved off Chester Crescent and the Highways Authority has raised no objections subject to conditions that the access, parking and turning areas have been provided in accordance with the approved plans and the garage being retained for the parking of motor vehicles and cycles. The driveway would provide an adequate level of off street car parking for the size of dwelling in this location. Therefore a condition retaining the garage for the parking of vehicles is not considered necessary and the proposal complies with policy T16 of the local without the need for this restriction.

The impact on trees

A condition of the outline planning permission indicates that no development should commence until an Arboricultural Impact Assessment and Strategic Landscape Design to BS5837:2012 has been submitted. Since that permission some trees and vegetation within the site have been felled and cleared, however as they were not subject to a Tree Preservation Order and as there was no condition of the outline planning permission requiring their retention this was not in breach of any controls. In light of this and given that the

information specified in the condition is not yet required there is no breach of condition and it would still needs to be satisfied.

Given the limited landscaping information that has been included within the application it is necessary for a condition to be imposed requiring a detailed landscaping scheme for the front of the site to further improve the appearance of the development proposal within the street scene.

Other matters

An objection has been received detailing that the proposal would have an impact on neighbouring property values. The issue of property values is a matter that cannot be taken into consideration because they it is not a material planning consideration.

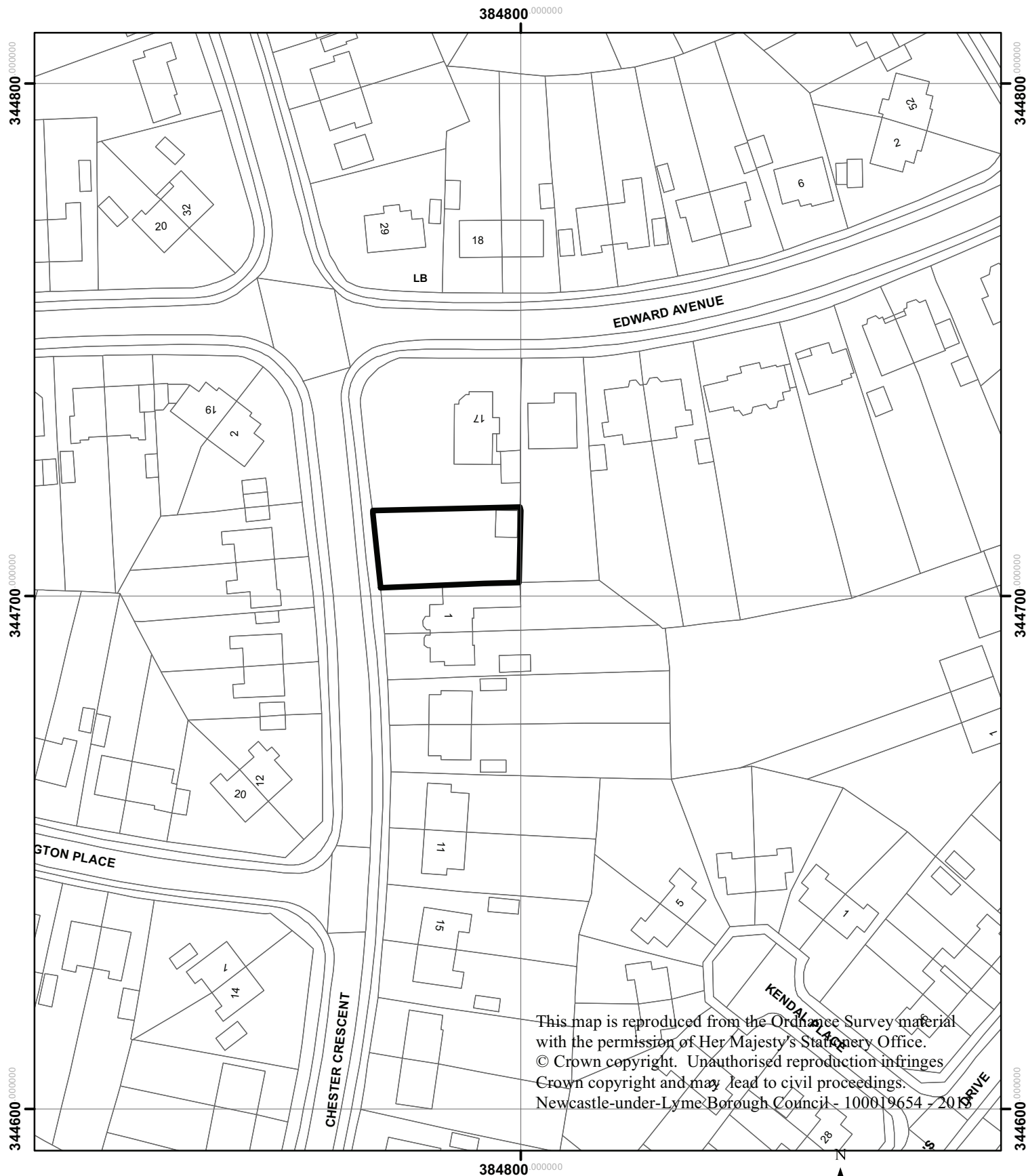
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th January 2014

13/00934/REM



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EXCHANGE HOUSE CROSS HEATH NEWCASTLE UNDER LYME
MR KULVINDER KANDOLA

13/00946/FUL

The application is for full permission for the change of use of an existing commercial unit into Pizza Hut delivery store (Class A5) with minor external modifications and installation of new extraction flue with inline odour control unit.

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

The application has been called to Committee for decision by two Councillors due to residents' concerns about advertising signage boards; opening and closing time; anti-social behaviour and flues and filtering systems.

The statutory 8 week period for the determination of this application expires on 3rd February 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- 1. Standard Time limit;**
- 2. Approved plans/drawings/documents;**
- 3. Hours of use restricted to 9am to 12pm on Monday to Saturday, and 9am to 11.30pm on Sundays and bank holidays;**
- 4. Building materials to match existing;**
- 5. CCTV provision to ensure that any potential harm to the living conditions of nearby residents is adequately controlled;**
- 6. No deliveries or waste collection before 7am and after 11pm on any day;**
- 7. Prior approval of fume extraction system, implementation prior to use commencing and maintenance thereafter;**
- 8. External motors to refrigerated vehicles to be turned off before vehicles delivering to the premises turn into Wilton Street and not started until they have left Wilton Street**
- 9. Prior approval of refrigeration and air conditioning plant;**
- 10. Prior approval of grease and food traps;**
- 11. Prior approval of refuse storage and collection arrangements;**
- 12. Prior approval of arrangements for the collection and disposal of litter resulting from the use;**
- 13. Implementation, and maintenance, of details in the submitted Light Pollution Survey;**
- 14. Prior approval of parking and turning of vehicles and provision before use commences.**

Reason for Recommendation

Subject to conditions, it is not considered that there would be any significant adverse impact on residential amenity as was concluded by the Planning Inspector in the appeal decision relating to the refusal of 12/00788/FUL. It is not considered that highway danger would arise and as such an objection could be sustained on the grounds of impact on highway safety. It is considered that the proposal will not result in any visual harm. The proposal accords with Strategic Aim 5 and Policies SP1 and CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 – 2026, policy T14 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework 2012.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

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

Strategic Aim 5: To foster and diversify the employment base
Strategic Aim 7: To help Newcastle Town Centre to continue to thrive
Policy SP1: Spatial Principles of Targeted Regeneration
Policy SP2: Spatial Principles of Economic Development
Policy SP3: Spatial Principles of Movement and Access
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhood Area Spatial Policy
Policy CSP1: Design Quality

Newcastle under Lyme Local Plan 2011

Policy T14: Development and the Highway Network
Policy T16: Development – General Parking Requirements

Other material considerations include:

National Planning Policy

National Planning Policy Framework (NPPF) (2012)

Supplementary Planning Guidance/Documents (SPGs/SPDs)

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

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

Relevant Planning History

2001	01/00094/COU	PERMIT	Conversion of sub-station to offices
2012	12/00190/COU	PERMIT	Change of use to pre-school nursery
2013	12/00788/FUL	REFUSE	Change of use from combined Class D1 (non-residential institution) and Class A1 (shops) use to a Pizza Hut Delivery Store falling within Class A5 (hot food takeaway) together with a new external façade. A subsequent appeal was dismissed on the design grounds.

Views of Consultees

The **Environmental Health Division** comment that they are unable to recommend approval of this application due to the lack of information for the odour control and fume arrangements as detailed in 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' DEFRA January 2005.

