

Public Document Pack

Date of meeting Tuesday, 23rd May, 2017
Time 6.30 pm
Venue Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Geoff Durham



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Civic Offices
Merrial Street
Newcastle-under-Lyme
Staffordshire
ST5 2AG

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 12)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS). 16/01101/FUL** (Pages 13 - 14)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT- WM MORRISON SUPERMARKET, LOWER MILEHOUSE LANE, NEWCASTLE. WM MORRISON SUPERMARKETS PLC. 17/00137/FUL** (Pages 15 - 20)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - ASTON FARM, ASTON. MR & MRS MOTTERSHEAD. 17/00189/FUL** (Pages 21 - 28)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT -LAND EAST OF HOME FARM, KEELE ROAD, KEELE. KEELE UNIVERSITY. 17/00193/FUL** (Pages 29 - 38)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - NEW LOOK , PIT HEAD CLOSE, TALKE. NEW LOOK. 17/00240/FUL** (Pages 39 - 44)

- | | | |
|----|---|-------------------|
| 9 | APPLICATION FOR MAJOR DEVELOPMENT - FORMER JUBILEE BATHS, NELSON PLACE, NEWCASTLE. WESTLAND ESTATES LTD. 17/00252/FUL | (Pages 45 - 54) |
| 10 | APPLICATION FOR MINOR DEVELOPMENT - SLACKEN LANE, ASHGREEN LTD. 13/00266/ CN06, CN07, CN11 | (Pages 55 - 62) |
| 11 | APPLICATION FOR MINOR DEVELOPMENT - ST JOHN THE EVANGELIST RC SCHOOL, GLOUCESTER ROAD, KIDSGROVE. SCHOOL GOVERNORS OF ST JOHN'S RC PRIMARY SCHOOL. 16/01032/FUL | (Pages 63 - 70) |
| 12 | APPLICATION FOR OTHER DEVELOPMENT - KEELE HALL, KEELE UNIVERSITY, KEELE. KEELE HALL. 17/00272/LBC | (Pages 71 - 76) |
| 13 | APPLICATION FOR OTHER DEVELOPMENT - LAND TO THE EAST OF THE A34, TALKE ROAD. NEWCASTLE BOROUGH COUNCIL. 17/00311/DEEM3 | (Pages 77 - 82) |
| 14 | APPLICATION FOR OTHER DEVELOPMENT - CORNER OF CHURCH LANE AND SILVERDALE ROAD, SILVERDALE. NEWCASTLE BOROUGH COUNCIL. 17/00312/DEEM3 | (Pages 83 - 88) |
| 15 | APPLICATION FOR OTHER DEVELOPMENT - LAND AT LOWER STREET, NEWCASTLE. NEWCASTLE BOROUGH COUNCIL. 17/00315/DEEM3 | (Pages 89 - 94) |
| 16 | QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO | (Pages 95 - 98) |
| 17 | APPEAL DECISION - LAND OFF LOVERS LANE, HOOK GATE | (Pages 99 - 100) |
| 18 | APPEAL DECISION - TADGEDALE QUARRY | (Pages 101 - 108) |
| 19 | DATES OF SITE VISITS FOR 2017/18 | (Pages 109 - 110) |
| 20 | START TIME OF PLANNING COMMITTEE MEETINGS FOR 2017/18 | |
| 21 | URGENT BUSINESS | |

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

Members: Councillors Burgess, Fear, S Hambleton (Vice-Chair), Heesom, Mancey, Northcott, Panter, Pickup, Proctor (Chair), Reddish, Simpson, Sweeney, Turner, White, G Williams and J 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. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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.

FIELD_TITLE

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

This page is intentionally left blank

PLANNING COMMITTEE

Tuesday, 25th April, 2017
Time of Commencement: 6.30 pm

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, S Hambleton, Holland, Naylor, Northcott, Panter, Pickup, Reddish, Simpson, Sweeney, G Williams, J Williams and Winfield

Officers Geoff Durham, Rachel Killeen, Elaine Moulton and Peter Stepien

Apologies Councillor(s) Heesom, Mancey, Turner and White

1. **APOLOGIES**

2. **DECLARATIONS OF INTEREST**

Councillor Reddish declared an interest in application 16/01108/DEEM4 as a Council representative for the management of Whitfield Community Centre.

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

Resolved: That the minutes of the meeting held on 28 March, 2017 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH WEST OF MUCKLESTONE ROAD, WEST OF PRICE CLOSE AND NORTH OF MARKET DRAYTON ROAD, LOGGERHEADS. AMBER RESIDENTIAL PROPERTIES LTD. 16/00784/REM**

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

- (i) Link to outline planning permission and conditions
- (ii) Approved plans
- (iii) Provision of access, parking, servicing and turning areas in accordance with the approved plans
- (iv) Completion of vehicular and pedestrian access points onto Mucklestone Road and the footpaths along the development frontage
- (v) Completion of access and parking areas for individual plots
- (vi) Materials (facing, roofing and surfacing)
- (vii) Landscaping and tree protection conditions

5. **APPLICATION FOR MAJOR DEVELOPMENT - LENNARD JONES BUILDING, KEELE UNIVERSITY. UNIVERSITY OF KEELE. 17/00091/FUL**

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

- (i) Time limit.
- (ii) Approved drawings.
- (iii) Materials, including the provision of details of glazing which seeks to minimise glare from internal lighting.
- (iv) Tree protection measures.
- (v) Landscaping details.
- (vi) Noise assessment for ventilation, extraction systems and other plant.
- (vii) Prior approval of a construction management plan.

6. **APPLICATION FOR MAJOR DEVELOPMENT - FORMER ORME CENTRE, ORME ROAD, NEWCASTLE. G & S ORME CENTRE LTD. 16/00796/OUT & 16/00798/LBC**

Listed building consent

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

- (i) Time limit for commencement of development
- (ii) Approved plans
- (iii) Demolition works not to proceed until planning permission granted for redevelopment and a contract let for that development
- (iv) Details and materials for the making good of the main building following the demolition of extensions**
- (v) Method statement for repair and consolidation of stonework**
- (vi) Further details of internal doors and window architraves where alterations are being made**
- (vii) Details of repair work to existing windows and details including samples of proposed new windows**
- (viii) Details of any secondary glazing systems**
- (ix) Details of suspended ceilings system**
- (x) Details of the mezzanine floor**
- (xi) Details of the treatment of internal corridors and internal windows/fanlights**
- (xii) Details of drainage requirements to service the en-suites**

- (xiii) Details of all other proposed external materials**
- (xiv) Any repointing to be in lime mortar**

Planning application

Resolved: (A) That, subject to the applicant (providing they first agree in writing, by noon on 28th April to extend the statutory determination period to the 9th June 2017) entering into a Section 106 obligation by agreement by 6th June 2017 to secure a review mechanism of the scheme's ability to make a policy compliant contributions to public open space, travel plan monitoring and on street parking controls, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contributions if found financially viable, the application be permitted subject to the undermentioned conditions:

- (i) Standard time limits for submission of application for approval of reserved matters and commencement of development
- (ii) Reserved matters submission
- (iii) Approved plans
- (iv) Occupation to be restricted to students only
- (v) Residential parking survey of streets to be agreed prior to first occupation of the development and a second survey 12 months later when fully occupied
- (vi) Provision of access
- (vii) Off-site highway works
- (viii) Details of surfacing materials, surface water drainage and delineation of parking bays
- (ix) Closure of existing access
- (x) Car park access to remain ungated
- (xi) Provision of secure weatherproof cycle parking
- (xii) Travel plan
- (xiii) Construction method statement
- (xiv) Landscaping and tree protection conditions
- (xv) Contamination conditions with respect to controlled waters
- (xvi) Building recording
- (xvii) Written scheme of archaeological investigation
- (xviii) Construction and demolition hours
- (xix) Piling
- (xx) Dust mitigation
- (xxi) Dwelling noise levels
- (xxii) External materials
- (xxiii) Drainage conditions
- (xxiv) Implementation of security/crime prevention measures
- (xxv) Building wide ventilation system for Main Building
- (xxvi) Heating system of both Main and New buildings
- (xxvii) Phasing requirement
- (xxviii) Revised parking layout
- (xxix) Provision of 19 car parking spaces

(B) Failing completion by the date referred to in the above resolution B(1) of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the planning application on the grounds that in the absence of a secured planning obligation the public open space needs of the development would not be met and the development would fail to ensure it achieves sustainable development outcomes; or if he considers it appropriate, to extend the period of time within which the obligation can be secured.

7. APPLICATION FOR MAJOR DEVELOPMENT - FORMER SILVERDALE COLLIERY, SCOT HAY ROAD, SILVERDALE. DAVID WILSON HOMES. 17/00097/FUL

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

- (i) In the absence of a second Locally Equipped Area for Play (LEAP) the development does not appropriately provide for the needs of the occupiers of the dwellings contrary to Policy C4 of the Local Plan and the aims and objectives of the NPPF.
- (ii) Members resolved that it is expedient to take enforcement action for the reason set out at recommendation (i) and that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure, within six months, the provision of a second Locally Equipped Area for Play as required by condition B8 of planning permission 06/0337/OUT and to address any other outstanding issues associated with play provision on this development as your Officer considers appropriate.

8. APPLICATION FOR MAJOR DEVELOPMENT - FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, THE MIDWAY, NEWCASTLE. MODULTEC INTERNATIONAL LTD. 17/00174/FUL

Proposed by Councillor Fear and seconded by Councillor Reddish

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

- (i) By virtue of the scale, massing and design of the proposed development will have an unacceptable impact on the character and appearance of the Newcastle Town Centre Conservation Area.
- (ii) The proposed development would create and aggravate local on street parking problems that would adversely affect highway safety as no parking spaces are to be provided for the development

9. **APPLICATION FOR MAJOR DEVELOPMENT - 2-4 MARSH PARADE, NEWCASTLE. GAVIN DONLON/ NICOL THOMAS. 17/00179/FUL**

Resolved: (A) That, Subject to the applicant first entering into a Section 106 agreement by 26th May 2017 to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space and the provision of policy-compliant on-site affordable housing, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such a contribution and the provision of such affordable housing if found financially viable, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of Development
- (ii) Approved Plans
- (iii) Submission of Materials
- (iv) Window reveal specification
- (v) Roof Specification Plans
- (vi) Boundary Treatments
- (vii) Approval of Tree Protection Proposals
- (viii) Arboricultural Method Statement
- (ix) Landscaping Scheme (including replacement tree planting)
- (x) Hard Surfacing
- (xi) Provision of Parking and Turning areas
- (xii) Construction Method Statement
- (xiii) Visibility Splays
- (xiv) Existing Access Permanently Closed
- (xv) Secure Cycle Storage
- (xvi) Design Measures to Secure Noise Levels
- (xvii) Ventilation Provision/ Arrangements
- (xviii) Full Land Contamination
- (xix) Drainage Details
- (xx) Bat Mitigation Measures

(B) That, should the matters referred to above not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such an obligation there would not be an appropriate review mechanism to allow for changed financial circumstances, and, in such circumstances, the potential provision of policy compliant affordable housing and financial contribution towards public open space.

10. **APPLICATION FOR MINOR DEVELOPMENT - LAND AT WEDGWOOD AVENUE, WESTLANDS. NEWCASTLE VBOROUGH COUNCIL. 16/01108/DEEM4**

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

- (i) Time Limit for submission of reserved matters and implementation of the development
- (ii) Approval of reserved matters required before any

- development
- (iii) Restriction of hours during construction
- (iv) Contaminated land conditions
- (v) Details of boundary treatment, to include an acoustic fence between the rear gardens and the tennis courts, to be submitted as part of any reserved matters application.
- (vi) Approval of an Arboricultural Method Statement (BS5837:2012)
- (vii) Tree Protection Plan (BS5837:2012)
- (viii) Schedule of Works to Retained Trees (BS5837:2012)
- (ix) Parking and turning areas in place for the community centre as approved, with spaces delineated & retained
- (x) Weatherproof parking storage for 5 bicycles to be provided and thereafter retained for use in connection with the community centre
- (xi) Drainage to prevent any additional discharge onto the highway

11. ARTICLE 4 DIRECTIONS FOR THE BRAMPTON AND WATLANDS PARK CONSERVATION AREAS

Resolved: That the making of an Article 4 Direction for the Brampton and Watlands Park Conservation Areas be agreed.

12. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST MARGARET'S CHURCH, CHURCH LANE, BETLEY. 17/00149/HBG

Resolved: That the Grant be approved.

13. TREE PRESERVATION ORDER - LAND AT THE OLD COAL YARD, RYE HILLS, BIGNALL END. TPO 182

Resolved: That Tree Preservation Order (TPO 182) be confirmed.

14. REPORT ON THE OPERATION OF THE COMMITTEE'S GUILLOTINE ON LATE REPRESENTATIONS ON PLANNING COMMITTEE ITEMS.

- Resolved:**
- (i) That late representations from Parish Councils be considered to be subject to the guillotine procedure, with immediate effect
 - (ii) That Parish Councils be informed of this decision and reminded as to the operation of the Committee's policy on late representations

15. CONFIRMATION OF ARTICLE 4 DIRECTION FOR STUBBS WALK CONSERVATION AREA.

Resolved: That the Article 4 Direction for the Stubbs Walk Conservation Area be confirmed.

16. APPEAL DECISION - WOODBURY, SNAPE HALL ROAD, WHITMORE HEATH. 16 /00395/PLD

Resolved: That the decision be noted.

17. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 9.30 pm

This page is intentionally left blank

LAND OFF MEADOW WAY, BALDWIN'S GATE
BELLWAY HOMES LTD (WEST MIDLANDS)

16/01101/FUL

The above application is for full planning permission for the demolition of existing buildings, the erection of 97 houses and 2 bungalows, access, parking and amenity space at land off Meadow Way, Baldwin's Gate.

The application will come before the Planning Committee for determination in due course.

RECOMMENDATION

That Members agree to hold a Planning Committee site visit in connection with this application on the Thursday evening before the date of the Planning Committee to which the application will be reported

Reason for recommendation

The particular circumstances of this application, namely the potential impact on Chorlton Moss Local Wildlife Site, are such that it is considered appropriate to recommend that a site visit be held by Members before the application is considered at a later date.

Relevant Issues

Chorlton Moss Local Wildlife Site, which is one of two raised bogs in Staffordshire, lies to the south of this site and part of the proposed public open space which includes a Sustainable Urban Drainage feature would be within the Moss. Given the very unusual nature of this situation, it is considered that it would be helpful for Members and assist them in the decision making process for a site visit to be arranged at this stage, before the application comes to the Planning Committee for consideration.