However, should the applicant be able to provide information to overcome this they recommend appropriate approval with conditions. At this stage, the following conditions should be sought:

1. Construction hours
2. Dust mitigation
3. Deliveries and collections to the store
4. Refrigerated deliveries
5. The premises shall not be open for business before 09:00 am or after 23:00 hours on any day.
6. Car Park

7. Litter disposal and collection arrangements
8. Customer noise
9. Light pollution
10. Fume extraction system
11. Cessation of cooking in the event of a problem
12. Air cooling/extraction system
13. Grease trap
14. Artificial Lighting
15. Importation of waste materials to facilitate construction

The **Highway Authority** has no objections subject to a condition being included that no development should be commenced until details of the parking and turning of vehicles within the curtilage of the site have been submitted to and approved in writing by the Local Planning Authority.

The **Police Architectural Liaison Officer** retain their concerns expressed in the consultation response to the original application for this site (12/00788/FUL) of the potential for the location to impact negatively upon the residential amenity of local residents in terms of noise and anti-social behaviour. The inappropriateness of the proposed opening hours (until 0200 hours each day) for a location immediately abutting a residential area is equally pertinent for this application. Request that should this application be successful appropriate planning conditions are imposed in relation to opening hours and CCTV provision to ensure that any potential harm to the living conditions of nearby residents is adequately controlled.

The views of the **Waste Management Section** have been sought and any comments received will be reported.

Representations

One letter of objection has been received raising the following concerns;

- Traffic noise and danger;
- Anti-social behaviour;
- Already problems with smells from KFC and the proposal will increase odour;
- Fall in property values;
- Excessive lighting;
- Illuminated signs;
- Health Issues;

Applicant/agent's submission

A Design and Access Statement has been submitted the main points of which are set out below:

- The building will remain as current.
- The layout will have a customer waiting area within the building.
- Signage and external cladding will be to Pizza Hut corporate image.
- 10 parking spaces will be provided, with additional space for delivery vehicles and refuse vehicles.
- The current building has no specific elements of special interest, there will be not substantial alteration.

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

Key Issues

This application is a re-submission of application 12/00788/FUL. This was refused by Planning Committee on 5th February 2013 on grounds of: appearance; and loss of residential amenity. At a subsequent appeal the Inspector found in favour of the appellant in relation to the substantive issues concerning the impacts of the proposal on the living conditions of

residents and on local service provision. The appeal was, however, dismissed as the Inspector considered that the proposal would be unacceptable due to its impact on the character an appearance of the immediate area as that proposal involved significant alterations to the appearance of the building.

Full planning permission is again sought for a change of use of the premises from a combined Class D1 (non-residential institution) and Class A1 (shops) use to a Pizza Hut Delivery Store falling within Class A5 (hot food takeaway). This time, however, only minor external alterations are proposed. The property is within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

The principle of the proposed use was considered to be acceptable by the Inspector at appeal, and there have been no material changes in planning circumstances since the appeal decision. In addition highway safety issue were neither a reason for refusal nor a concern for the Planning Inspector. In light of that it is considered that the key issues to be addressed in the determination of this application are the following:

- Would the proposal cause harm to the occupiers of neighbouring properties?
- Would the proposal be detrimental to highway safety?
- Are the external alterations to the property acceptable in appearance?

Would the proposal cause harm to the occupiers of neighbouring properties?

The application is for a Pizza Hut delivery store. The proposal involves the preparation of hot food for delivery and collection and as such has the potential to cause nuisance from noise, odours and anti-social behaviour.

The Planning Inspector when determining the appeal noted the Council's concern with the cumulative impact of fumes and anti-social behaviour on local residents and that the area already has a strong and pervasive background odour of fried food. Also noted was that this has been one of the factors that have led a number of local residents, living on Hassam Avenue and Hughes Road, to object to the proposal. The applicant had, however, submitted technical specifications and installation plans for modern fume extraction equipment. Whilst the technical specifications showed that this is designed for odour reduction, rather than elimination, it was nonetheless the Inspector's view that satisfactory operation of the proposed development could be achieved through a suitable condition. Notwithstanding the concerns raised by the Environmental Health Division with regard to the acceptability of the details submitted the conclusion of the Inspector remains valid and a condition could be imposed to secure the prior approval of the fume extraction system, and its implementation prior to use commencing and maintenance thereafter.

As concluded by the Planning Inspector noise and anti-social behaviour can be addressed through the imposition of a condition restricting hours of opening. The Environmental Health Service recommends a closing time of not later than 11.00 pm every day. The adopted SPG on Hot Food Takeaways allows for closing times of midnight on Monday to Saturday, and 11.30 on Sundays. It would be difficult to impose 11.00pm as it is more restrictive than adopted guidance; however it would be reasonable and justified to impose a condition restricting the hours of opening in accordance with the adopted guidance, notwithstanding that the application seeks longer hours of opening to 2am everyday.

Taking on board the comments of the Police Architectural liaison Officer and following the Supplementary Planning Guidance on Hot Food Takeaways, subject to the imposition of the Planning Conditions requested by the Environmental Health Service there will be no material adverse effect to the living conditions of nearby residents that would justify the refusal of the application, even when the cumulative impact of a number of such uses on Liverpool Road are taken into consideration.

Are the alterations to property visually acceptable?

The building is single storey, built in brick with a tile roof. In rejecting the appeal the Inspector noted that the existing building is clearly related to the properties immediately to the rear and side of the site. This is because they are constructed from similar materials and also have pitched roof designs. This residential backdrop gives the building a clear architectural context that would have been disrupted by the proposal.

In contrast to the metal cladding proposed in 12/00788/FUL the present proposal makes little change to the existing building. The changes proposed involve extending the centre window on the north (entrance) elevation down to ground level, as would the small side window in the west elevation; and an extraction flue would be erected in the quadrangle between the two parts of the main building. The alteration to the windows would not affect the character of the building and with the flue being largely hidden by its location between the two parts of the main building the appearance of should be acceptable. The submitted plans show removal of the board between the gables on the north elevation enhancing the shape and materials of the original building.

It is considered that the application could be resisted on appearance grounds and that the proposal would be acceptable.

Background Papers

Planning File
Development Plan

Date report prepared

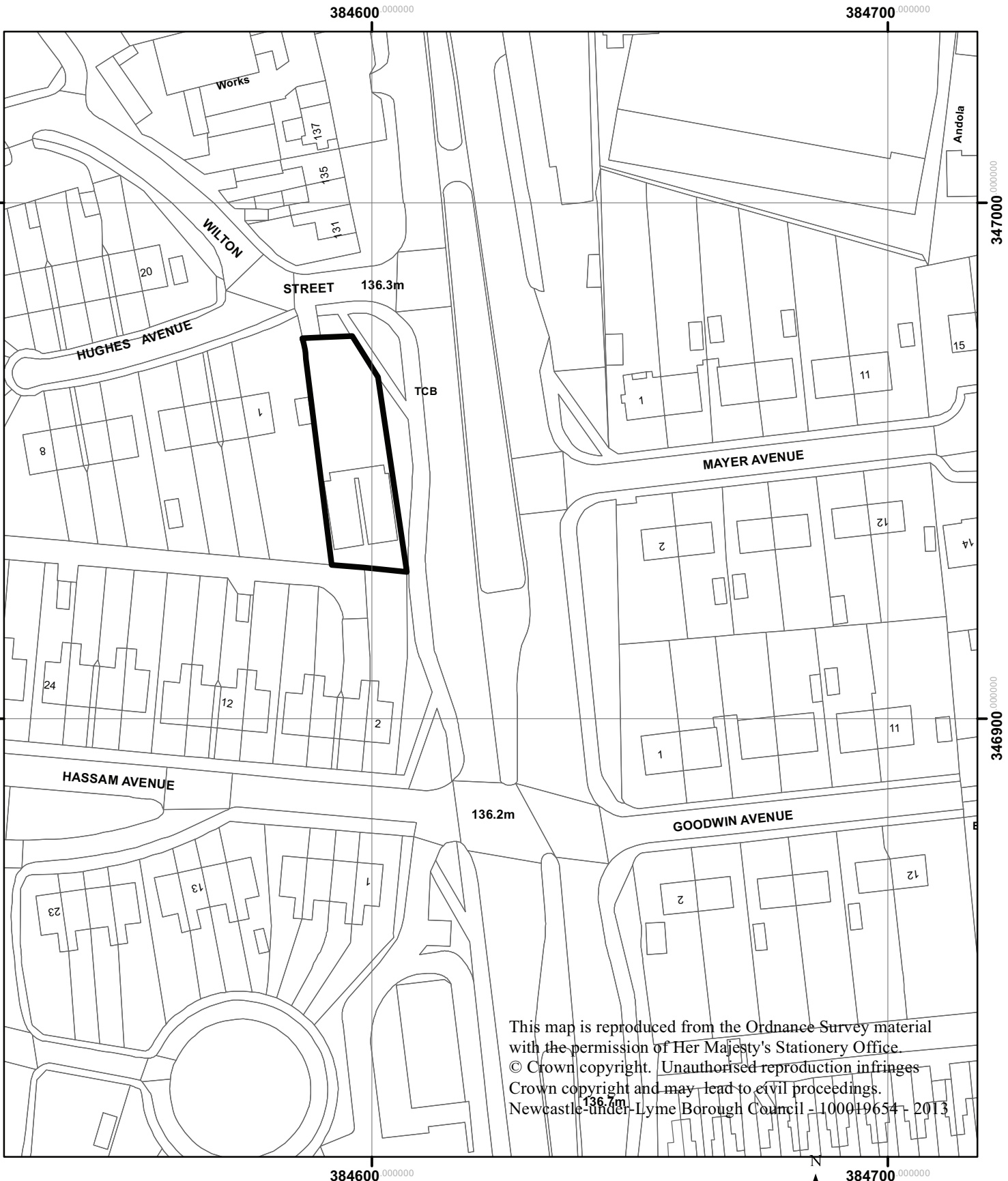
13th January 2014

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Exchange House, Liverpool Road
Cross Heath



13/00946/FUL



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BOAT HOUSE AT LAKE NUMBER 1 NO. 1, KEELE UNIVERSITY
KEELE UNIVERSITY

13/00836/FUL

The Application is for full planning permission to rebuild a boat house.

The lake is within the Keele Hall Conservation Area and adjoins Keele Hall which is a Grade II* Listed Building. The application site is within the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall. The application site is on land designated as Green Belt, an Area of Landscape Maintenance, and within the Springpool Wood (Keele Woods) Grade 1 Site of Biological as detailed on the Newcastle under Lyme Local Development Framework Proposals Map.

The statutory period for the determination of this application expired on 3rd January 2014.

RECOMMENDATION

Permit subject to conditions relating to the following:

- i. Time limit**
- ii. Approved plans**
- iii. Approval of details of all woodwork; render infill including finished colour; roof tiles; and restoration of stone work if required.**

Reason for Recommendation

Whilst the proposal constitutes inappropriate development within the Green Belt, there are very special circumstances present that would justify an approval of such development. The proposal, through the reintroduction of a historic building that was lost about 30-40 years ago, would not harm the setting of the Grade II* Listed Keele Hall, and would enhance the character and appearance of the wider Conservation Area and Grade II Registered Parkland and Garden. As such the development is in accordance with Policy CSP2 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, and Policies B5, B9, B10, B13 and B14 of the Newcastle-under-Lyme Local Plan 2011. The benefits of this development are considered to outweigh the negligible additional harm that there would be to the openness of the Green Belt, and to the purposes of including land within a Green Belt.

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

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

Strategic Aim 16:	To eliminate poor quality development;
Policy CSP1:	Design Quality;
Policy CSP2:	Preserve and enhance the character of appearance of the historic heritage;
Policy CSP4:	Natural Assets.

Newcastle under Lyme Local Plan (NLP) 2011

Policy S3:	Development in the Green Belt.
Policy N17:	Landscape Character – General Considerations
Policy N19:	Areas of Landscape Maintenance;
Policy B5:	Control of Development Affecting the Setting of a Listed Building
Policy B9:	Prevention of Harm to Conservation Areas;
Policy B10:	The requirement to preserve or enhance the character or appearance of a Conservation Area;
Policy B13:	Design and Development in Conservation Areas;
Policy B14:	Development in or adjoining the Boundary of Conservation Areas.

Other material considerations include:

National Planning Policy Framework (NPPF)

Relevant Planning History

In 2008 full planning permission was given for the dredging of the lake, the deposit of the dredgings, repairs to the weir and the provision of silt traps and interceptors to the lake inlets, reference 08/00595/FUL. The rebuilding of the boathouse sited on lake no. 1 was permitted in 2011 (reference 10/00619/FUL) and the current application is for the same development.

Views of Consultees

Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes and raises no objection.

The **Conservation and Urban Design Officer** has no objections to the renewal of this application

The views of **Keele Parish Council** and the **Garden History Society** have been sought and any comments received will be reported.

Applicant/agent's submission

A Design and Access Statement has been submitted in support of the application, the main points of which are outlined below:

- The site is situated within the grounds of Keele University it is accessed solely by footpaths from the Hall and surrounding grounds. The site is currently vacant with only the original stone walls of the boathouse base being present, the original superstructure either collapsed or was demolished.
- The proposal has been designed to replicate the size and scale of the original boathouse following photographs and the surviving stone base. The existing sockets in the stonework will be re-used.
- The new upper walls would comprise treated softwood with rendered infill panels finished with masonry paint. The roof would be finished in blue plain clay tiles. All new bargeboards, fascias, heads to opening etc would be treated softwood with a full paint finish.
- Heritage points are set out in a section of the statement.
- Works carried out on water features within the grounds from 2008 are noted.

The document is available for inspection at the Guildhall, and on www.newcastle-staffs.gov.uk/planning/BoatHouseKeele

KEY ISSUES

The application is a resubmission of Planning Permission 10/00619/FUL which was granted planning in permission in 2011 but not implemented and that permission is due to expire on 27th January. It is for a new boat house which is to be built on the footings of a previous one which was lost around 30-40 years ago. The stone base to the boat house was exposed during renovation works that have been undertaken at the lake, which were the subject of planning permission reference 08/00595/FUL referred to above.

The application site is adjacent to the uppermost of the ornamental lakes to the immediate south-east of Keele Hall. The lake is the largest of the system of lakes that descend from the Hall to the south-east.

The main issues for consideration are as follows:

- Is this appropriate development in the Green Belt?

- Impact on the character and appearance of the Conservation Area and the setting of the Listed Buildings
- Impact on the Historic Park
- Do the very special circumstances exist to justify development that is inappropriate in the Green Belt?

Appropriate Development in the Green Belt?

The NPPF states that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specified purposes. One of the specified purposes is the provision of appropriate facilities for outdoor sport and outdoor recreation. In this case there is no indication that the boat house is to be functional and used in connection with boating activities on the lake; accordingly it is not appropriate development.

Impact on the character and appearance of the Conservation Area and the setting of the Listed Buildings

There is a statutory duty upon the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas in the exercise of planning functions. Local and national planning policies seek to protect and enhance the character and appearance of Conservation Areas and development that is contrary to those aims will be resisted.

Policy B9 of the Local Plan states that the Council will resist development that would harm the special architectural or historic character or appearance of Conservation Areas. Policy B10 states that an important consideration in ensuring that the character and appearance of a Conservation Area is preserved or enhanced, is the protection of important views within, into and out of the area.

The application is for a boathouse which has been designed, using photographic evidence, to resemble the original buildings and is to be constructed on the same foundations and which are now visible. The reintroduction of this historic feature is considered to enhance the character and appearance of a Conservation Area.

The reconstruction of the boat house is part of the renovation of the parkland setting to the Grade II* Listed Keele Hall, which is sited approximately 30m to the north-west of the lake. The boat house will be visible from views from the Hall across the lake, but given the distance between the proposed boat house and the Hall, and that the proposed building is small in scale, it is considered that the proposal will not be harmful to the setting of the listing building.

Impact on the historic park

The site lies within the Keele Hall Grade II Registered Historic Park and Garden. Historical evidence indicates that the landscape park was created in the mid 18th century, and improvements were undertaken to the grounds and gardens in early to mid 19th century. It would appear that the boathouse was constructed as part of these improvements, which involved the reconfiguration of the pool and the construction of an Italianate well-house which is a Grade II listed building. Given that the boathouse was part of the planned landscape park it is considered that a historically accurate replacement on the original stone base, as proposed, could only enhance its character and appearance.

Very Special Circumstances?

The decision maker is required, in the case of inappropriate development, to go onto consider whether there are material considerations which clearly outweigh any harm both to the Green Belt and any other interests to be acknowledged. Inappropriate development is by definition harmful to the interests of the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and, any other harm, are clearly outweighed by other considerations.

As indicated above the application seeks planning permission for the reinstatement of a boathouse that for many years formed part of the planned landscape park. The building will not have an adverse impact on the setting of the listed hall, and will enhance the wider Conservation Area and Registered Historic Park and Garden and it is considered that this will outweigh the negligible impact on the openness of the Green Belt that will arise from this small building. This conclusion was reached when Planning Permission 10/00619/FUL was permitted under previous planning guidance. Accordingly it is considered that very special circumstances exist that outweigh the negligible harm to the Green Belt.