It is envisaged that the site visit, if agreed to by the Committee, in addition to visiting as usual the application site itself, its immediate surrounds, and viewing the access points between the site and the main highway network, would include a visit to the Local Wildlife Site itself although details of the site visit arrangements have not yet been determined or agreed with the landowners involved. The Chair would be consulted upon those detailed site visit arrangements which would be drawn up in consultation with the applicant, representatives of the owner of the Moss, and a representative of the Baldwins Gate Action Group/Whitmore Parish Council. The site visit would be conducted in accordance with the Committee's approved site visit protocol.

Members are reminded that it is the policy of the Committee that only those Members of the Committee or their substitutes who have attended the site visit are able to take part in and vote on the determination of applications which have been the subject of a site visit.

In light of Members' preference in relation to the Keele Campus applications to have a report on those applications prior to visiting those sites, the proposed date for the site visit is as yet unknown but the intention is that it would be the Thursday evening before the date of the Planning Committee to which the application will be reported (assuming there to be sufficient daylight for the effective and safe conduct of the site visit). Although the position is not yet certain it is currently anticipated that a report will be prepared on this application for the 20th June Planning Committee, in which case the site visit will be likely to be on Thursday 15th June at 6.15pm. This date is part of the programme of suggested dates upon which the Planning Committee visits will be held during the 2017/18 municipal year that are for consideration elsewhere on this agenda.

The decision on whether to hold such a visit is one for the Committee to make. Members should be aware that a quantity of visual material exists that could be used to demonstrate site features at a Committee meeting.

Details of the application submission, the consultation responses and representations received to date are available to view via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/16/01101/FUL>

Background Papers: Planning files
Date Report Prepared: 10th May 2017

WM MORRISON SUPERMARKET, LOWER MILEHOUSE LANE
WM MORRISON SUPERMARKETS PLC

17/00137/FUL

The application seeks to vary condition 8 of planning permission 97/00792/OUT which granted planning permission, in outline, for the erection of a Class A1 foodstore, ancillary car parking for approximately 550 cars and a petrol filling station.

Condition 8 as worded in the decision notice is as follows:

The opening times of the retail foodstore hereby permitted shall be restricted to between the hours of 8.00am and 10.00pm Monday to Saturday and 9.00am to 6.00pm on Sunday

The reason given for the condition within the decision notice was;

To minimise the potential for noise disturbance being caused to local residents.

The application seeks to vary to the opening times to 7.00am on Monday to Saturday and to enable for a four day period prior to Christmas Eve, but excluding Christmas Eve itself and any Sunday, the trading hours to be extended to between 06.00am and midnight.

The site lies within the Newcastle Urban Central Neighbourhood Area on the Local Development Framework Proposals Map.

The statutory 13 week determination period for the application expires on 8 May 2017, however an extension to the determination period has been agreed until the 24 May 2017

RECOMMENDATION

PERMIT subject to all conditions from application 97/00792/OUT that remain relevant at this time and the following condition:

- **The opening hours of the retail foodstore hereby permitted shall be restricted to between the hours of 7.00am and 10.00pm Monday to Saturday and 9.00am to 6.00pm on Sunday, the exception being during the four days prior to Christmas Eve (excluding Christmas Eve itself and any Sunday) during which the trading hours shall be from 06.00am to 00.00am**

Reason for recommendation

The proposed extended opening hours are not considered to have an unacceptable impact upon the amenity of surrounding properties, as such is considered to represent a sustainable form of development which requires no further revisions or alterations.

Statement as to how the Local Planning Authority has worked 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.

KEY ISSUES

The application site forms the Morrison foodstore located on Lower Milehouse Lane. The site itself contains the store, petrol filling station and parking facilities. The site is bounded by Lower Milehouse Lane to the north west, and Douglas Road to the east. Residential properties are located to the south and south west of the site at the Mile Rise Village complex, which includes a medical centre and off Comet Avenue.

This application seeks to amend the opening hours stipulated in condition 8 planning reference 97/00792/OUT as described above and the issue that is raised by this application is impact on residential amenity.

A condition of the planning permission prevents deliveries of goods to the store between the hours of 1am and 6am. The application does not seek to vary this condition and as such the restrictions will remain as originally permitted.

Impact upon Residential Amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

The proposal would increase the opening hours by one hour in the morning during weekdays and Saturdays, and would enable considerably longer opening hours for 4 days prior to Christmas Eve and therefore during the festive period only.

As stated above there are residential properties close to the site, the closest being those on Churchill Close off Comet Way and within the Mill Rise Village complex. The proposal would increase the opening hours of the store by one hour Mondays-Fridays in the morning, except in the run-up to Christmas where the operating hours would be between 6am and midnight, an additional 4 hours on each day. Such a minor increase in the opening hours on weekdays and that the extended hours during the festive period is only on four days, it is not considered that the proposal would adversely affect the amenities of neighbouring residents, particularly as issues surrounding deliveries etc. will remain unchanged. The Council's Environmental Health Division was consulted on the application and raises no objections to the proposal.

APPENDIX

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](#)

SP1: Spatial Principles of Targeted Regeneration

ASP5: Newcastle and Kidsgrove Urban Area

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

Relevant Planning History

97/00792/OUT – Erection of Class A1 foodstore, ancillary carparking & petrol filling station

Views of Consultees

The **Environmental Health Division**, **Highway Authority** and **Staffordshire Police Crime Prevention Design Advisor** raise no objections to the proposal.

Representations

One letter of objection was received during the consultation period of the application. A summary of the objection has been provided below, however the full documents can be viewed on file;

- Car park lights shine into neighbouring bedroom window – no objections if these were switched off
- The car park lights and the wagons visiting the store affect sleep.

Applicant/agent's submission

The application is supported by a Planning Statement.

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00137/FUL>

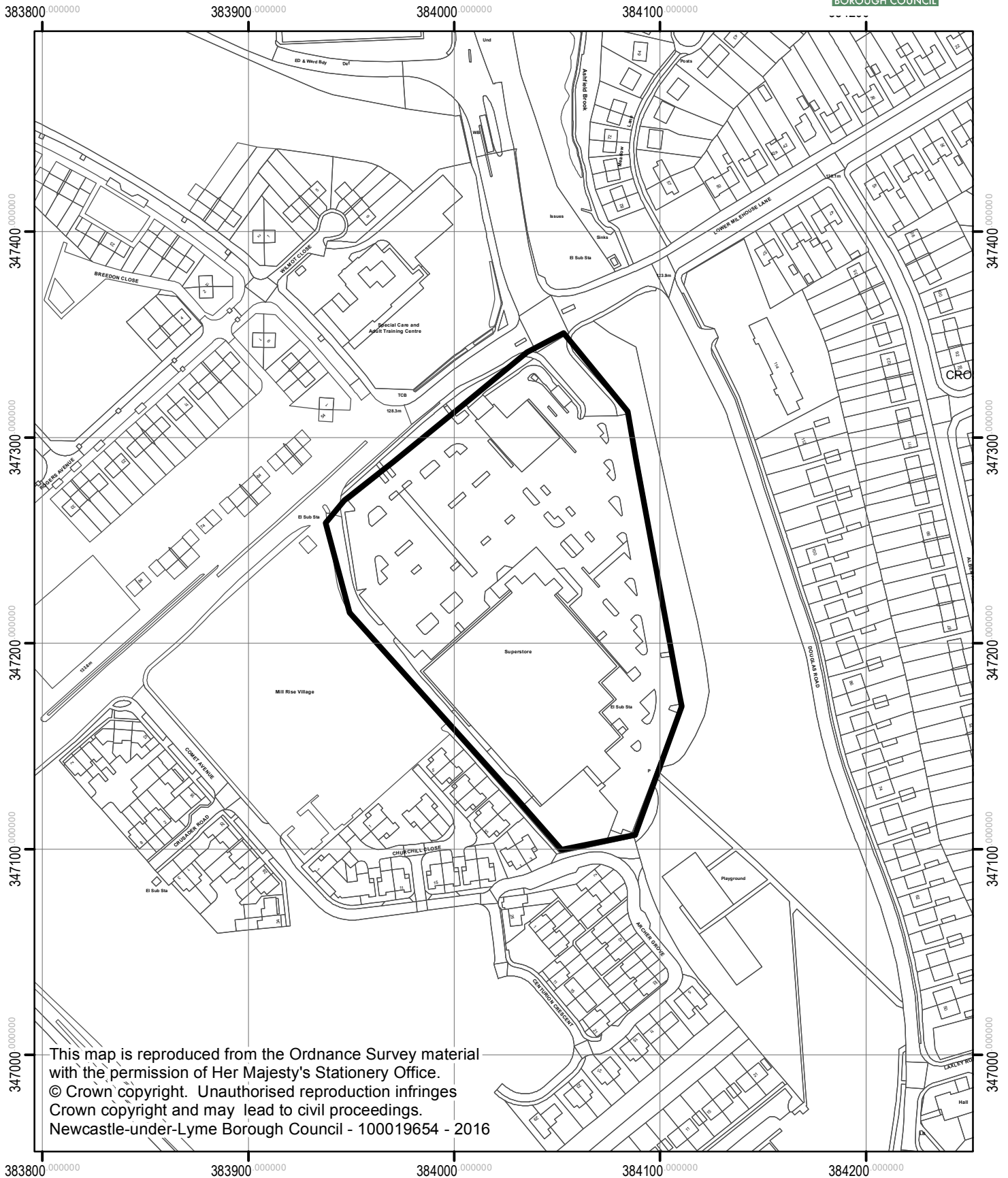
Background Papers

Planning File
Development Plan

Date report prepared

28 April 2017

This page is intentionally left blank



This page is intentionally left blank

ASTON FARM, ASTON
MR & MRS ROBERT AND JANE MOTTERSHEAD

17/00189/FUL

The Application is for full planning permission for the erection of an agricultural building for free range egg production, together with 2 feed bins. The proposed building would provide 1720m² of floorspace and will accommodate 16,000 birds.

The site lies within the open countryside, the Rural Area and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The statutory 13-week period for the determination of this application expires on 6th June 2017.

RECOMMENDATION

Permit subject to conditions relating to the following:-

- **Finishing colour of the building and the feed bins to be as proposed unless otherwise agreed**
- **Prior approval of levels**
- **Landscaping scheme**
- **Retention of hedgerow adjoining the building and protection measures during construction in relation to hedgerow and trees within hedgerow**
- **Routeing of servicing vehicles and type**
- **External lighting shall be as set out in the Design and Access Statement and submitted technical information unless otherwise agreed.**
- **Installation and retention of silencers on extraction fans of the same type and specification installed in connection with 10/00122/FUL**
- **Waste storage and disposal in accordance with the details set out in the submitted Design and Access Statement and Odour Assessment.**

Reason for recommendation

Although the building is large, due to the topography of the land and subject to the issue of the level of the building being resolved and the provision of appropriate additional landscaping the proposed development is considered to be acceptable in terms of its impact on the surrounding landscape. Subject to conditions, it is not considered that an objection could be sustained on the grounds of impact on residential amenity or highway safety.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

Full planning permission is sought for the erection of an agricultural building for the production of free range eggs. The building would measure approximately 86m x 20m in plan with an eaves height of 2.6m and an overall ridge height of 5.4m. The materials would comprise tongue and groove weatherboarding in dark teak for the walls and profiled steel sheeting for the roof in slate blue. The proposal also includes the provision of 2 no. freestanding bulk feed bins of approximately 6.5m high in galvanised steel. The building will be accessed via a new farm track from the original farmstead to the site which was constructed in association with the construction of the existing free range egg production unit which was permitted in 2010 (reference 10/00122/FUL) located to the east of the unit proposed within this application.

The site lies within the open countryside, the Rural Area, and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

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

- The principle of development
- Impact on the visual amenity of the countryside
- Impact on residential amenity
- Impact on highway safety

Principle of development

The National Planning Policy Framework (NPPF) indicates, at paragraph 28, that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The NPPF indicates that to promote a strong rural economy that this includes, amongst other things, the promotion and diversification of agriculture and other land based rural businesses.

The applicant has already diversified the agricultural business through the construction of the free range egg production unit permitted in 2010. The previously approved building accommodates 12,000 birds and as this proposals is for 16,000 birds it will more than double the number of free range hens on this site. The principle of the development is therefore supported by national policy.

Impact on the visual amenity of the countryside

The site lies within an Area of Landscape Enhancement and saved policy N20 of the Local Plan states that within such areas, it must be demonstrated that development will not further erode the character or quality of the landscape. Policy CSP1 of the CSS states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement paffer created by the hierarchy of centres.

The proposed building would be a sizeable shed with polyester coated sheeting on the roof and tongue and grove weatherboarding on its sides and gables. The building would be within open countryside adjoining the existing free range egg production unit. Ground levels rise from the centre of Aston up to the east, but because of the topography and the fact that the site is located over the brow of a hill, it would not be visible from most of the village. There are existing substantial hedgerows along the western and northern boundaries of the site and the land rises furthermore to the east of the building, providing natural screening.

From certain public viewpoints, on both the highway and public rights of way network this building will appear on the skyline, but importantly as with the existing building the view would be principally of the end gable elevation rather than of the longer face of the building. The applicant is proposing some planting to the southern gable end of the Unit which will assist in mitigating the impact on views from the south. Beyond the immediate valley which separates the higher ground of Minn Bank from the slightly lower land upon which the building is proposed, very limited and long distance views are occasionally had of the existing building and the proposed building will be also be seen in such views. The existing building is visible from within the valley, but in the wider context, this is not a particularly high, exposed or prominent location. It is not considered that the introduction of a second building of similar scale will have a greater impact on the landscape so as to be unacceptable. The Landscape Development Section has no objections subject to appropriate conditions including tree and hedgerow protection and details of hedgerow management/gapping up.

Impact on residential amenity

The proposed building would be sited to the north-east of Aston Farm and the closest residential property would be approximately 170m to the south (on Holloway Lane). The application is accompanied by an Odour Impact Assessment, and a Design and Access Statement which has demonstrated that the development as proposed will not give rise to unacceptable odour, dust, or pests and waste management will be suitably addressed. Concern has been expressed in the

representation regarding the issue of flies arising from the existing and the proposed units, however the supporting information set out the controls that will be put in place and the legislation that applies such as that relating to chicken manure spreading indicates that at the risk of nuisance from flies is very low.

It is not considered that the vehicle movements associated with the operation would have any significant harm on the amenity of neighbouring residential properties.