Background Papers

Planning file
Planning documents referred to

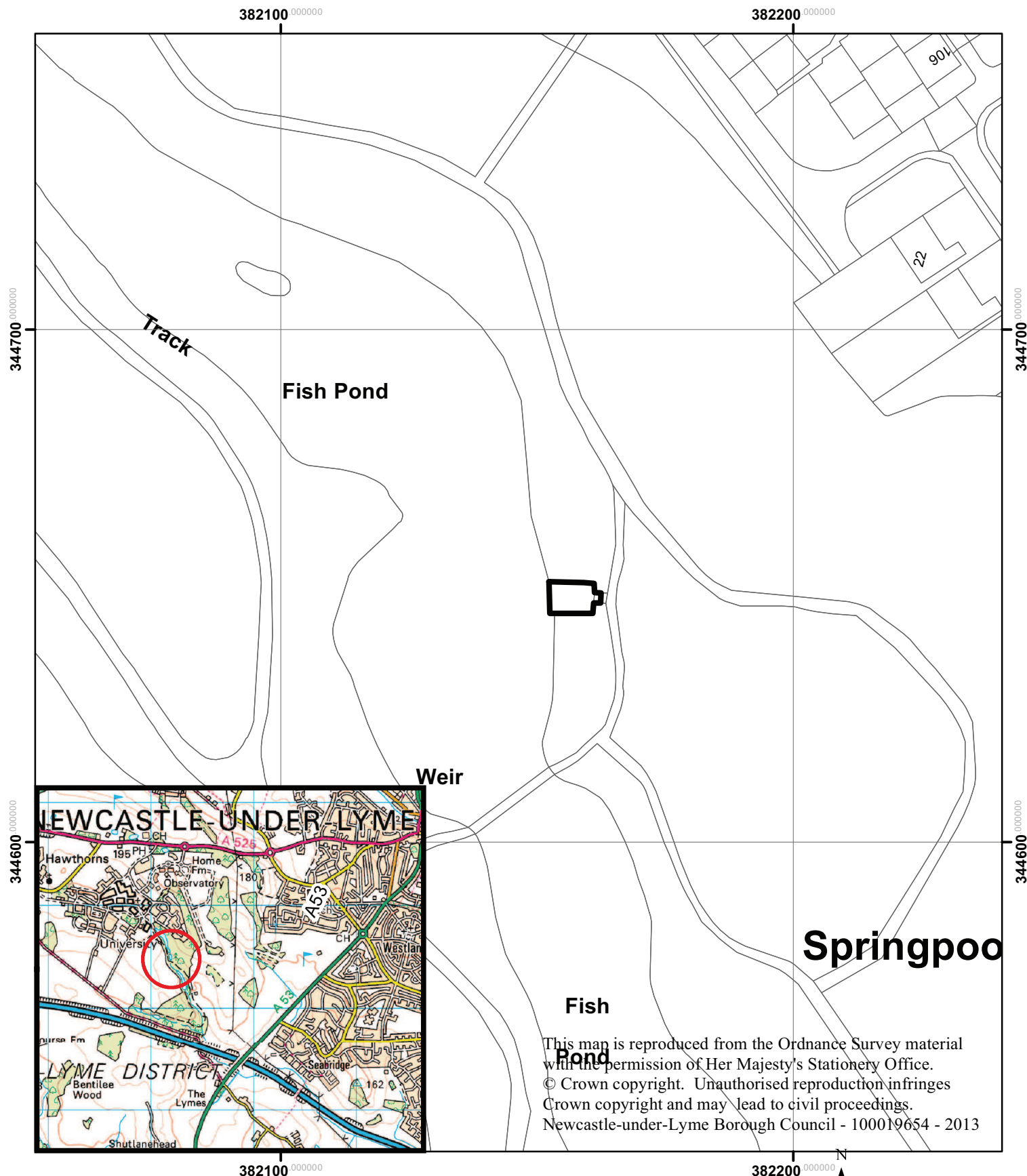
Date report prepared

13th January 2011

Boat House at Lake No.1
Three Mile Lane, Keele



13/00946/FUL



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Newcastle-under-Lyme Borough Council - 100019654 - 2013

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ST MARY'S CHURCH, WHARF TERRACE, MADELEY HEATH
MR C HODGES

13/00978/FUL

The application is for full planning permission for the demolition of the redundant chapel and the erection of a two storey detached dwelling at St Mary's Church. The site lies within the village envelope of Madeley Heath and in the rural area, as defined on the Local Development Framework Proposals Map.

The application has been called in to be determined by planning committee by two councillors for the reason that the dwelling would be too close to neighbouring properties.

The 8 week period for the determination of this application expires on the 6th February 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- 1. Standard time limit condition**
- 2. Approval of facing and roofing materials**
- 3. Approval of boundary treatments**
- 4. Prior approval of waste storage and collection arrangements**
- 5. Prior approval of a landscaping condition**
- 6. Prior approval of a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the LPA. The Scheme shall thereafter be implemented in full in accordance with the approved plans"**
- 7. The development shall not be brought into use until the access and parking area has been provided and retained for the life of the development.**
- 8. The development shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the site boundary**
- 9. The garage indicated on the approved plan shall be fitted a roller shutter type of door which shall be retained for the life of the development.**
- 10. The garage shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without planning permission first being obtained**
- 11. Should the finished surfacing levels fall towards the public highway then before the proposed development is brought into use the access shall be built with surface water drainage interceptor to be retained in full working order**

Reason for Recommendation

The application is considered to be a sustainable form of development which complies with Policies ASP 6, CSP1, CSP3 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 -2026, Policies T16, H1 and N12 of the Newcastle-under-Lyme Local Plan 2011, and the requirements of the National Planning Policy Framework.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

The Local Planning Authority considers the application to be a sustainable form of development.

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets

Newcastle-under-Lyme Local Plan 2011

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development: General Parking Requirements
Policy C22:	Protection of Community Facilities
Policy N3	Development and nature conservation – Protection and enhancement measures
Policy N12	Development and the protection of trees

Other material considerations include:

National Planning Policy Framework (March 2012)

Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)
Space around Dwellings Supplementary Planning Guidance (July 2004)
Developer Contributions Supplementary Planning Document (October 2007)

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

Circular 11/95 The use of conditions in planning permissions

Relevant Planning History

None considered relevant

Views of Consultees

The **Highway Authority** has no objections subject to conditions relating to

- The development not being brought into use until the access and parking area has been provided and retained for the life of the development;
- The development not being brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the site boundary
- The garage being fitted a roller shutter type of door which shall be retained for the life of the development.
- The garage being retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without planning permission first being obtained
- The finished surfacing levels if they fall towards the public highway then before the proposed development is brought into use the access shall be built with surface

water drainage interceptor which shall be sited across the access immediately to the rear of the highway boundary, which shall be connected to a surface water outfall and maintained in full operational order for the life of the development.

The **County Archaeologist** indicates that should planning permission be granted for the demolition of the former Primitive Methodist Chapel and taking into account its role in the social and spiritual life of Madeley Heath it is recommended that a building recording survey be carried out

The **Landscape Development Section** has no objection.

The views of the **Environmental Health Division** and **Madeley Parish Council** have been sought. As no comments have been received by due date it is assumed that they have no comments to make.

Representations

One letter of representation has been received raising concerns about the proximity of the proposed dwelling to the adjoining property and the difficulties that would arise relating to access for maintenance.

Applicant/agent's submission

Documents submitted as part of the planning application are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/st.maryschurch

KEY ISSUES

This is an application for full planning permission for the demolition of the redundant St Mary's Church and the erection of a two storey detached dwelling on Wharf Terrace, Madeley Heath. The site is located within the village envelope of Madeley Heath and within the rural area, as indicated by the Local Development Framework Proposals Map.

The application form states that use of this chapel ceased more than 2 years ago. It states that no trees or hedges would be affected by the proposed development.

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

- The principle of residential development of the site
- Highway Safety and access issues
- Design and impact on the character of the area
- Impact upon residential amenity
- Loss of a community facility
- Waste and recycling storage and collection arrangements

The principle of residential development of the site

The site is within the village envelope of Madeley Heath and within the rural area, as identified on the Local Development Framework Proposals Map. The NPPF advises in paragraph 4 that: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Policy ASP6 of the Core Strategy recognises and identifies that a maximum of 900 net additional dwellings of high design quality are required and these should primarily be located on sustainable brownfield land within the village envelopes of the key rural services centres to meet identified local requirements.

Madeley Heath is not identified as one of the three largest service centres but is a recognised village with a development boundary and does have basic services, including a school and public houses which are within walking distance of the application site. There are also public playgrounds and open space within the surrounding area. It is also close to Madeley which is one of the three largest service centres and is within walking distance for some residents. Madeley Heath also has a good bus service (D&G route 85) between Crewe and Hanley bus stations which stops at Stoke town centre, Stoke railway station, Newcastle town centre, Keele University, Madeley and Crewe railway station.

The National Planning Policy Framework (NPPF) advises, at paragraph 14, that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole. The NPPF indicates that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

There is a presumption in favour of this development, therefore, unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the development on the supply of housing land. Such impacts are addressed below.

Highway safety and access issues

The proposed dwelling would have three bedrooms, and for three bedroom dwellings the Local Plan sets out maximum car parking standards of 2 car parking spaces. The proposal would include an integral garage and a driveway to the front of the dwelling and it is considered that this would meet the car parking standards specified in the Local Plan. The Highway Authority has requested that several conditions be included should the application be permitted, which are set out in their consultation response earlier on in this report.