It is considered therefore, that subject to the imposition of appropriate ensuring that the development operates in accordance with the submitted details, no objection could be sustained on the grounds of impact on residential amenity. The Environmental Health Division concurs with this opinion.

Highway safety

The proposed egg production unit would operate on a 14 month cycle whereby the birds would be delivered at the start of the cycle and removed at the end as is the case with the current building. Currently 2 rigid HGVs deliver and collect at the start and end of each cycle (4 movements in total) and the proposal would double the vehicular movements to 4 vehicles at the start and end of the cycle (8 in total). During the cycle, 2 rigid HGVs per week collect eggs from the current building and the proposal would not result in any changes. 1 HGV delivers feed to the existing building every 2.5 weeks and the frequency will increase to 1 HGV every 2 weeks following the erection of the proposed new unit.

The level of vehicular movements that arises from the existing and proposed units will not give rise to highway safety concerns. However, in light of the lanes in Aston being narrow with twisting alignment and several sharp bends it was considered appropriate to restrict the size of HGVs accessing the site and the access route when planning permission was granted under reference 10/00122/FUL. It remains appropriate to impose such restriction in this case. The Highway Authority concurs with this approach.

APPENDIX

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](#)

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 \(NLP\) 2011](#)

Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character – General Considerations
Policy N20: Areas of Landscape Enhancement

Other material considerations include:-

Relevant National Planning Policy and guidance

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Supplementary Planning Guidance

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

Relevant Planning History

In 2010 planning permission was granted for a free range egg laying unit for 12,000 birds measuring 1,530m² (85m by 18m) reference 10/00122/FUL.

Views of Consultees

The **Environmental Health Division** has no objections being satisfied that the development does not raise concerns in respect of potential land contamination and will not have an adverse impact on the local community by virtue of transport noise, noise from ventilation systems, artificial lighting, mobile plant usage on site, nor dust or odour from the storage and handling of manures and bedding.

The **Landscape Development Section** has no objection and suggests the following conditions:

- Approval of Tree and Hedgerow Protection Proposals throughout the construction phase of this development in accordance with BS5837:2012
- Approval of landscaping proposals.
- Details of hedgerow management/gapping up.

The **Highway Authority** has no objections subject to conditions requiring all delivery and collection vehicles to access the site via the route as detailed on the submitted Route Plan and such vehicles being restricted to rigid type vehicle not exceeding 12m in length.

The views of **Maer and Aston Parish Council** have been sought, but as they haven't responded by the due date it is assumed that they have no comment.

Representations

One letter of objection have been received to date indicating that the residents of Aston already suffer tremendously with fly infestations, produced directly from chicken manure from this farm. It is already unbearable and allowing the farm to produce more will make it impossible to live safely there.

Applicant/Agent's submission

The applicant has submitted the following

- Design and Access Statement
- Odour Report
- Technical Data for the Feed Tanks
- Technical Specifications on the external lighting

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00189/FUL>

Background Papers

Planning file

Planning documents referred to

Date report prepared

8th May 2017

This page is intentionally left blank

This page is intentionally left blank

**PLOT 2, LAND EAST OF HOME FARM, KEELE UNIVERSITY, KEELE
KEELE UNIVERSITY**

17/00193/FUL

The application is for full planning permission for the construction of a building to be used as an Innovation and Leadership Facility. The application site comprises approximately 0.7ha of land.

The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall. It adjoins Home Farm which is on the Register of Locally Important Buildings and Structures.

The 13 week period for the determination of this application expires on the 8th June 2017.

RECOMMENDATION

A) Subject to the applicant then entering into a Section 106 obligation by 7th June 2017 to secure financial contributions towards travel plan monitoring (£2,200) (unless the applicant agrees to extend the statutory period for the determination of the application to 8th July 2017 in which case the date for the applicant to enter into the obligation would be 7th July 2017)

PERMIT subject to conditions relating to the following:-

- 1. Time limit.**
- 2. Approved drawings.**
- 3. Materials.**
- 4. Provision of parking, servicing and turning areas prior to the building being brought into use in accordance with the approved plans.**
- 5. Provision of cycle parking prior to the building being brought into use in accordance with the approved plans.**
- 6. Travel Plan**
- 7. Landscaping details.**
- 8. Prior approval and implementation of a surface water drainage scheme**
- 9. Prior approval and implementation of a Construction Environmental Management Plan**
- 10. Noise assessment for ventilation, extraction systems and other plant.**
- 11. Prior approval and implementation of appropriate ground gas mitigation measures**

B) Should the above Section 106 obligation not be secured within the above period, that the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure measures to ensure that the development achieves sustainable development outcomes, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The development is considered to be acceptable in principle and in accordance with the Development Plan. The design of the new building is considered to represent high quality attractive development which will be a focal point on the campus for scientific study and business development. Parking is to be managed by the University in a campus wide approach taking into account other agreed developments.

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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework and no amendments were considered necessary.

Key Issues

1.1 Full planning permission is sought for the construction of a new building (the Mercia Centre for Innovation and Leadership MCIL) on a plot (known as Plot 2) forming part of a wider site (known as Phase 3) that was granted outline planning permission for buildings accommodating academic functions; staff and student residences; and employment uses directly related to or complementary to the University's core activities (05/01146/OUT). That same permission granted full planning permission for various engineering works that include the creation by cut and fill of levelled plots, some hard and soft landscaping and the creation of the road network serving these plots. Those works were all undertaken, although the outline planning permission is no longer capable of being enjoyed, the period of time within which applications for the approval of the reserved matters of the outline planning permission having now expired.

1.2 The proposed building is to have three main components:

- Keele Management School
- Incubator space for new businesses
- Entrepreneurial space for business interactions, engagement, knowledge transfer and collaboration.

1.3 The site lies within an area which on the Local Development Framework Proposals Map is excluded from the Green Belt but lies within an Area of Landscape Maintenance. The site is covered by Policy area E8 (on development at Keele University and Keele Science Park). The site lies outside of the Grade II Registered Parkland and Garden of Special Historic Interest at Keele Hall. It adjoins Home Farm which is on the Register of Locally Important Buildings and Structures

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

- Is the principle of the development acceptable?
- Is the location and design of the proposed development acceptable, including in the wider landscape context?
- Is the proposal acceptable in terms of its impact on highway safety and the level of car parking proposed and what planning obligations, if any, are considered necessary and lawful?

2. Is the principle of the development on the site acceptable?

2.1 The application site lies within the University campus which is excluded from the Green Belt within the rural area. Core Spatial Strategy (CSS) Policy ASP6 states that investment in Keele University and Science Park will be fostered to help strengthen the local knowledge and skills base and facilitate the growth and competitiveness of high value business development, thereby increasing local job opportunities in these sectors. Saved Policy E8 of the Local Plan identifies the site as forming part of an area where development at Keele University and Keele Science Park will be permitted so long as it is limited to one or more of the following uses;

- i) Academic functions
- ii) Staff and student residences
- iii) Employment uses directly related to or complementary to the University's core activities.
- iv) Class B1 uses directly related to the university's functional activities (excluding manufacturing or storage of large tonnages or mass production of goods).

2.2 The proposed development involves academic functions, the Management School, and employment uses which are complimentary to the Management School and as such it is considered that the proposal is in full accordance with saved policy E8. In addition the plot was identified for development as part of the Science Park in the outline planning permission granted under reference 05/01146/OUT and whilst that development is no longer capable of being implemented such a development remains acceptable in principle and in accordance with the current Development Plan. The proposal is consistent with that planning permission.

2.3 On the basis of all of the above, it is considered that the principle of the development should be supported.

3. Is the location and design of the proposed development acceptable, including in the wider landscape context?

3.1 Plot 2, the application site, is prominent in views from the main vehicular entrance into the University located to the south of the primary route into the site of 05/01146/OUT. The site is triangular in shape and has a significant level change across it of 5m. A split level building is proposed which has a maximum storey height of three storeys and as viewed from the main entrance to the University is two storeys in height. Details of the height of the building are provided below.

3.2 The building has been designed to be a gateway 'beacon' building on the approach to the University campus. There are two main entry points into the building, one on the North West corner that presents itself towards the first roundabout on the University's main entrance and towards the Home Farm Sustainability Hub building at the upper ground level. The second is on the southern corner at the lower ground level.

3.3 The building has been designed with an angular parapet roof to hide rooftop plant. The building is to be constructed primarily in Staffordshire Blue brick, with some timber cladding at the two entrances.

3.4 The outline planning permission 05/01146/OUT was supported by Design Guidance and a condition of the permission specified that any reserved matters shall comply with that Design Guidance. Whilst the permission, as already indicated, is no longer capable of being implemented it is considered such guidance remains applicable in the absence of any material change in site circumstances.

3.5 The Guidance states that development within Zone A, which is where the application site is located, should be a maximum of 9.5m to eaves height and 13.5m to roof apexes. It states that this guidance may be relaxed for unique situations such as responding to an important junction or activity node, but careful urban design justification and design response will be required. In addition it indicates that the development on plot 2 should have a clear relationship with the Home Farm setting while also creating a sense of arrival to the Phase 3 site.

3.6 As indicated above the proposed building has a parapet roof, and as such does not have eaves or a roof apex. The maximum height of the building as measured from the lower ground level is 16.3m but is approximately 11.5m where it faces the main vehicular entrance. The building height therefore exceeds that recommended in the Design Guide.

3.7 At the point where it is closest to the Home Farm building, the proposed building is two storeys and approximately 3.8-4m higher at the top of the parapet than the ridge height of that building. The taller, three storey, part of the building will be seen in views that also take in Home Farm, but the Home Farm building is situated on a higher ground level than the proposed building. At no point will the proposed building exceed the height of Home Farm by more than about 4m. This is considered to be acceptable and it is noted that objections have neither been received, to the height of the building and its relationship with Home Farm, from key consultees (the Conservation Officer and the Conservation Advisory Working Party) nor from the independent Design Review Panel that considered the proposal prior to the submission of the application to the height of the building and its relationship with Home Farm.

3.8 The three storey elevations of proposed building will also be seen in views that take in the recently constructed IC5 building. IC5 has a maximum height of 13.3m and as such the building proposed, at 16.3m, will exceed the height of IC5 to a similar extent as it does Home Farm and is again considered to be acceptable.

3.9 The site is in a key, gateway location and in accordance with Guidance is in a position where it indicates that the guidance on height may be relaxed. The height of the building as proposed is considered to be acceptable in this location and any objection to its height would be inconsistent with the Planning Inspector's decision to allow a six storey, 22.8m tall hotel building at its western extremity closest to the main access to the university on plot 1. In that case the Inspector considered

that the site did represent a unique gateway location sited directly next to the junction that accorded with the proviso in the Design Guide where the maximum height restriction of 13.5m could be relaxed and that the resultant development would be no more prominent in the landscape than the IC3 and IC4 buildings. The Inspector was satisfied that building would be no higher in profile than the Medical Research Facility Building or IC3 or 4. In this case the proposed building is considerably lower than IC4 the nearest of such buildings.

3.10 With regard to the appearance of the building, notwithstanding the Design Review Panel's recommendation that lighter external materials should be incorporated to reduce the heavy, stark appearance of the building to give it more vitality, it is considered that the use of Staffordshire Blue brick is appropriate in this location. Home Farm is constructed in red brick with blue brick diamond patterning and window reveals and as such the use of blue brick in the proposed building will complement Home Farm.

3.11 Whilst the orientation of the building is such that its main entrance is not facing towards the main vehicular access to the building position of the north west entrance to the building it is in a position that provides a clear relationship with Home Farm as required by the Design Guidance associated with the outline planning permission. The applicant's decision not to change the orientation of the building following the review of this as recommended by the Design Review Panel is supported.

3.12 The cantilevered structure facing the main entrance point into the Keele site is furthermore a striking feature. Overall the design of the new building is thought to be of high quality. It will provide a positive focal point to the appearance in a prominent position at the main vehicular entrance to the University.

4. Is the proposal acceptable in terms of its impact on highway safety and the level of car parking proposed?

4.1 A total of six car parking spaces will be provided on the application site with the intention that existing staff that are relocated to this site continuing to utilise their current parking arrangements and any additional demand for parking associated with the development being provided within existing parking provision within campus.

4.2 The University are seeking to actively manage estate car parking availability holistically in conjunction with other recently agreed development proposals for the replacement of campus accommodation buildings as to ensure there is no wider detriment to public roads. Members will recall the conditions subject to which they resolved to approve the Keele accommodation masterplan proposals at their meeting on the 22nd March. Taking that into consideration and bearing in mind that the Highway Authority has no objections to the development proceeding subject to planning conditions and a Travel Plan monitoring fee it is concluded that there are no highway safety concerns arising from this development that would warrant the refusal of planning permission. Such a monitoring fee could be secured by a Section 106 obligation which is considered to be in compliance with Section 122 of the CIL Regulations as 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.

APPENDIX

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](#)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy E8	Keele University and Keele Science Park
Policy N17	Landscape Character – General Considerations
Policy N19	Landscape Maintenance Areas
Policy T16	Development – General Parking Requirements
Policy B8	Other Buildings of Historic or Architectural Interest
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Developer contributions SPD \(September 2007\)](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

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

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

[Relevant Planning History](#)

- 05/01146/OUT (A) Full planning permission for engineering operations including plateau formation, earthworks, layout of road network, cyclepaths and footpaths, drainage works and other ancillary works
(B) Outline planning permission for development for (a) academic function's; (b) staff and student residences; (c) employment uses directly related to or complementary to the University's core activities including conference, training, retail and leisure – for use of students, staff conference delegates and their visitors and in the case of leisure facilities for the wider community; (d) Class B1 uses directly related to the

University's functional activities but excluding manufacturing or storage of large tonnages or mass production of goods - approved

10/00631/REM The siting, design and external appearance of a conference, training, and leisure hotel (outline permission for which was granted under reference 05/01146/OUT), the means of access to its site from the road network and the internal landscaping of its site - refused and subsequently allowed on appeal

Views of Consultees

The **Conservation Advisory Working Party** considered that the proposed building was a good example of modern architecture that responds to the landscape and works on the site. The relationship of the proposed building to Home Farm, which is on the Register of Locally Important Buildings and Structures, is considered to be acceptable. The use of blue brick as proposed is fully endorsed by the Working Party.

The **Council's Conservation Officer** (CO) indicates that the site is adjacent to Home Farm, a historic asset, former farm to the estate and on the Council's Local Register of Important Buildings. The CO is impressed with the proposed building and its use of the topography of the site and its strong and positive connection with Home Farm. The proposal shows a high quality finish with an appropriate choice of materials which will work well within the context of the site.

The **Environmental Health Division** – no objections subject to conditions relating to a construction environmental management plan, plant noise limits and ground gas mitigation measures.

The **Highway Authority** has no objections to the proposal subject to the imposition of conditions requiring the provision of the parking, servicing and turning areas in accordance with the approved plans, full details of the cycle parking storage, and submission of a travel plan. Section 106 contributions are required towards travel plan monitoring.

The **Local Lead Flood Authority** indicates that the development will only be acceptable if the measures as detailed in the Flood Risk Assessment submitted with the application are incorporated in an acceptable surface water drainage scheme, to be secured by planning condition..

The **Environment Agency** has no objections.

The **Police Crime Prevention Design Advisor** has indicated the opportunity to engage in pre-application discussion with the architects regarding the design of this important gateway building is much appreciated. Given the important function this building will fulfil along with the physical gateway 'beacon' nature of the facility, it is fundamental that security considerations are imbedded into the proposals, the actual implementation of any successful application including the security of tools, plant etc. used in the construction of the building and the future operation of it once it is established.

Keele Parish Council have no comments.

The views of **Landscape Development Section**, and **Waste Management Section** have been sought, however as they have not responded by the due date it is assumed that they have no comments.

Representations

None received

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Ground Investigation
- Preliminary Ecological Appraisal

- Flood Risk Assessment
- Transport Statement
- Acoustic Report.

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00193/FUL>

Background papers

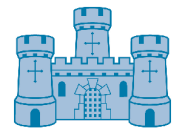
Planning files referred to
Planning Documents referred to

Date report prepared

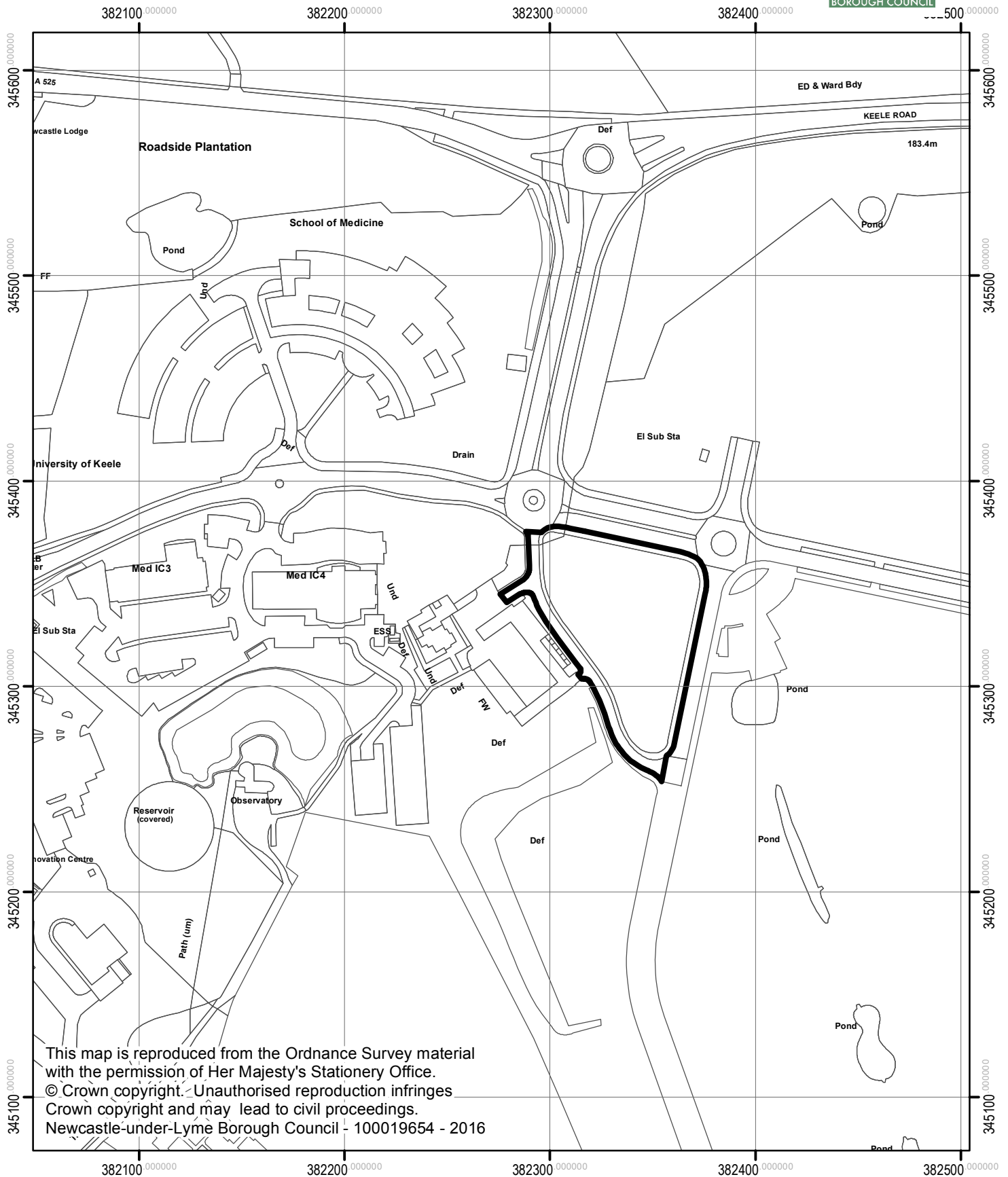
4th May 2017

This page is intentionally left blank

**Land East Of Home Farm
Keele Road, Keele.
17/00193/FUL**



**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**



This page is intentionally left blank

**NEW LOOK, PIT HEAD CLOSE, NEWCASTLE UNDER LYME
TIMMS**

17/00240/FUL

The application seeks the removal of condition 4 of planning permission 16/00712/FUL which was granted for an extension to the existing warehouse and distribution building to provide an additional 7,900sqm of floorspace.

Condition 4 as worded in the decision notice is as follows:

No development hereby approved shall commence until a scheme of landscaping has been carried out in the location shown hatched blue on the attached plan. The above mentioned scheme shall have been submitted to and approved in writing by the Local Planning Authority prior to it being implemented. Any trees or plants which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size unless the Local Planning Authority gives written consent to any variation.

The reason given for the condition within the decision notice was;

To reduce the visual impact on the proposed development when viewed from the adjoining Apedale Country Park and Cotswold Avenue residential area in accordance with policy CSP1 of the Staffordshire and Stoke-on-Trent Core Spatial Strategy 2006 - 2026, policies E3 and N22 of the Newcastle under Lyme Local Plan (2011) and to comply with the requirements of National Planning Policy Framework 2012.

The intention of the applicant is to pay a financial contribution towards the implementation and future maintenance of a landscaping scheme to be secured via a Unilateral Undertaking.

The statutory 13 week determination period for the application expires on 27th June 2017

RECOMMENDATION

A. Subject to the applicant first entering by 23rd June 2017 into a section 106 obligation securing a financial contribution sum of £17,500 towards the implementation and maintenance (including replacement planting if required) of a landscaping scheme on the adjacent bund and a side letter being received from the County Council agreeing to implement and maintain the agreed landscaping, PERMIT the removal of condition 4 subject to suitably worded conditions similar to those attached to planning permission 16/00712/FUL, unless they have already been discharged by the date of issue of the permission in which case the approved details will be referred to.

B. Should the matters referred to in (A) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such financial contribution there would still be a justified need for the developer to provide an acceptable landscaping scheme as secured by condition 4 of 16/00712/FUL, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for recommendation

A financial contribution would still secure an appropriate landscaping scheme and subject to the completion of a Unilateral Undertaking and a side letter from the County Council agreeing to implement, maintain and replace if required the agreed landscaping it is accepted that an acceptable development can be secured which would comply with the guidance and requirements of the National Planning Policy Framework..

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

Detailed discussions have been undertaken prior to the submission of the application and the removal of condition 4 is now appropriate subject to a Unilateral Undertaking being secured with a “side letter”.

KEY ISSUES

The application seeks the removal of condition 4 of planning permission 16/00712/FUL which secured an appropriate landscaping scheme on the existing bund to improve screening and the filtering of views towards the new building/ extension, whilst also improving the long term impact and effect on all landscape and visual receptors to an acceptable level.

The applicant accepts the need for the landscaping scheme but rather than implementing and maintaining a scheme themselves they have been in discussions with Staffordshire County Council (SCC), as the landowner, to agree a landscaping plan with the intention of providing a financial contribution to fund the works necessary.

A landscaping plan has now been agreed with SCC and a contribution figure of £17,500 has been accepted which it is understood includes a 3 year maintenance period as part of the maintenance programme for the whole of Lymedale Business Park currently carried out by SCC which includes the existing landscaping on the bund which was secured via a previous planning permission.

Furthermore, the landscaping plan and contribution figure have also been accepted by the Borough Council's Landscape Development Section who raises no objections to this application.

Condition 4 was a “Grampian” condition insofar as it prevents any part of the development happening until the landscaping scheme has been carried out – reflecting the fact that the area of the proposed landscaping is not within the applicants control. A draft Unilateral Undertaking (UU) has been submitted to secure the payment of the contribution by the applicant. However, the LPA should seek a requirement, for the landscaping scheme within a specified period and the replacement of any planting lost within a certain period, usually 5 years after the landscaping has been implemented. Strictly speaking a UU cannot impose obligations upon a party that is not a signatory to it, and obligations by agreement would be the more appropriate mechanism. However, the applicant has sought to avoid the completion of an agreement – to avoid the associated delay - and following discussions it has been agreed that SCC will submit a “side letter” that will accompany the UU which secures their agreement to implement the agreed landscaping scheme in the next available planting season after works for the extension commence and then maintain it for a period of 3 years. SCC will also agree to replace any planting which dies, or is removed or becomes seriously damaged or diseased within a period of 5 years.

Subject to the UU being secured and the side letter from SCC being received prior to a decision notice being issued your officers consider that appropriate landscaping for the bund will be secured to meet the reasons for the previous condition. Therefore condition 4 can be removed. The development is still in accordance with development plan policies and still represents a sustainable form of development as required by the NPPF.

APPENDIX

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 SP2 Spatial Principles of Economic Development
Policy SP3 Spatial Principles of Movement and Access
Policy CSP1 Design Quality
Policy CSP3 Sustainability and Climate Change
Policy CSP10 Planning Obligations

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy E3 - Lymedale Park Extension
Policy T16 – Development – General Parking Requirements
Policy T18 - Development and servicing requirements

Other material considerations include:

National Planning Policy Framework (March 2012)

Planning Practice Guidance (2014)

Newcastle-under-Lyme and Stoke on Trent Urban Design Guidance (adopted December 2010)

Relevant Planning History

In 2003 outline planning permission was granted for the erection of buildings for Class B1, B2 and B8 purposes on this site, and a wider area forming the Lymedale West extension (03/560/OUT). In addition to outline planning permission being granted, under the same application full permission was granted for the formation of plateaux, mounding and construction of access road, together with other associated engineering operations. In 2006 approval of reserved matters was given for the warehouse building (reference 05/01140/REM) on this site and that development was then built out .

A retrospective application (reference 05/01241/FUL) to amend the details of the bund around the development plateaux was permitted in 2006.

An application was then granted for a 8,918sqm extension to the existing warehouse in 2009 under reference 09/00430/FUL. That development was then built out (DC3)

The latest planning application, reference 16/00712/FUL, was permitted in December 2016 for the extension to the existing warehouse building (class B8) with two storey office extension and associated car park works.

Views of Consultees

The **Landscape and Development Section** raises no objections.

The Greater Chesterton Locality Action Partnership (LAP) has been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

No representations have been received.

Applicant/agent's submission

All of the application documents can be viewed at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00240/FUL>

Background Papers

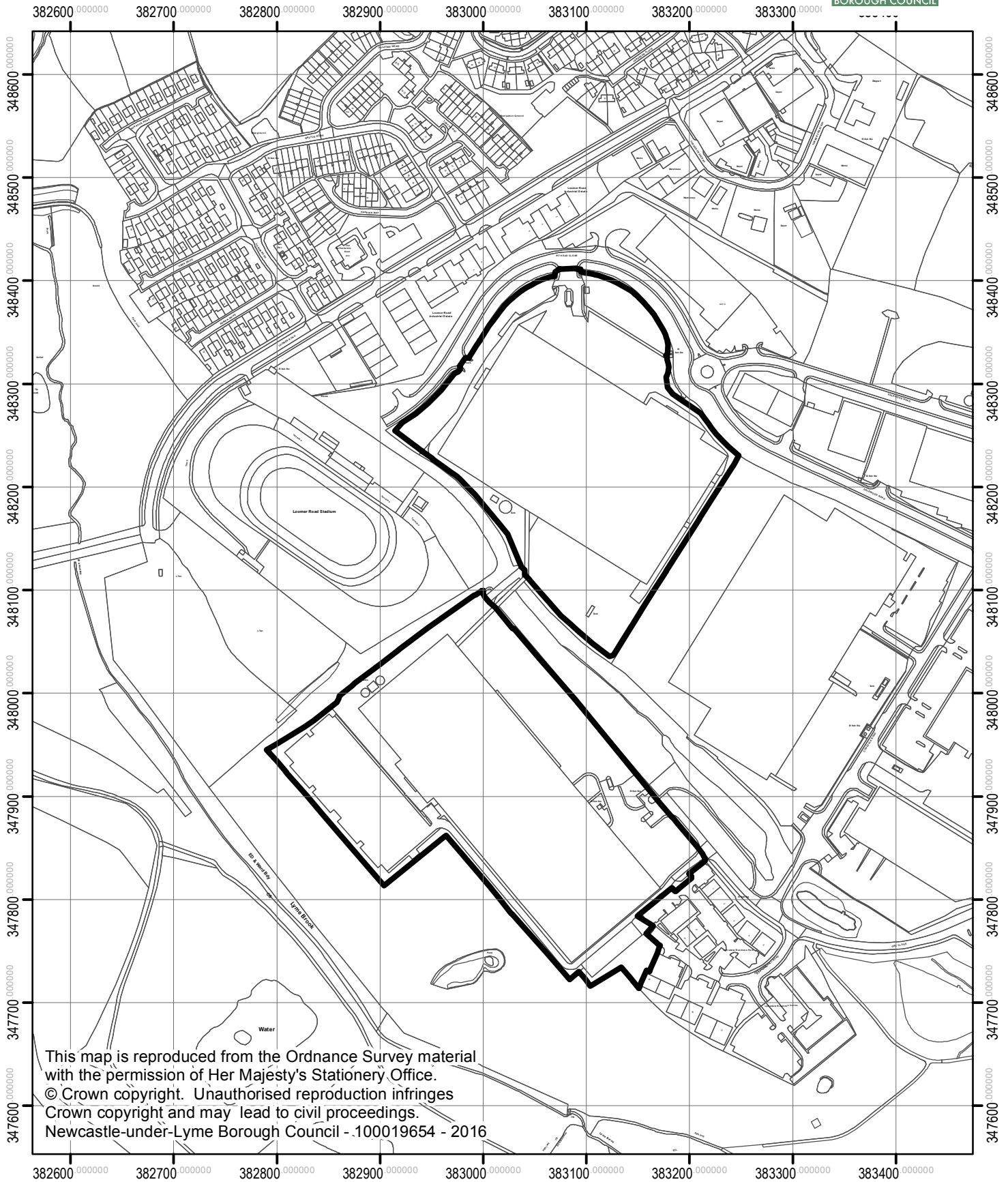
Planning File

Development Plan

Date report prepared

8th May 2017

**New Look, Pit Head Close,
Newcastle-Under-Lyme.
17/00193/FUL**



This page is intentionally left blank

**JUBILEE BATHS, NELSON PLACE
WESTLANDS ESTATES LTD**

17/00252/FUL

The application is for full planning permission for the construction of a 273 room student development on six floors comprising 165 self-contained rooms and 108 en-suite rooms in clusters of 2 and 4 with shared lounge/kitchen areas. Ancillary accommodation including an IT suite, gymnasium, meeting room and cinema room is provided.