Overall, the development is considered to be acceptable in terms of highway safety and as such there are no adverse impacts arising, in this regard, which would prevent the granting of planning permission.

Design and impact on the 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.

The Urban Design SPD indicates in R14 that “Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them.”

The surrounding area is characterised by a variety of styles and sizes of residential properties, and as such there is no defined local character. The proposed dwelling would be set back from the road behind a proposed front driveway area. It would broadly line up with the dwellings to the south of the site and the appearance of the dwellings as shown on the proposed plans is considered to be acceptable in this location and would not detract from the

character of the immediate surrounding area. Materials, hard and soft landscaping and boundary treatments can be conditioned to ensure a finish that is in keeping with the surrounding area.

Impact upon residential amenity

It is important to assess how a proposed development will impact upon existing residents and proposed occupants of new development, to ensure they benefit from acceptable residential amenity standards.

The proposed rear garden would measure approximately 85 square metres, which is considered an acceptable size. Further the length of the garden would measure just over 10 metres which is broadly compliant with the Space Around Dwellings SPG. It is considered that no loss of privacy or light to principal windows would be caused by the proposed development.

The proposed dwelling replaces an existing building which is approximately 2.5m from the northern, side boundary, and 2.2m from the southern, side boundary. The proposed dwelling is 1m from the northern boundary and 1.2m from southern boundary, however whilst it is closer to the side boundaries than the existing building this will not result in a breach of any guidance within the SPG as neither adjoining properties has side facing principal windows and the side facing windows in the proposed dwelling are not principal windows either. No material impact on residential amenity will arise therefore.

The representation received suggests that the closer proximity of the proposed dwelling will affect the ability to maintain their property. This is a civil matter and is not material to the determination of the planning application although it is noted that the proximity to the boundary that is achieved is similar to that in many new developments.

Overall, the proposed development is considered acceptable in terms of its impact on residential amenity.

Loss of a Community Facility

The proposal would involve the loss of St Mary's Church. The application form states that the church has not been in use for over two years. Policy C22 of the Local Plan states that when considering applications for development that would involve the loss of an important community facility, the need for the facility and the likelihood of its being able to be replaced will be a material consideration.

As the church has not been in use for over two years, it is difficult to argue that the loss of the facility would be harmful to the community. Therefore, it is considered that, as the church has not been in use for over two years, the loss of this service would not cause harm to the community.

The building is not listed nor is it on the register of locally important buildings and structures and as such there is no basis to object to its demolition. The County Archaeologist has recommended that records are taken of the building prior to its demolition if the application is approved for the Historic Environment Records held by the County Council and this is considered to be an appropriate condition.

Conclusion

The development will not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the development on the supply of housing land as such there is a presumption in favour of this development.

Background Papers

Planning file

Planning documents referred to

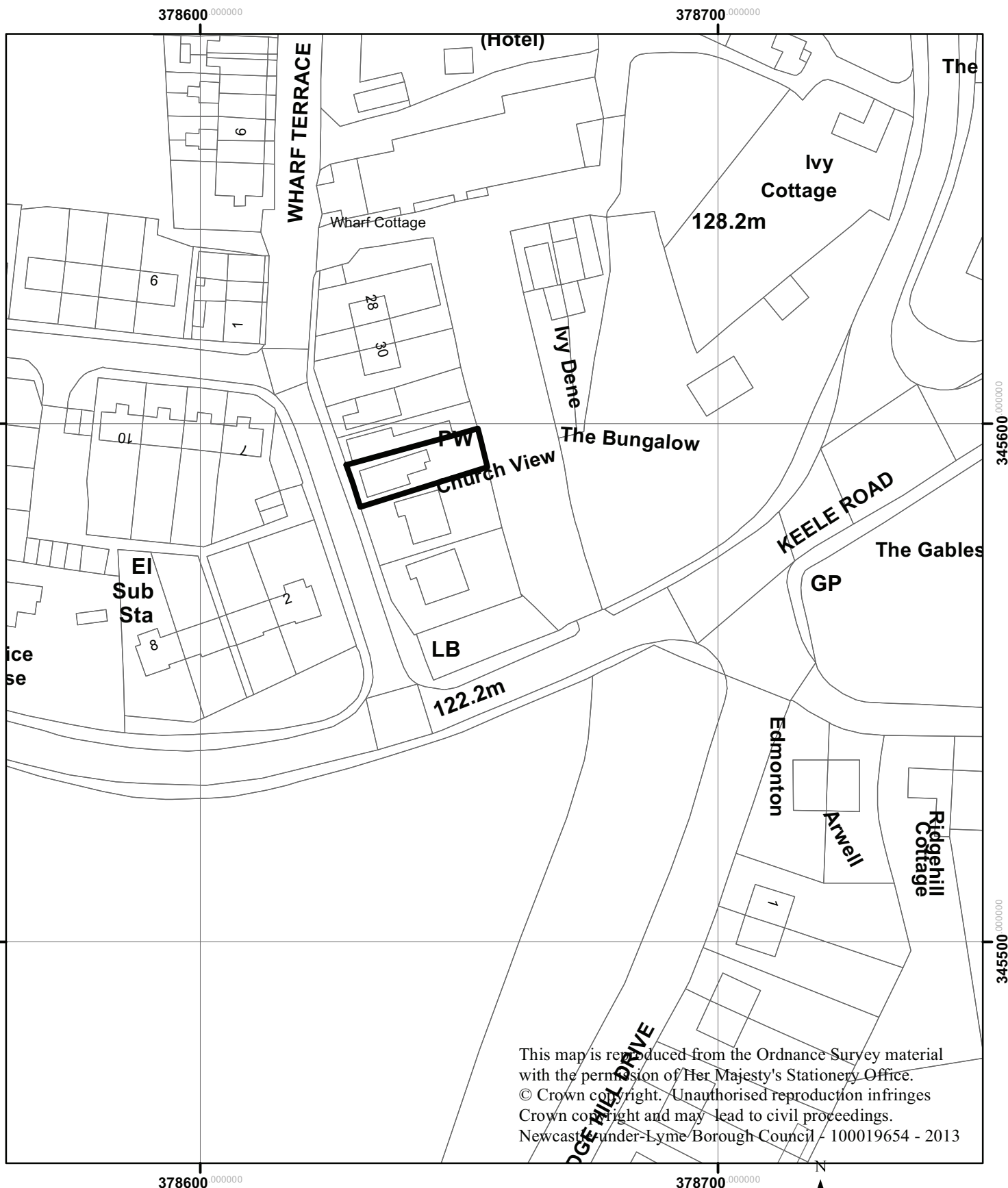
Date report prepared

13th January 2014

Former St Marys Church,
Wharf Terrace, Madeley Heath



13/00978/FUL



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31 KINNERSLEY AVENUE, KIDSGROVE
MR IAN CLIFF

13/00914/FUL

The application is for full planning permission for alterations to the roof of front garage and erection of car port together with an increase in height of rear garage and new pitched roof at Kinnersley Avenue, Kidsgrove.

The site lies within the urban area as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors for the following reasons:

- There will be an adverse effect on the residential amenity of neighbours, by reason of overlooking, loss of privacy and overshadowing of other properties.
- There is an unacceptably high density / overdevelopment of the site, especially if it involves loss of garden land.
- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

This matter was taken to the Planning Committee on 2nd January 2014 but was deferred to allow for appropriate publicity for additional drawings of the rear garage.

The 8 week period for the determination of this application will expired on the 15th January 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- 1. Standard Time limit**
- 2. Approved plans/drawings/documents**
- 3. Materials used to match those of the existing buildings.**

Reason for Recommendation

Subject to conditions, it is not considered that there would be any significant adverse impact on visual amenity or residential amenity. The proposal accords with Policy CSP1 of Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 and H18 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework 2012.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

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

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions.

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 (adopted 2009)

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

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012).

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

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

Relevant Planning History

12/00778/FUL REFUSE 24.4.2013 Erection of ground floor rear extension, front entrance porch, and carport.

A subsequent appeal against this decision was dismissed.

13/00635/FUL REFUSE 12.11.2013 Erection of ground floor rear extension, front entrance porch carport and pitched roof to existing garage.

An application for a Certificate of Lawfulness, for a proposed development single storey front and rear extensions, has been submitted and is currently awaiting determination.

Views of Consultees

Kidsgrove Town Council.

The Town Council notes that reports have been received that the proposed carport will affect the neighbouring property and be overbearing. There are also fears that it may be used for business use in the future'.

Representations

One letter of representation has been received from two neighbours.

The neighbours' concern is with the proposal to increase the height of the rear garage on the site and to put a pitched roof upon it. On the assumption that such a proposal has previously been dismissed on appeal they question this element and express concern about the garage's size which they consider to be overpowering and likely to lead to loss of natural daylight due to the orientation of their properties towards it.