Vehicle and cycle access is proposed from School Street accessing a below ground parking area for 19 vehicles and cycle storage for 110 cycles. Two communal landscaped areas are proposed along School Street raised above street level.

Planning permission was granted in 2015 for a scheme with an almost identical external appearance comprising amongst other elements 244 rooms of student accommodation with some 21 car parking spaces.

The site lies within the Newcastle Town Centre Conservation Area and the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within a Live-Work Office Quarter.

The 13 week period for this application expires on 26th June 2017.

RECOMMENDATION

A. Subject to the applicant entering into a Section 106 obligation by no later than 25th June 2017 , to secure the following:

- (i) a financial contribution to the enhancement and maintenance of an area of public open space of £219,172 (to be adjusted to reflect both indexation and interest since September 2016) and a travel plan monitoring fee of £2,200.**
- (ii) a financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems.**
- (iii) Payment of the capital element of the public open space and the Resident Parking Zone contributions within 2 weeks of the date of completion of the obligation, and of the maintenance element of the POS contribution on or before occupation of the development or 30 September 2017 (whichever is the earliest).**

Permit subject to conditions relating to the following matters:-

- 1. Approved plans**
- 2. Materials**
- 3. Occupation to be restricted to students only**
- 4. Landscaping, including details of boundary treatment/security fence, to be carried out in accordance with the approved details.**
- 5. Landscape management plan**
- 6. Second residential parking survey of streets to be carried out 12 months after agreed prior to first occupation of the development when fully occupied.**
- 7. Provision of parking, turning areas and pedestrian visibility splays**
- 8. Replacement of disabled parking spaces that will be lost to accommodate the site access.**
- 9. Prior approval of the details of the management of the parking area and measures to prevent occupiers having cars.**
- 10. Implementation of Travel Plan**
- 11. Gymnasium, IT suite, cinema room and any other accommodation for the students use only**
- 12. Ground floor glazing to rooms to ensure adequate privacy**
- 13. Window treatment within the whole building to be in accordance with approved details to ensure consistency of approach**
- 14. Provision of the security measures set out in the submission, or other measures that have been agreed.**
- 15. Construction hours**
- 16. Construction Management Plan**
- 17. Implementation of measures to reduce the impact of noise as set out in the submitted noise assessment.**
- 18. Prior approval of plant and machinery, including a noise assessment and mitigation measures**
- 19. Submission of an air quality impact assessment and details measures to minimise air pollution before installation of biomass and CHP systems and adherence to approved details for the life of the development.**
- 20. Details of ventilation system to ensure appropriate indoor air quality**
- 21. Waste storage and collection arrangements**
- 22. Importation of soil**
- 23. Removal of permitted development rights for telecommunication apparatus**

B. Failing completion, by the date referred to above, 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 a secured planning obligation the public open space needs of the development, the required contributions to sustainable transport measures and potentially to on street parking measures, would not be met; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

C. In the event of either planning permission being refused (on the ground set out in B. above) and the development still continuing beyond the date referred to and/or payment of the monies being delayed notwithstanding completion of the obligation, members resolve that it would be expedient to take enforcement action for the reasons set out in recommendation B and that Legal Services be authorised to issue enforcement or any other notice and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure payment of the above sums.

Reason for Recommendation

In recognition that there have been no material changes in planning circumstances since the Planning Inspector's decision, subject to the imposition of suitable conditions it is not considered that permission should be granted. Given that the payment of the public open space contribution as secured under planning permission 15/00166/FUL is overdue, in addition to an increase to reflect the increase in student numbers in the currently proposed development it would be reasonable and appropriate to apply indexation and interest to this payment. Furthermore having regard to the provisions of the development plan and all other material considerations, including the decision of the Inspector, a failure to enter into such an obligation would be unacceptable, as would any further delay in payment.

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

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

Key Issues

Full planning permission is sought for the erection of a block of student accommodation comprising 273 bedrooms with ancillary accommodation, with the formation of a new access onto School Street and associated car parking for 19 cars and cycle parking.

The current application follows the refusal of planning permission for the same development (reference 16/00244/FUL) in 2016 for the following reason:

The proposed development will result in the loss of residential amenity for occupiers of properties in nearby streets as a result of on-street parking, congestion and pavement parking arising from the development due to the inadequate provision of parking spaces within the development site to address parking demand. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework (2012) and the Ministerial Statement of March 2015.

The refusal followed the granting of planning permission for a very similar development of 244 bedroom student accommodation in 2015 which had parking spaces for 21 cars.

An appeal was lodged against the refusal of application 16/00244/FUL and subsequently dismissed. In dismissing the appeal the Inspector recognised that in granting planning permission the Council imposed, in line with local plan policy and in order to protect amenity, a planning condition requiring surveys of parking on residential streets to be undertaken before and after the occupation of the development to demonstrate if an increase in on street parking had occurred. In addition a Section 106 agreement was signed to secure a sum of money to fund resident car parking zones in the affected areas if these proved to be necessary.

The Inspector made reference to paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Inspector indicated that no evidence had been provided that the increase in student rooms from that approved and loss of two parking spaces would have such an impact.

However, having regard to the measures agreed in the previous approved scheme and on the basis of the evidence before her; the Inspector concluded that the same requirements as the Council imposed on the permitted development (15/00166/FUL) were appropriate and necessary in the appeal case. The appellant did not provide to the Planning Inspectorate a completed obligation that secured the resident parking zone sum, however, and in the absence of such a S106 the required measures were not secured. It was concluded by the Inspector that the development would cause harm to the living conditions of the occupiers of nearby residential development as the same requirements previously imposed had not been secured.

In the absence of any change in planning circumstances since the appeal decision was reached there are no reasonable grounds to reach a different conclusion to the Planning Inspectorate and now conclude that the number of students rooms and the level of parking provided is unacceptable in this location if the same conditions are imposed and planning obligation secured as 15/00166/FUL. The applicant has indicated a preparedness to enter into such an obligation with regard to the provision of a resident parking zone sum of £50,000 nor are they seeking to dispute a condition requiring that surveys of parking on residential streets to be undertaken before and after the occupation of the development although it should be noted that the before survey has already been undertaken by the Highway Authority.

The recommendation on this application is therefore to permit the development subject to an agreement by the developer and others under Section 106 of the Act which secures both the payment of a sum of money to pay for the introduction, if justified by the results of the 2 on-street parking surveys, of a Traffic Regulation Order (i.e. a residents parking scheme).

In addition a payment of a sum of money to upgrade a public open space in the vicinity of the development is also required to ensure compliance with policy CSP5 of the CSS and saved policy C4 of the Local Plan.

With regard to the public open space contribution the amount must be adjusted from that secured in the original planning permission 15/00166/FUL to reflect that the number of students within the development has increased but making the same adjustments that were made in respect of the permitted scheme. Such adjustments were in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling which isn't the case for the type of accommodation proposed. In addition the occupiers of the development are of an age where they should not use equipped play areas and as such the development should not be expected to provide this element of the standard contribution.

In addition to the increase in contribution to reflect the increase in numbers it is also reasonable and appropriate to reflect that the public open space contribution secured in respect of the original planning permission is significantly overdue. As such the impact of indexing (as defined in the original Agreement and from September 2016 when the payment should have been made up to the last index available) should be applied to the contribution and then interest (as defined in the original Agreement) should be applied. The Finance Section of the Council has been asked to calculate this sum and the final figure will be reported.

In conclusion, subject to the imposition of suitable conditions and obligations, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted. The recommendation also seeks approval for the taking of enforcement action in the event that either the obligation is not now secured or it is but there is a further delay in the payment of the required contributions.

APPENDIX

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](#)

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 Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP2:	Historic Environment
Policy CSP3:	Sustainability and Climate Change Policy
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1:	Residential Development – Sustainable Location & Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy B3:	Other Archaeological Sites
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 B11:	Demolition in Conservation Areas
Policy B13:	Design and Development in Conservation Areas
Policy B14:	Development in or Adjoining the Boundary of Conservation Areas
Policy C4:	Open Space in new housing areas
Policy C22:	Protection of Community Facilities
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

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

[Newcastle-under-Lyme Town Centre SPD \(2009\)](#)

[Newcastle-under-Lyme Town Centre Conservation Area Appraisal \(2008\)](#)

[Newcastle-under-Lyme Town Centre Conservation Area Management Plan \(2008\)](#)

[Waste Management and Recycling Planning Practice Guidance Note](#) approved in 2003 and last updated in February 2016

Relevant Planning History

15/00166/FUL Demolition of former swimming baths and construction of 244 room student development with associated communal area and car parking has been permitted on the application site, following the completion of a related Section 106 agreement. The permission is extant.

16/00244/FUL Construction of 273 room student development with associated communal area and car parking was refused in 2016 and a subsequent appeal was dismissed. The appeal decision was reported to the Planning Committee on 28th February 2017, and at that same meeting a report (item 7) was provided to members on action taken by your officer with respect to a planning obligation, following consultation with the Chair.

Views of Consultees

The **Environmental Health Division** indicates that the conditions they sought in connection with the earlier application 15/00166/FUL for a similar development on this site are still considered appropriate and are requested should this application be granted.

The **Police Architectural Liaison Officer** welcomes the broad proposal to create modern attractive student accommodation at this landmark location. It is pleasing to note a section in the Design and Access Statement seeks to respond to the Police concerns initially raised. Providing a safe and secure environment for the students as well as an attractive and functional one should be at the heart of the proposals and notes that the submission includes information where crime prevention and security is addressed.

The Council's **Conservation Officer** has no further comments on this application and previously raised no objections to the proposal.

The **Conservation Advisory Working Party** (CAWP) has not been consulted. They raised no objections to 16/00244/FUL.

Historic England previously raised concerns regarding the inappropriate scale, and highlighted the detrimental impact of the proposals on the setting of surrounding historic assets. In view of such concerns they drew attention to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 regarding listed buildings, conservation areas, and their settings, and section 7 and 12 of the NPPF. However they understand that the former application was subsequently approved subject to the signing of a Section 106 agreement. Clearly they are disappointed by this outcome. However, this being the case, they have no additional comments to make on the current application, other than to recommend that all architectural details, materials and finishes are overseen by the Council's specialist conservation advisor.

The **Landscape Development Section** have no further comments to make than for application 15/00166/FUL other than to request an increased contribution by the developer for capital development/improvement of off-site green space be for Queens Gardens and other public spaces in and around the town centre. With regard to 15/00166/FUL their comments were as follows:

"No objections subject to approval of a detailed landscaping scheme, and securing a financial contribution for capital development/improvement of Queens Gardens. The contribution requested is £240,148.80 which has been calculated on the basis of the full contribution for the clusters and 2/5 of the full contribution for the self-contained single person rooms".

The **Highway Authority** has no objections subject to the conditions and contributions they recommended for the previous application 16/00244/FUL which were as follows:

- Completion of access, parking, servicing and turning areas prior to occupation.
- Replacement of the two disabled parking bays that will be lost on School Street.
- Implementation of approved Travel Plan
- Agreement and implementation of measures to control and manage the car park
- Construction method statement

They also requested a Travel Plan monitoring fee and a sum of £50,000 to fund a Residents Parking Zone if deemed necessary.

Representations

None

Applicant's/Agent's submission

The applicant has submitted the following

- Transport Statement and Draft Framework Travel Plan
- Air Quality Assessment
- Asbestos Report, Survey and specification for abatement works
- Site investigations into contaminated land
- Heritage Statement
- Archaeological building recording and paleo-environmental analysis
- Design and Access Statement
- Planning Inspector's decision with regard to 16/00244/FUL

These documents are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00252/FUL>

Background papers

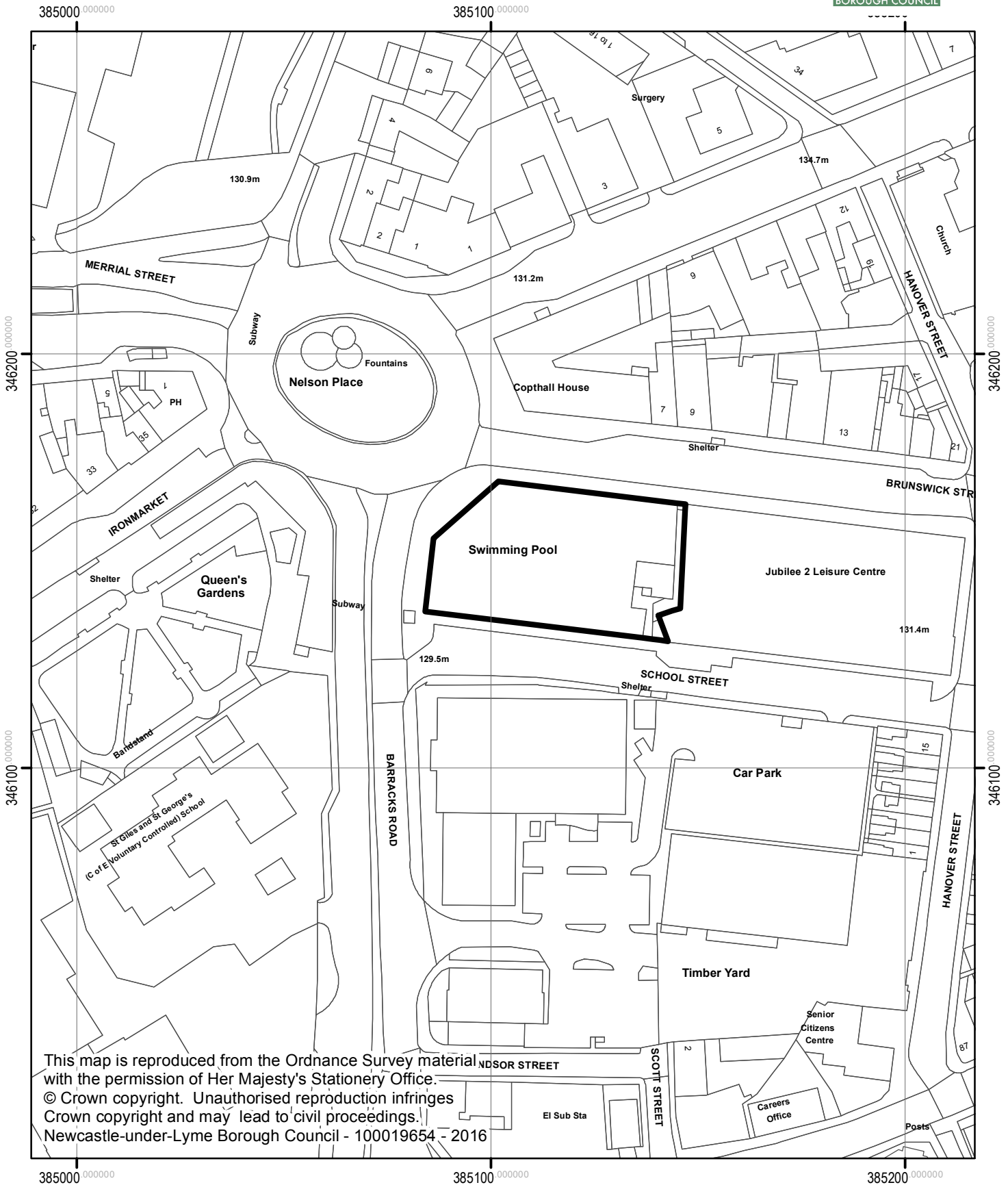
Planning files referred to
Planning Documents referred to

Date report prepared

9th May 2017

This page is intentionally left blank

**Former Jubilee Baths,
Nelson Place, Newcastle.
17/00252/FUL**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2016

This page is intentionally left blank

LAND OFF SLACKEN LANE
ASHGREEN LIMITED

13/00266/CN06, CN07, & CN11

The applications relate to approval of details required by conditions of planning permission reference 13/00266/FUL for the erection of 6 bungalows and the formation of new accesses which was granted planning permission on appeal. The applications are as follows:

13/00266/CN06 concerns condition No.6 which is worded as follows:

Development shall not begin until foul and surface drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority. The submission to be approved shall include details of how this would be maintained in the future.

13/00266/CN07 concerns condition No.7 which is worded as follows:

Development shall not begin until proposals to widen the south-east section of Slacken Lane to 6m and to make up the section between Congleton Road through to the site access have been submitted to and approved in writing by the local planning authority. This should include a programme for the works and, thereafter, the agreed scheme shall be implemented accordingly.

13/00266/CN11 concerns condition No.11 which is worded as follows:

No development shall take place until details of the arrangements for recycling materials and refuse storage including, designated areas to accommodate sufficient recyclable materials and refuse receptacles to service the development and details of collection arrangements have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the designated areas for recyclable materials and refuse receptacles have been provided for the dwellings.

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

The eight week statutory determination period expires on 22nd June for applications 13/00266/CN06 and 13/00266/CN11 and on 30th June for application 13/0266/CN07.

RECOMMENDATIONS

- (a) Subject to no objections being received from United Utilities and the Lead Local Flood Authority, approve the drainage details provided with application 13/00266/CN06 (including any additional acceptable details that are required but not yet received) that such bodies have confirmed are acceptable and satisfy the requirements of condition 6 of planning permission 13/00266/FUL.**
- (b) Subject to no objections being received from the Highway Authority and the Landscape Development Section, approve the proposed Slacken Lane widening and resurfacing details provided with application 13/00266/CN07 (including any additional acceptable details that are required but not yet received) that such bodies have confirmed are acceptable and satisfy the requirements of condition 7 of planning permission 13/00266/FUL.**
- (c) Subject to no objections being received from the Waste Management Section, approve the waste and recycling details provided with application 13/00266/CN11 (including any additional acceptable details that are required but not yet received) that they have confirmed are acceptable and satisfy the requirements of condition 11 of planning permission 13/00266/FUL.**

Reason for Recommendation

To date sufficient and appropriate details/information has not been provided that satisfies the requirements of the conditions 6, 7 and 11 of planning permission 13/00266/FUL. Further information is being sought where required and the comments of the relevant consultees are awaited.

KEY ISSUES

When granting planning permission for five bungalows, reference 13/00623/FUL, the Planning Committee resolved that the details required by conditions relating to foul and surface water; the widening and improvement of Slacken Lane; and the details of arrangements for recycling materials and refuse storage be brought to the Committee for approval. Whilst the condition applications that are the subject of this report do not relate to application 13/00623/FUL but to application 13/00266/FUL (for six bungalows granted on appeal following refusal) given the decision of Committee on the later development, and the interest that was thereby expressed on such matters, the relevant "conditions applications" are brought to the Committee for decision.

Please note that it is not the case, as expressed in the representation received, that a decision cannot be reached as to whether the details/information provided in respect of the conditions are satisfactory until any right in civil law to use Slacken Lane has been established. It is not for the Local Planning Authority to confirm whether or not there are such rights and there is no requirement that a declaration is provided from the applicant to that affect.

Looking at each condition application in turn:

13/00266/CN06

As indicated above this application relates to details required by condition 6 of planning permission 13/00266/FUL requiring the approval and implementation of foul and surface drainage works as required, including details of the maintenance of such drainage works in the future. The information provided is a plan that shows that the surface water will be drained to three soakaways shown within the site close to the northern boundary. In addition the indication is that the foul drainage will be addressed by a connection to the existing foul sewer in Slacken Lane close to the end of Pickwick Place.

United Utilities have been consulted and their comments upon the foul drainage arrangements are awaited. Initial comments received from the Lead Local Flood Authority (LLFA) indicate that additional information (calculations) is required to demonstrate that the soakaways are adequate to address the surface water generated by the development. In addition no details of how the drainage arrangements will be maintained have been provided as specifically required by the condition.

In response to this the applicant has advised that they will use a 'crate' soakaway system which will be agreed on site with Building Control. The indication is that all foul surface water drainage on-site will be maintained by the new home-owners when the properties are sold. The foul pipe that leaves the site will be maintained by United Utilities.

The further comments of the LLFA have been sought and hopefully will be received in time for your officer to make a clear recommendation on this application. If not it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

In response to the comments within the representation, it is confirmed that alterations to the junction of Slacken Lane with Congleton Road, including any drainage features at that junction, that were approved under application reference 13/00623/FUL do not form part of the planning permission to which the conditions within this report relate and the developer is not required to carry out such junction improvements as he is not intending to, and indeed is unable to, implement that other planning permission.

13/00266/CN07

As indicated above this application relates to details required by condition 7 of planning permission 13/00266/FUL requiring the approval and implementation of the widening and making up of Slacken Lane. The information provided is photographs which are said to demonstrate that they have already started surfacing the narrow section of Slacken Lane using a compacted hard-core base finished with recycled tarmac topping to match the remainder of the unadopted highway. The portion of Slacken Lane that is to be widened to 6m will be done in the same manner.

Whilst not required by the condition, information has also been provided regarding the maintenance of Slacken Lane indicating that they will ensure that the construction of the road will be robust enough to take delivery vehicles without 'rutting'. Regular pot-hole filling exercises for the whole length of Slacken Lane will be undertaken regularly to keep whole lane in good condition. At the end of the development a final check will be conducted and any pot-holes/ruts will be repaired.

The views of the Highway Authority are awaited and it is not yet known whether the information provided is sufficient for them to recommend approval of the details. The comments of the Highway Authority will be reported in addition to any additional information provided to in response to their comments. If it transpires that there is not sufficient time for any further information as may be required by the Highway Authority to be submitted by the applicant and for their further comments to be obtained, it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

Concern has been expressed in the representation received that the Lane cannot take the vehicular movements associated with the development construction. In addition it has been indicated that the public footpath is being obstructed by the site gate which is left open. Such issues are not material to the determination of this or any of these condition approval applications.

13/00266/CN11

As indicated above this application relates to details required by condition 11 of planning permission 13/00266/FUL requiring the approval and implementation arrangements for recycling materials and refuse storage including, designated areas on collection day. The information provided to date relates to the construction phase of the development and as such does not address or satisfy the requirements of the condition. The applicant has been advised of this and further information is expected to be submitted. Upon receipt of the further information the Waste Management will be consulted and their comments will hopefully be received in time for your officer to reach a recommendation on this application. If not it will be recommended that the decision on the application be deferred to allow additional time for that process to be completed.

Please note that the condition as worded by the Planning Inspector specifies that the details of the arrangements for recycling materials and refuse storage are to be agreed before any development takes place and that designated area for recyclable materials and refuse receptacles has been provided before any dwelling is occupied. Unless the comments within the representations have been misunderstood, the concerns expressed in them that a decision on such arrangements will be left until occupation is incorrect.

APPENDIX

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](#)

None relevant

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

None relevant

Other material considerations include:

Relevant Planning History

Application 13/00266/FUL for the erection of 6 bungalows was refused and subsequently allowed on application. Application 13/00623/FUL for 5 bungalows was permitted.

Views of Consultees

The **Lead Local Flood Authority** commenting on **13/00266/CN06** advise that the submitted document shows that surface water is to drain to soakaway. The applicant should submit soakaway calculations to support the document for discharge of Condition 6. This condition also requires details of proposed maintenance programme and who is responsible for maintaining the drainage system in future. They recommend that the condition should not be discharged until all supporting information has been submitted and approved.

United Utilities have also been consulted on **13/00266/CN06** and their views are due by 22nd May. Their comments will be reported if received

The **Highway Authority** and **Landscape Development Section** have been consulted on **13/00266/CN07** and their views are due by 19th May. Their comments will be reported if received.

The **Waste Management Section** commenting on **13/00266/CN11** advise that the information provided to satisfy this condition relates to waste generated during construction and as such does not provide the information that is required by the condition. Concerns were raised during the initial application about regular collections of refuse, recycling and garden waste from the properties once they are occupied and those issues remain.

Representations

A representation on behalf of the Slacken Lane residents (in 5 parts) has been received raising the following concerns:

- Following the granting of planning permission for 5 bungalows on the land (13/00623/FUL) the Planning Committee resolved that conditions relating to a refuse collection point, disposal of foul and surface water, safeguarding of the public footpath and the Lane surface should be brought before them for approval following the establishment of any right in civil law claimed by the developer to do so. The approval included plans to meet the suggestions of the Highway Authority. It was shocking to discover that the alterations to the junction layout, set to include additional drainage to cope with the excess surface run off from Congleton Road would no longer feature in such plans.
- The lives of residents of Slacken Lane have been blighted by the arrival of the developers on site since 24th April due to speeding vehicles, movements of large loads, blockage of driveways and inappropriate parking. The unadopted surface of the Lane is not equal to this task and the residents are not prepared to countenance its destruction.
- Gates to the entrance to the development site are routinely opened, extending across the width of the public footpath thereby blocking it.

- The position of the collection point for the waste and recyclable materials should not be left until first occupancy. Given the Council's current position regarding the collection of bins from unadopted and private roads, this could potentially mean that the existing 8 dwellings in Slacken Lane would have to leave bins and boxes for collection every week on the footpath to Congleton Road which will not be visually acceptable. Bearing in mind that the last 300ft to the development site is only 6 foot wide and neither the land nor Slacken Lane is owned by the developer, it begs the question as to how this is to be achieved. It is not a decision to be left until later.
- There are concerns about the proposed accessing of the United Utilities sewer. Originally the access point was to be to the rear of the site, but now that has been denied the access point now proposed is to the rear of Pickwick Place. This suggests that they plan to go beneath the culverted stream which runs along Slacken Lane and would leave the Lane at risk of flooding. This proposal has not been subject to the same scrutiny of the Flood Risk Officer which is imperative as the Lane already suffers from flooding following heavy rainfall.