Applicant's/Agent's Submission

None.

Key Issues

The application is a resubmission following the refusal of planning applications 12/00778/FUL and 13/00635/FUL both of which were for the erection of ground floor rear extension, front entrance porch and carport. Application 13/00635/FUL also included the addition of a pitched roof to existing garage, an element that was initially included in application reference 12/00778/FUL but was withdrawn. The reason for refusal in both cases related to the unacceptable loss of residential amenity due to loss of light to the window of the adjoining dwelling and the overbearing impact on the outlook from that property that would arise from the ground floor rear extension.

The current application is for full planning permission for the erection a carport together with a pitched roof to the detached garage at the bottom of the garden, identical to that which was included in

application reference 13/00635/FUL. The ground floor rear extension and front entrance porch which were included in 12/00778/FUL and 13/00635/FUL have not been applied for in this application.

The main issues for consideration in the determination of this application are visual amenity and residential amenity (although it should be noted that these elements were not referred to in the refusal of planning application reference 13/00635/FUL and as such were considered acceptable).

Visual Amenity

The National Planning Policy Framework Section 7 requires good design; it is a key aspect of sustainable development, indivisible from good planning (para 56) and permission should be refused for development of poor design (para 64).

Policy H18 requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling or the integrity of the original design of the group of dwellings that form the street

The proposed car port is again a flat roofed construction extending from the side of the house across the gap to the detached side garage and is considered acceptable in appearance.

The pitched roof on the detached garage or workshop at the bottom is a double pitch roof with front and rear gables. Walls would be raised from 2.4 to 3 m high, but the proposed overall height of the building has been reduced to 4 metres. The proposal is a 'standard design' for a detached garage and acceptable.

The development will not increase the footprint of the buildings on the site and only marginally increase the built volume so it will not materially increase the density of the development at, or produce overdevelopment of, the site. There is no loss of garden land, for although the area between the front garage and house will be given to car port it is presently used as a standing area. Sufficient amenity space will remain to meet the guidance set out in the 'Space around Dwellings' SPD.

Residential Amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

The application is on the far side of the house to the attached property (33) the impact upon which led the refusal of 12/00778/FUL and 13/00635/FUL and dismissal of appeal on the first application; and the element which led to that unacceptable impact has not been applied for in this application so it will not impact directly upon it now. The proposal meets the guidance set out in 'Space Around Dwellings'. As well as not contravening the SPG guidance and taking into account that the extension is sited to the north of the neighbouring dwelling so will not produce overshadowing, it is considered that the proposal would not result in a loss of daylight to the extent that could justify a refusal of planning permission. There being no change in levels or introduction of new windows, no overlooking or loss of privacy will be produced.

The car-port will be set between the existing side garage and the house so it will not impact on neighbours. Insofar as the rear garage is concerned, this element was not part of the proposal which was found unacceptable on appeal.

As it does not contravene the guidance set out in 'Space Around Dwellings' it is considered that the proposal would not result in a loss of daylight to the extent that could justify a refusal of planning permission

The fears of business use have been previously expressed and are known to your officers, there is no evidence that such use is envisaged.

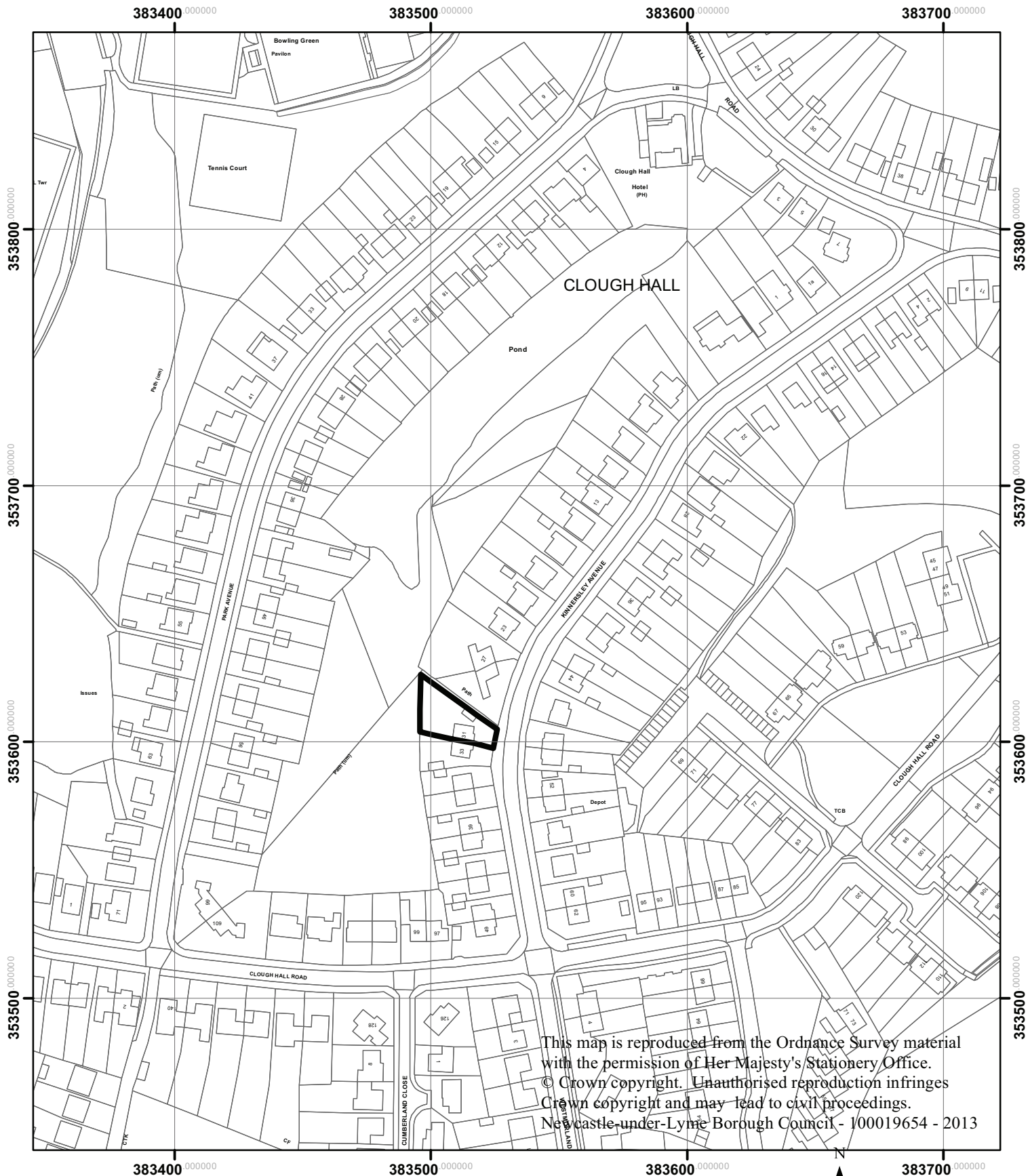
Background Papers

Planning file
Planning documents referred to

Date report prepared

13th January 2013

13/00914/FUL



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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Newcastle Methodist Church, (Ref: 13/14012/HBG)

RECOMMENDATION:

That the Planning Committee approves a grant of £216 for the repair of the roof at Newcastle Methodist Church, subject to the appropriate standard conditions

Purpose of report

To consider an application for financial assistance towards the cost of the repair of this property which is within Newcastle Town Centre Conservation Area.

Introduction

The building was built in 1803 in brick and rebuilt and modified in 1822 and 1998 and occupies a prominent position in the Newcastle Town Centre Conservation Area with its stucco blockwork, projecting string courses, first floor sash windows and parapet roof. The 3 large sash windows at the upper floor with arched heads set in decorative plaster work are a dominant feature of this elevation. The building is being damaged by water ingress at the front right hand side of the roof where the valley of the projecting addition adjoins the main roof pitch.

The cost of the work, including VAT, is £2,160.

As a building is an historic building within a Conservation Area, works eligible for grant funding would normally be the subject of a 10% grant offer.

Financial Implications

There is sufficient funding to meet this grant application with approximately £38,000 in the Fund, which allows for current outstanding commitments.

Conclusions

The building is adjacent to a collection of historic buildings in the town centre Conservation Area and it is important to retain the upkeep of general maintenance which if left unchecked will be harmful to the future of the building. The views of the Conservation Advisory Working Party will be reported to the Planning Committee.

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APPEAL BY MR S JAYES AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION TO CONVERT THE EXISTING DWELLING BACK INTO TWO DWELLINGS AND A TWO STOREY SIDE EXTENSION AT 15, NANTWICH ROAD, AUDLEY, NEWCASTLE

<u>Application Number</u>	13/00203/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 9th May 2013
<u>Appeal Decision</u>	Allowed
<u>Date of Appeal Decision</u>	11th December 2013

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00203/FUL) and the following is only a brief summary.