Applicant/agent's submission

The application details as submitted are available to view at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN06>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN07>
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/13/00266/CN11>

Background Papers

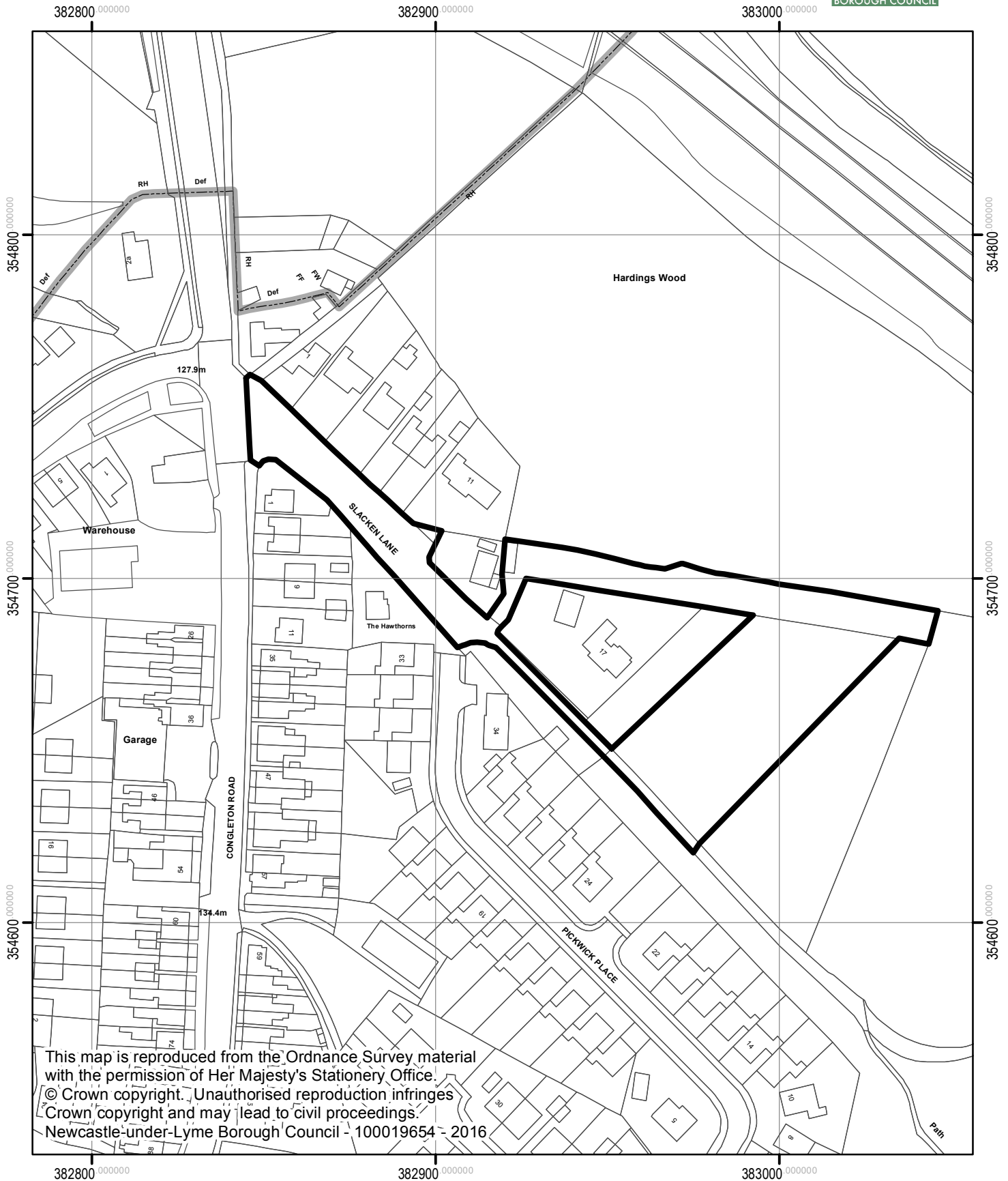
Planning file
Planning documents referred to

Date report prepared

10th May 2017

This page is intentionally left blank

**Land off Slacken Lane, Kidsgrove.
13/00266/CN06, 13/00266/CN07
and 13/00266/CN11**



This page is intentionally left blank

ST JOHN THE EVANGELIST R C SCHOOL, GLOUCESTER ROAD, KIDSGROVE
THE SCHOOL GOVERNORS OF ST. JOHN'S RC PRIMARY SCHOOL

16/01032/FUL

The application is for full planning permission for a single storey extension to the existing school building which would serve as a new classroom to replace an existing mobile classroom.

The existing building is primarily located within the urban area but the proposed extension encroaches onto land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 4th May 2017 but prior to this the applicant agreed to extend the statutory determination period to the 2nd June 2017.

RECOMMENDATION

Permit, subject to the following conditions;

- **Standard Time limit for commencement of development**
- **Approved Plans**
- **Materials**
- **Land Contamination**
- **Scheme of Intrusive Site Investigations for Coal Mining**
- **A Report of Findings and a Scheme of Remedial Works for Coal Mining**

Reason for Recommendation

The proposed replacement building (extension) would be materially larger than the building it replaces and as such represents inappropriate development in the Green Belt. However, it is considered that there are very special circumstances for approving the development as the proposed extension, of permanent construction, would better serve the functions of the school than is currently the case due to that accommodation being provided in a temporary prefabricated structure. Such very special circumstances would outweigh the very minimal harm to the openness of the Green Belt. The proposed extension is considered to be a sustainable form of development and subject to conditions to secure appropriate mitigation for coal mining risks and land contamination the proposed development is considered to be in accordance with development plan policies and the guidance and requirements of the NPPF and should be supported.

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 applicant has submitted information requested by planning officers during the planning application process and this is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The proposal is for a single storey extension to the existing school building. The proposal would serve as a new classroom to replace an existing mobile classroom.

The existing building is primarily located within the urban area but the proposed extension encroaches onto land designated as Green Belt and an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map. This land is an informal grassed area with young trees planted and is not a school playing field.

The land is also located within a High Risk Coal Mining area.

The key issues in the determination of the development to consider are:

- Is the development appropriate development in the Green Belt?
- The design of the proposals and the impact upon the Area of Landscape Restoration,
- Coal Mining and land stability matters, and
- If inappropriate development, do the very special circumstances exist to overcome the harm to the Green Belt?

Is the development appropriate development in the Green Belt?

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

The NPPF further indicates in paragraph 89 that local planning authorities should regard new buildings within the Green Belt as inappropriate. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the replacement of a building provided that it remains in the same use and is not materially larger than the building it replaces.

The applicant has indicated that the existing detached temporary mobile classroom has a volume of approximately 192.74m³. The proposed extension would have a volume of 246.40m³ which is an increase of 54 cubic metres which is considered to represent a materially larger replacement building.

In consideration of the above the proposed development is inappropriate development within the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and this is considered in a later section of this report.

The design of the proposals and the impact upon the Area of Landscape Restoration

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

The site is designated locally as an area of landscape restoration and policy N21 of the local plan sets out that within these areas the Council will support, subject to other plan policies, proposals that will help to restore the character and improve the quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The main existing school building is single storey and of a flat roof construction. The proposed extension would also be single storey and have a flat roof but it would be located at the rear of the existing school building and any views from any main vantage points would be minimal.

It is considered that the replacement of an existing building with a more permanent building represents a sustainable form of development that would help to restore the character and appearance of the landscape. There would be minimal views of the proposed extension due to its position within the landscape and the topography.

The proposed development meets policies of the development plan and the requirements of the NPPF

Coal Mining and land stability matters

Paragraph 120 of the NPPF advises that “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land

stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The application site falls within the defined Development High Risk Area and the application is supported by a coal mining risk assessment. The Coal Authority indicates that the assessment correctly identifies that there are records of three known mine entries within the site or within 20m of the site boundary, however, according to their records their conjectured positions and zone of influences are not within close proximity of the proposed extension. However, it is considered necessary for further intrusive site investigations to be carried which can be secured via condition as can any appropriate remedial works. Subject to these conditions the CA raises no objections and the proposals comply with the requirements of the NPPF.

Do the very special circumstances exist to overcome the harm to the Green Belt?

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

The applicant has not submitted a case for very special circumstances but as discussed it is considered that the replacement of an existing building with a more permanent building represents a sustainable form of development. An extension, of permanent construction, would better serve the functions of the school and improve the education facilities at the school than is currently the case due to that accommodation being provided in a temporary prefabricated structure.

The existing temporary detached building also encroaches onto land within the Green Belt and whilst the proposed extension is approximately 54 cubic metres larger it is considered that any additional harm to the openness of the Green Belt that arises would be limited and the benefits would outweigh any harm.

Furthermore, it is considered that there are no preferable locations outside of the Green Belt that a replacement building or extension could be located due to much of the space around the school being playground or playing field.

It is considered that the above matters amount to the very special circumstances required to justify the proposed development in this instance.

APPENDIX

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)

CSP1: Design Quality

Newcastle Under Lyme Local Plan 2011

Policy S3: Development in the Green Belt
Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance

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

Planning History

01/00645/FUL Erection of temporary classroom Permit

07/00168/FUL Single storey extension Permit

Views of Consultees

Sport England raises no objections

The **Environmental Health Division** raises no objections subject to full contaminated land conditions.

The **Highways Authority** raises no objections.

The **Coal Authority** raises no objection to the proposed development subject to the imposition of conditions to secure intrusive site investigations and any appropriate remedial works.

Representations

None received

Applicant/agent's submission

A set of application plans have been submitted along with volume calculations.

These documents and the representations referred to above are available for inspection at the Guildhall and can be viewed on the website using the following link;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/01032/FUL>

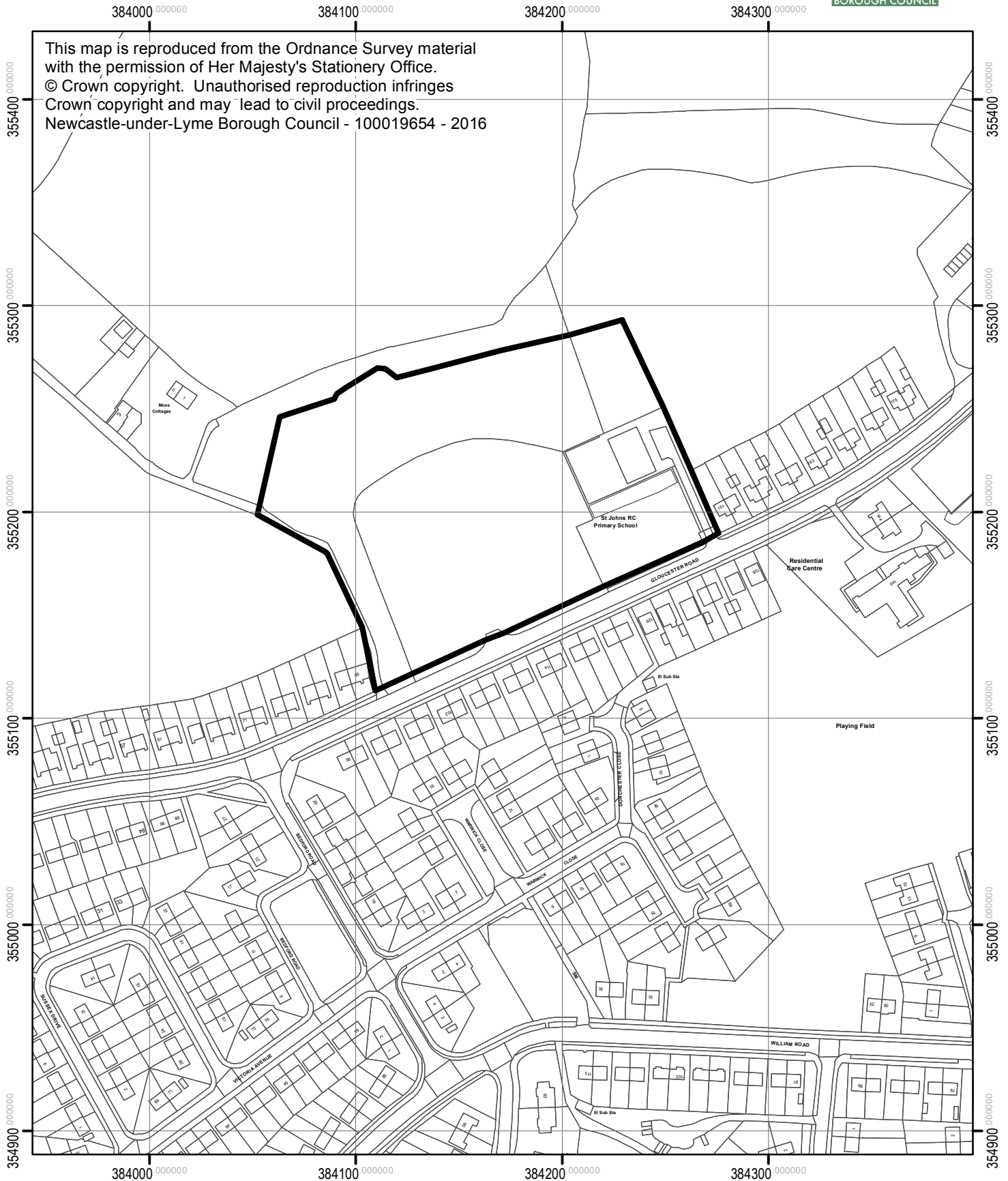
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

11 May 2017

This page is intentionally left blank



This page is intentionally left blank

KEELE HALL, KEELE UNIVERSITY
KEELE HALL, KEELE UNIVERSITY

17/00272/LBC

The application seeks Listed Building Consent for six replacement doors located on the principal floor and the 'Chamber floor' (first floor) of Keele Hall. The proposal seeks to replace the existing modern doors with replica doors to match the existing historic doors within the rest of Keele Hall.

Keele Hall is a Grade II* Listed Building which is situated within the Keele Hall Conservation Area as defined on the Local Development Framework Proposals Map. The application site is within the Grade II Historic Park and Gardens at Keele Hall.

The statutory 8 week determination period for the application expires on 24 May 2017

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved**
- 3. Materials as stated on application form / drawings**
- 4. The precise appearance of the replacement doors to be agreed by the local planning authority before they are installed.**

Reason for recommendation

The proposal would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it.

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

Discussions have taken place between the Councils Conservation Officer and the applicant prior to the submission of the application. The resultant development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks listed building consent for six replacement doors within Keele Hall. Four of the proposed replacement doors are proposed to the hallway of the main chamber within the hall on the chamber floor, and two doors are located to the north and east of the Great Hall which is on the principal floor. The proposal is part of a programme which also includes the upgrading of 36 internal doors, such works being the subject of an application for a certificate of lawfulness of proposed works to a listed building which is currently being considered (reference 17/00291/PLDLB).

The only issue to address in the determination of the application is whether the proposal preserves the special character and appearance of the building.

In assessing applications for LBC the Planning Authority is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 132 of the NPPF indicates that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy CSP2 of the Core Spatial Strategy seeks to ensure that buildings of particular heritage value are safeguarded. Policy B6 of the Local Plan states that the Council will resist alterations or additions to a listed building that would adversely affect its character or its architectural or historic features.

The overall significance of this part of the building is high and its appearance is important and in accordance with paragraph 132 of the NPPF consideration has to be given as to whether the special character and significance of Keele Hall will be harmed by this alteration.

The existing doors are relative modern doors that are not of a design and appearance that reflects the character and appearance of the Listed Hall. The proposed doors are individually treated and include panels and moulding, and in some cases glazing of doors, which take precedent from the type of doors that are more appropriate for their setting. It is your Officer's view that as the replacement doors would be more suitable in appearance they would enhance and maintain the traditional character of Keele Hall. This view is shared by the Council's Conservation Officer and Historic England.

In conclusion it is considered that the proposal would preserve the special character and appearance of the Grade II* Listed Building and there are no factors which weigh against it and therefore listed building consent should be granted.

APPENDIX

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](#)

Policy CSP1: Design Quality
Policy CSP2: Historic Environment

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy B5: Control of development affecting the setting of a Listed Building
Policy B6: Extension or Alteration of Listed Buildings
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 \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

Relevant Planning History

17/00291/PLDLB – Application for a certificate of lawfulness of proposed works to a listed building involving the upgrade of 36 internal doors – pending consideration.