The Inspector considered the main issue is whether the development proposed would provide acceptable living conditions for future occupants, with particular regard to levels of outdoor amenity space. In allowing the appeal, she made the following comments:

- The western dwelling (cottage 2) would be provided with an acceptable level of outdoor amenity space and it is noted that the Council did not object to the proposal in this regard.
- The outdoor amenity space for the eastern dwelling (cottage 1) would comprise the area at the front of the dwelling adjacent to the highway and the side and rear alleyway area.
- The Council discounted the contribution that the front garden area made to the outdoor amenity space. However, the property is in a village location and there is no evidence that the road is a busy thoroughfare that would make the proposed front garden unusable. Additionally there is a stone boundary wall and mature vegetation which would provide screening to increase the privacy of future occupants. For these reasons, the Inspector considered that the front garden area could make a contribution towards the level of outdoor amenity space for future occupants.
- The Council's 'Space Around Dwellings' Supplementary Planning Guidance refers to houses of three or more bedrooms and there is no explicit reference to levels of amenity space that should be provided houses with two bedrooms. Although the Council have calculated a pro rata requirement of 44 square metres for a two bedroom dwelling, there is no policy reference on which to base this approach.
- The Inspector considered that in this case, calculating levels of outdoor amenity space requires a more qualitative approach to reflect the differences between how occupants would use a two bedroom property or larger family home. For example, larger dwellings are likely to require more sizeable gardens for outdoor play for children, whereas the occupants of smaller properties, such as professional or retired people, may find more limited outdoor garden space acceptable.
- Although the side and rear alleyway would be narrow, there is little substantive evidence to suggest that this area could not be used for the storage of bicycles or other items. The rear alleyway could be used to hang out washing and the front garden area could also accommodate either bin storage or a small table and chairs. It was also noted that there is a public park within walking distance.
- The Inspector concluded that the proposal would provide acceptable living conditions for future occupants, with particular regard to levels of outdoor amenity space.
- Although the Parish Council raised concerns regarding the effect on the character and appearance of the area and the dwelling itself, the Inspector concluded that the proposal would not be harmful to the character or appearance of the Conservation Area.
- Although the Council requested conditions be imposed relating to noise prevention methods due to the development being on a busy road, the Inspector considered that there is little substantive evidence to demonstrate that this location has particular noise issues that would unacceptably affect the living conditions of future occupants.

The conditions suggested would not be necessary and would not meet the tests of the Circular.

Recommendation

That the decision be noted.

APPEAL BY MR MULLINER AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A DETACHED GARAGE AT 21 EDDISBURY DRIVE, NEWCASTLE

<u>Application Number</u>	13/00583/FUL
<u>LPA's Decision</u>	Refused by delegated powers 12th September 2013
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	30th December 2013

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/583/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the dwelling and the surrounding area. In dismissing the appeal, she made the following comments:

- The proposed garage would be subordinate to the dwelling in terms of its height and size. However, it would be sited 12m forward of the main frontage of the dwelling and 4m forward of the existing double garage. Consequently, it would appear somewhat unrelated to the main dwelling.
- The appeal proposal would be sited within the open area in front of the attached double garage. It would appear as a prominent feature within the street scene and would block the existing open vista along Eddisbury Drive and Draycott Drive. The proposed garage would be screened by hedging but this in itself would further diminish the open aspect of the surrounding area.
- Although the Council has approved a garage elsewhere on the estate which is sited forward of the dwelling, it has a different context to the appeal site as it does not project out into an open aspect which provides an important contribution to the character of the area. Consequently, it is not such a prominent feature within the street scene as the appeal proposal would be and therefore does not provide a direct comparison.
- To conclude, therefore, the appeal proposal if permitted would cause material harm to the character and appearance of the dwelling and the surrounding area.

Recommendation

That the decision be noted.

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APPEAL BY MR CHRIS BURKETT AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR AN EXTENSION TO AN EXISTING FRONT PORCH TO CREATE A SUN LOUNGE AT 6 SWEDISH HOUSE, CHAPEL LANE, KNIGHTON

<u>Application Number</u>	13/00129/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 22 July 2013
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	7 January 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00129/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area. In dismissing the appeal, the Inspector made the following comments:

- The appeal property is a semi-detached dormer bungalow, constructed from timber, with a tiled roof. It is one of four pairs of such bungalows, which, together, are notable for their Scandinavian chalet-type appearance.
- The appeal property and the other five chalet type dwellings, appear as unique and attractive properties. Whilst there are a number of minor differences between these dwellings, including the detail of the small porches to the front, it was noted that the form and character of each was so similar as to present a distinct sense of uniformity. This uniformity contributes significantly to the attractive semi-rural character of the area, providing a highly distinctive sense of place.
- The appeal property adjoins No 5 Swedish House. Aside from minor details, including slight differences between the porches and the presence of two small roof lights on No 6, the two properties largely mirror the appearance of one another when seen from the public highway to the front.
- The proposal to lengthen the existing porch to the front of the appeal property, to create a sun lounge would introduce a feature of such size and design that it would appear alien in its surroundings. Furthermore, it would unbalance the symmetry between No's 5 and 6 Swedish House.
- In addition to the above, the incongruous nature of the proposal would draw attention to itself due to its location at the front of the appeal property which appears prominently in its surroundings. This would significantly reduce the uniformity of the chalet-type dwellings, which currently makes an important contribution to the area's attractive qualities.
- The appellant, in support of his case, referred to development which has already taken place at No 2 Swedish House. However, it was observed that the property was set back significantly from Chapel Lane and had a different relationship with the surrounding area to that of the appeal property, its adjoining neighbour, and the two pairs of chalet-type dwellings to either side of No 6. Consequently, No 2's contribution to the character and appearance of the area is fundamentally different to that of the appeal property.
- Overall the proposal would harm the character and appearance of the area.

Recommendation

That the decision be noted.

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APPEAL BY MRM LOGGING AGAINST THE DECISION OF THE COUNCIL TO INCLUDE A NOISE MITIGATION CONDITION (CONDITION 6) ON A DECISION TO APPROVE APPLICATION 12/00185/COU FOR THE RETENTION OF THE CHANGE OF USE OF LAND FROM AGRICULTURAL USE TO COMMERCIAL USE INVOLVING THE CUTTING, STORING AND SALE OF LOGS, AT LAND AT NETHERSET HAY LANE, MADELEY, NR CREWE

<u>Application Number</u>	12/00185/COU
<u>LPA's Decision</u>	Approved at planning committee on 7th May 2013
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	13th January 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 12/00185/COU) and the following is a brief summary.

The Inspector considered the main issue to be whether the condition in dispute is reasonable and necessary in the interests of the living conditions of neighbouring occupiers, with regards to noise and disturbance. In dismissing the appeal, he made the following comments:

- Whilst traffic and the occasional train could be heard in the background, noise from the site was clearly audible from the rear of nearby housing, as well as from various other locations. The nature of this noise, in particular from the chain saw, was somewhat intrusive. Consequently, the Inspector found that the noise from the site causes a degree of disturbance and found a need to provide appropriate noise mitigation measures.
- Condition 6 requires acoustic fencing to be provided in the locations set out in Plan AS001 (submitted by the appellant). The plan shows substantial noise mitigation measures and includes a table showing that 3 metre high fencing would significantly reduce the amount of noise emanating from the site. Given that the Environmental Health Division considers that "acceptable noise levels cannot be achieved without the attenuation measures being secured and maintained," the Inspector concluded that the proposed noise mitigation measures comprised an essential factor in enabling the appeal site to receive planning permission in the first instance.
- The Inspector also noted that there is an intention to grow the business and were the acoustic fence not constructed and the business were to grow, harmful noise disturbance would occur more frequently and there is no substantive evidence to demonstrate that this would not be the case.
- The Inspector concluded that the condition in dispute is reasonable and necessary in the interests of the living conditions of neighbours and meets the requirements of the National Planning Policy Framework and the tests in Circular 11/95: The Use of Planning Conditions in Planning Permissions.
- Although the appellant has sought to introduce some noise mitigation measures and it is clear that the business is operated in a courteous and respectful manner, these are not matters which, in themselves, lead the Inspector to consider that condition 6 is neither reasonable nor necessary.

Recommendation

That the decision be noted.

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THIRD QUARTER 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.

Introduction

The Committee have usually, when resolving to permit an application subject to the prior entering into 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.. 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 insofar as applications that have come to the Committee are concerned. The report does not cover the significant number of applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought.

This report covers the period between 29th October 2013 (when the Committee last received a similar report) and the date of the preparation of this report (14th January 2013)

In the period since the Committee's consideration of the last quarterly report (at its meeting on 29th October 2013) section 106 obligations have not been entered into by the dates referred to in Committee resolutions with respect to some 5 applications. In 1 case no formal decision has yet been made on whether or not to extend the period. In all the other cases 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.

As from 1st October the Planning Guarantee has been introduced, and in particular it requires Local Planning Authorities to refund any planning fee if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined within an extended period. This will only apply to applications received after the 1st October 2013. This introduction of the Planning

Guarantee provides yet another reason for maintaining a clear and continued focus on timeliness in decision making.

Details of the applications involved are provided below:-

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 the 8th May 2012 (the 13 week period expiring on the 13th June 2012). The resolution of the Committee was that planning permission should be granted subject to the prior securing of various obligations by the 6th June 2012. Progress on the Council's side was slow and further formal extensions of time were given until the 26th June 2012, 10th August 2012, 10th September 2012, 15th November 2012, 17th February 2013, 15th May 2013, 23rd August 2013 and 30th October 2013.

As previously reported the initial delays were attributable to delays on the Council's side, however, there were then discussions/negotiations following the applicant disputing level of financial contributions sought and the Council's ability to request some of the contributions, notably that for NTADS. In mid-May 2013 the applicant agreed to the principle of the NTADS request and a draft of the proposed agreement was then issued to the County Council. There then followed further delay on the County Council's side (the County being required to be a party to the agreement) which held up completion of the agreement and your legal officers regularly sought progress in this matter as did the applicants. Matters moved on with the agreement being approved, and then circulated for completion by the various parties involved (there were 6). Whilst the agreement was not in place by the last agreed extended period i.e. 30th October 2013, all parties have progressed the matter to a conclusion whereby the completed agreement was completed on the 20th December 2013. Whilst there had been no formal further agreed extension of time to complete the agreement, the Head of Planning and Development considers it would be unreasonable to refuse the application given the agreement is now in place. The draft decision notice has been prepared and should be issued prior to your meeting. If this is the case 98 weeks will have passed between the application submission and its decision.

Application 13/00021/FUL – Maer Hall

The proposal before the Authority was to vary condition 1 of planning permission 06/00723/FUL that permitted the conversion of a redundant outbuilding to form 3 holiday cottages, reception and managers flat and construction of a car park. Condition 1 restricted the use of the holiday cottages to short term holiday accommodation only. The variation sought would allow 2 of the units to be occupied as 6 month shorthold residential tenancy lettings. The application came before the Planning Committee at its meeting on the 16th April 2013 (the eight week period having expired on 27th March 2013). The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by the 16th May 2013.

The obligation was not completed by this date. The applicant and Officers have subsequently held a meeting where the particular circumstances of the case were discussed. As a result of this meeting and further discussions the application was withdrawn in November.

Application 13/00245/FUL – Old Springs Farm, Stoneyford (HLW Farms)

The proposal for the retention of an agricultural building for chopping and storage of Miscanthus came before the Planning Committee at its meeting on the 4th June 2013

(the eight period expiring on the 10th June 2013). The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by the 17th July 2013, and that if the obligation was not secured by that date, then the Head of Planning should consult with the Chairman and Vice Chairman prior to making any decision on whether to extend the period within the obligation could be secured.

The obligation was not secured by the 17th July and was subsequently extended, in consultation with the Chair and Vice Chair, to the 6th September. The obligation was not secured by this extended date.

The applicant's planning consultant has provided comments on the draft section 106 after some delay due to personal circumstances, the Council are considering those suggested amendments. The Head of Planning and Development is yet to consider whether it would be appropriate and reasonable to further extend the period of time for the applicant to enter into the agreement and if it is reasonable what is a reasonable but challenging extension period and he will be consulting with the Chair and Vice Chair on this matter, in accordance with the previous resolution.

An update on this case will be given in a Supplementary Report.

Application 10/00278/EXTN – Squire Copper, Mount Road, Kidsgrove

The proposal for a new planning permission to replace or extend the time limits for implementation of an existing planning permission for residential development of 12 dwellings came before the Planning Committee at its meeting on 27th August 2013 (the 13 week period expiring on the 14th October 2013). The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by 8th October 2013. A planning obligation had been entered into with respect to the earlier permission.

Whilst well advanced the obligation was not secured by 8th October 2013, the delay was as a result of title details of the site not being requested at the appropriate time in accordance with the Council's agreed Section 106 procedure and complications arising which were not anticipated including three additional parties having to be signatory to the document, and the introduction of the NTADS contribution requirement, neither being a requirement of the original agreement.

On the basis of the above, and following expressions of concern to the Chief Executive by the developer about the deadline, its lawfulness and reasonableness, the Head of Planning and Development whilst maintaining that it was lawful considered it unreasonable to exercise his delegated authority to refuse the application in this instance and he agreed to a limited extension to the period to complete the obligation to 29th October 2013. The obligation was not completed by this extended date. The Head of Planning and Development then considered it reasonable to extend the period further due to the advanced nature of the agreement, albeit by only a short and challenging period to 8th November 2013. The obligation was completed shortly afterwards and the decision was issued on 12 November 2013. Approximately 17 weeks passed in this case between the application submission and its decision.

Application 13/00103/FUL – The Skylark, Talke Pits

The proposal for planning permission for the demolition of the Public House and the erection of 14 dwellings came before the Planning Committee at its meeting on 17th September 2013 (the 13 week period expiring on the 15th October 2013) The resolution of the Committee was that planning permission should be granted subject to prior securing a planning obligation by the 11th October 2013.

Whilst well advanced the obligation was not secured by 11th October 2013, the delay being as a result of information on a chargee becoming known to the Council late in the day. Whilst the case officer made significant efforts to progress the Section 106 agreement prior to the Committee, the applicant was not explicitly advised of the resolution of the Committee especially the consequences of not meeting the deadline to complete the obligation.

On the basis of the above the Head of Planning and Development considered it unreasonable to exercise his delegated authority to refuse the application in this instance and he agreed to a limited extension to the period to complete the obligation to 29th October 2013. The obligation was not completed by this extended date. The Head of Planning and Development considered it reasonable to extend the period, further due to the advanced nature of the agreement, albeit by only a short and challenging period to 13th November 2013. The obligation was completed on 11th November 2013 and the decision was issued on 21st November 2013. Approximately 18 weeks passed in this case between the application submission and its decision.

Date Report prepared

14th January 2014.

Report on Open Enforcement Cases

Purpose of the Report

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

Recommendations

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

Background

In accordance with previous Committee decisions, the format of this report shows existing and previous enforcement cases. The Table included in this report shows the total number of outstanding cases in one format (shown below).

In the last quarter a further 29 new cases have been reported, slightly less than the previous quarter (59). The number of open cases stood at 213 at the end of the quarter (33 more than at the end of the last quarter). The increase in the number of open cases reflects the limited experience of the enforcement officer who has been in post since June. Appropriate support is being given to the enforcement officer and it is not anticipated that this will become a trend.

Conclusions

It remains inevitable that some cases in the 'backlog' will remain open for some time because of their complexity.

Progress continues to be made in tackling older cases and there is still a significant body of work being undertaken behind the scenes, which has led to progress in several complex cases. Officers' enforcement workload is regularly reviewed to ensure continuity and case progression, and will continue to be undertaken.

Current Outstanding Enforcement Cases

The Table below shows the current statistics in comparison to the previous Quarter.

Current Enforcement Status

Year	Total	Open	C1	C2	C3	BOC	L	M	H
2014	1	1	-	1	-	-	-	-	-
2013	216	105	7	76	21	1	-	-	-
2012	229	38	10	18	10	-	-	-	-
2011	204	13	2	8	3	-	-	-	-
2010	206	9	2	6	1	-	-	-	-
2009	233	12	-	7	2	1	-	1	1
2008	276	11	-	-	-	-	3	8	-
2007	353	6	-	-	-	-	1	4	1
2006	280	6	-	-	-	-	2	3	1
2005	227	3	-	-	-	-	-	1	2
2004	252	1	-	-	-	-	1	-	-
2003	244	1	-	-	-	-	-	1	-
2002	247	5	-	-	-	-	-	2	3
2001	204	2	-	-	-	-	-	2	-

2000	219	-	-	-	-	-	-	-	-
1999	177	-	-	-	-	-	-	-	-
1998	217	-	-	-	-	-	-	-	-
1997	263	-	-	-	-	-	-	-	-

Open Cases **213**
(inc Backlog)

Previous Quarter 180

Note for Table – C1, C2 and C3 are the categories agreed by the Planning Committee at its meeting on 17th February 2009 when it approved the Council’s Planning Enforcement Policy; BOC indicates that the case concerns a Breach of Condition, whilst L, M and H represent Low, Medium and High priorities respectively allocated to the pre-February 2009 cases

Officers will continue to make progress in tackling the backlog, whilst maintaining a manageable reservoir of new/existing cases at a sustainable level. A number of the above cases have associated pending planning applications awaiting determination (4 as of 10th January 2014).

Date report prepared

10th January 2014

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