17/00030/LBC – Modifications to balustrade – Approved 15/3/2017

16/00207/LBC – Modifications to balustrade – Refused 2016

Views of Consultees

Historic England advises that the proposed replacement of the doorways is a welcomed alteration to the interior of the Grade II* Listed Building, and is happy to defer to the Council's specialist conservation advisor regarding the design of the replacement doors.

The **Conservation Officer** states the doors which are proposed to be removed are modern doors which do not contribute to the special character of the Hall. The replacement panelled doors will certainly improve the appearance of the Hall in those locations and will have no harmful impact of the significance of the Listed Building.

The **Conservation Area Working Party** have no objections to the proposals but wants any new additions to the doors and walls, such as any touch panels, as a result of the overall refurbishment of the doors to be first agreed with the Conservation Officer.

The views of **Keele Parish Council** have been sought but as they have not responded it is assumed that they have no comments to make on the application.

Representations

None received to date

Applicant/agent's submission

The application is supported by a Heritage & Design Statement. All of the application documents can be viewed at the Guildhall or using the following link.

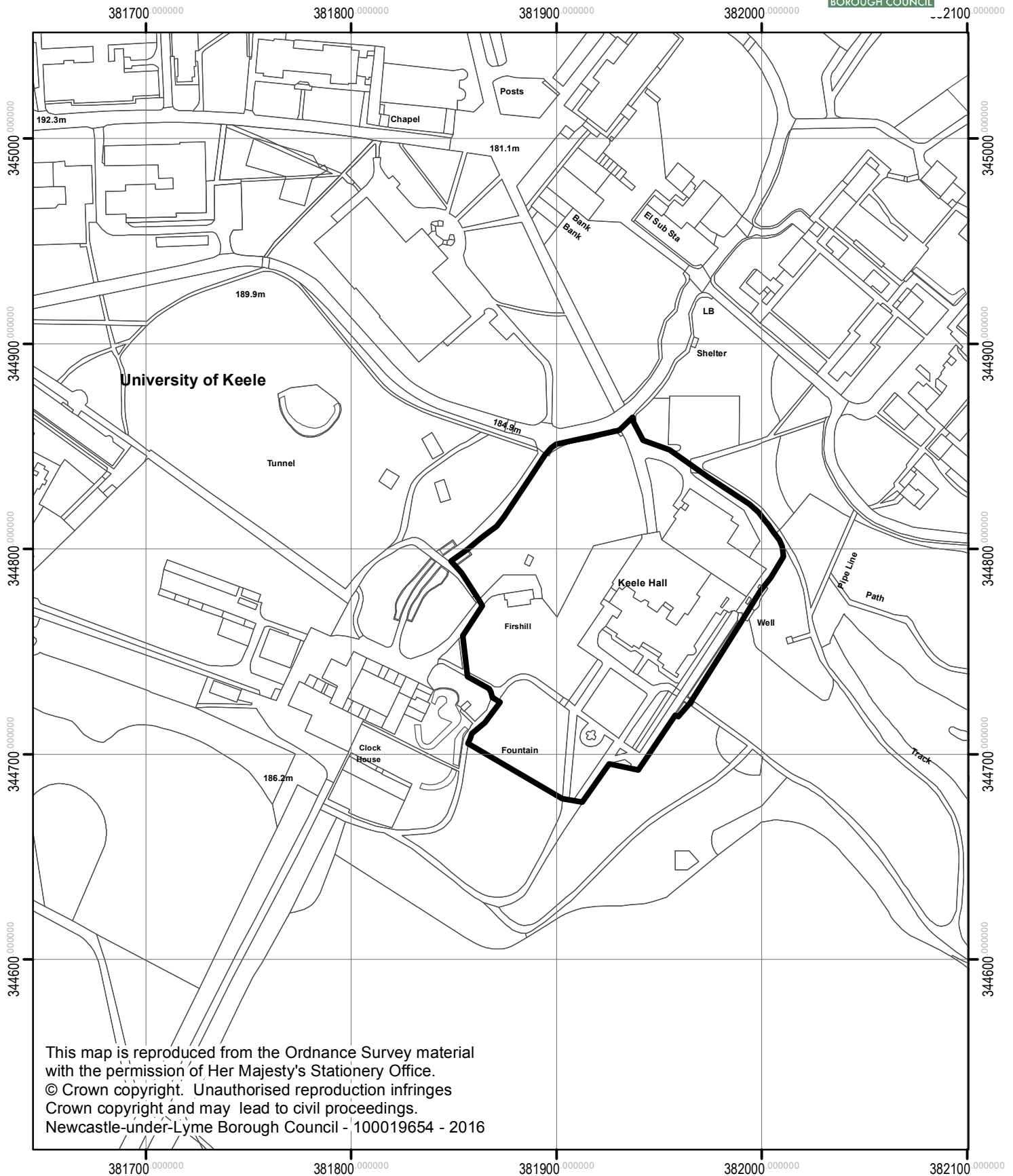
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00272/LBC>

Background Papers

Planning File
Development Plan

Date report prepared

28 April 2017



This page is intentionally left blank

**LAND TO THE EAST OF THE A34 TALKE ROAD, PARKHOUSE
NEWCASTLE BOROUGH COUNCIL**

16/00311/DEEM3

The application is for advertisement consent for the erection of a 48 sheet unilluminated poster hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site lies adjacent to the east side of the A34 (Talke Road).

The 8 week period for the determination of this application expires on the 1st June 2017.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**
- 2. Tree protection measures.**
- 3. Highway method statement to address installation and maintenance of the sign.**

Reason for Recommendation

There will be no harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet unilluminated advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located within a small landscaped area adjoining the southbound carriageway of the A34, Talke Road, south of the Parkhouse roundabout. It is to replace an existing hoarding approved and erected in 2016.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance (PPG) indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The PPG therefore identifies the 'extremes' where hoardings are and aren't acceptable. In many cases poster hoardings are not proposed in locations where the decision is as clear cut as highlighted in the Government guidance. Generally, within the Borough and in other areas, the approach often adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary screening of a development site or where the general environment is so poor the hoarding would perform a positive function. In

other circumstances more careful consideration of the visual impact of the hoarding is required.

A poster hoarding has already been approved and erected in this location which is seen against a backdrop of industrial buildings. The proposed replacement hoarding is to be located in a very similar position but instead of being sited so that it faces square onto the A34, it is to be angled so that it faces more towards the north carriageway. Such a minor repositioning of the sign as proposed is not material from an amenity perspective. It will still be in close proximity to adjoining buildings and their boundary treatments to the highway and is the same small size.

The conclusion remains that the proposed poster hoarding is not considered harmful to amenity.

Public safety

The Highway Authority has not raise public safety concerns in respect of the position of the hoarding. They recommended a condition requiring the submission and approval of information relating to the installation and maintenance of the proposed advertisement and it is considered appropriate to impose such a condition in this case.

APPENDIX

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](#)

Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy N17: Landscape Character – General Considerations

Other Material Considerations

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

Relevant Planning History

16/00056/DEEM3 Advertisement Hoarding APPROVED.

Views of Consultees

The **Environmental Health Division** makes no comments.

The **Highway Authority** has no objections subject to a condition requiring the submission and approval of a method statement about the location of the parking of vehicles during installation and maintenance and the type of equipment used for the installation.

The views of the **Landscape Development Section** have been sought and their comments will be reported.

Representations

None received.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/17/00311/DEEM3>

Background Papers

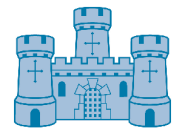
Planning File
Planning Documents referred to

Date Report Prepared

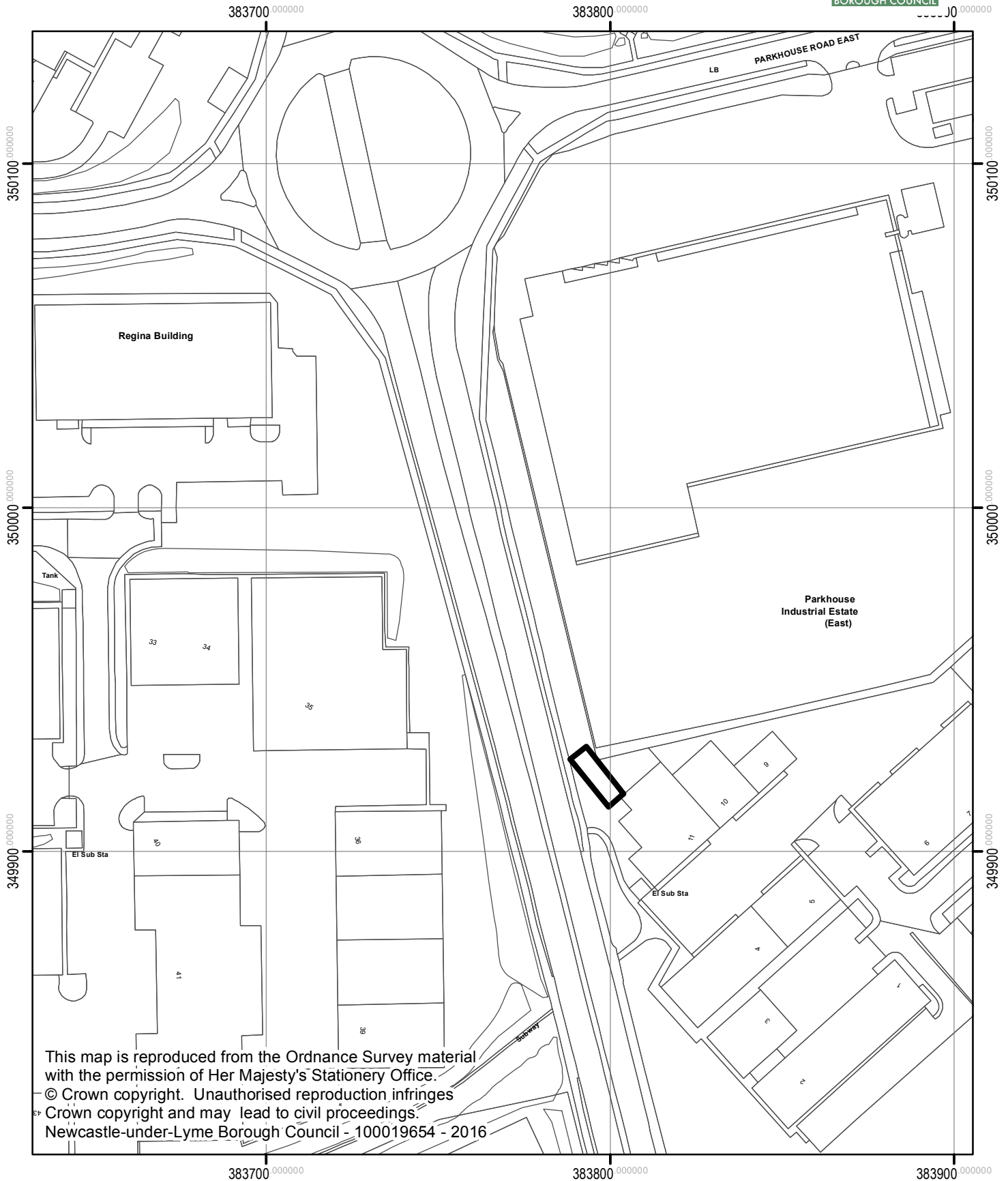
5th May 2017.

This page is intentionally left blank

**Land To The East Of The A34,
Talke Road, Newcastle.
17/00311/DEEM3**



**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2016

This page is intentionally left blank

LAND AT CORNER OF CHURCH LANE AND SILVERDALE ROAD, SILVERDALE
NEWCASTLE BOROUGH COUNCIL

16/00312/DEEM3

The application is for advertisement consent for the erection of a 48 sheet unilluminated poster hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m.

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site is adjacent Church Lane (B5368) and Cemetery Road (B5044) classified roads.

The 8 week period for the determination of this application expires on the 1st June 2017.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**
- 2. Tree protection measures.**
- 3. Highway method statement to address installation and maintenance of the sign.**

Reason for Recommendation

There will be no harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

Key Issues

The application is for advertisement consent for the erection of a 48 sheet unilluminated advertisement hoarding 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m. The sign is to be located within a landscaped area adjoining Church Lane and the rear of buildings on Stonewall Place in Silverdale.

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance (PPG) indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The PPG therefore identifies the 'extremes' where hoardings are and aren't acceptable. In many cases poster hoardings are not proposed in locations where the decision is as clear cut as highlighted in the Government guidance. Generally, within the Borough and in other areas, the approach often adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary screening of a development site or where the general environment is so poor the hoarding would perform a positive function. In other circumstances more careful consideration of the visual impact of the hoarding is required.

The poster hoarding proposed in this location will be seen against a backdrop of existing mature trees, the palisade boundary fence to Stonewall Industrial Estate and, when trees are not in leaf, the buildings within that Estate at a lower level. It is to be positioned approximately 60m north of the Church Lane/Cemetery Road/Silverdale Road crossroad junction and elevated in relation to that junction. The landscaped area upon which the hoarding is proposed is a relatively large area with modest trees within it, which is wide at the junction, extending in front of the Stonewall Estate as it adjoins Silverdale Road and narrows along Church Lane. The hoarding is proposed to be located where the landscaped area is relatively narrow, between the footpath that cuts across it and the boundary fence to Stonewall Industrial Estate. In this location it is considered that a hoarding can be accommodated within the landscaped area without visual harm although there may be pressure for some limited tree removal to achieve visibility of the sign.

Members may recall that an application for a hoarding much closer to the crossroad junction was withdrawn following a recommendation of refusal (15/00945/DEEM3). The location of that hoarding was in a much more open and prominent position than is now proposed, within the gateway opens space feature into Silverdale at this key junction.

In conclusion the proposed poster hoarding is not considered harmful to amenity.

Public safety

The Highway Authority has not raise public safety concerns in respect of the position of the hoarding. They recommended a condition requiring the submission and approval of information relating to the installation and maintenance of the proposed advertisement and it is considered appropriate to impose such a condition in this case.

APPENDIX

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](#)

Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy N17: Landscape Character – General Considerations

Other Material Considerations

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

Relevant Planning History

15/00945/DEEM3 Advertisement Hoarding WITHDRAWN

Views of Consultees

The **Environmental Health Division** makes no comments.

The **Highway Authority** has no objections subject to a condition requiring the submission and approval of a method statement about the location of the parking of vehicles during installation and maintenance and the type of equipment used for the installation.

The views of the **Landscape Development Section** have been sought and their comments will be reported.

Representations

None received.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/17/00312/DEEM3>

Background Papers

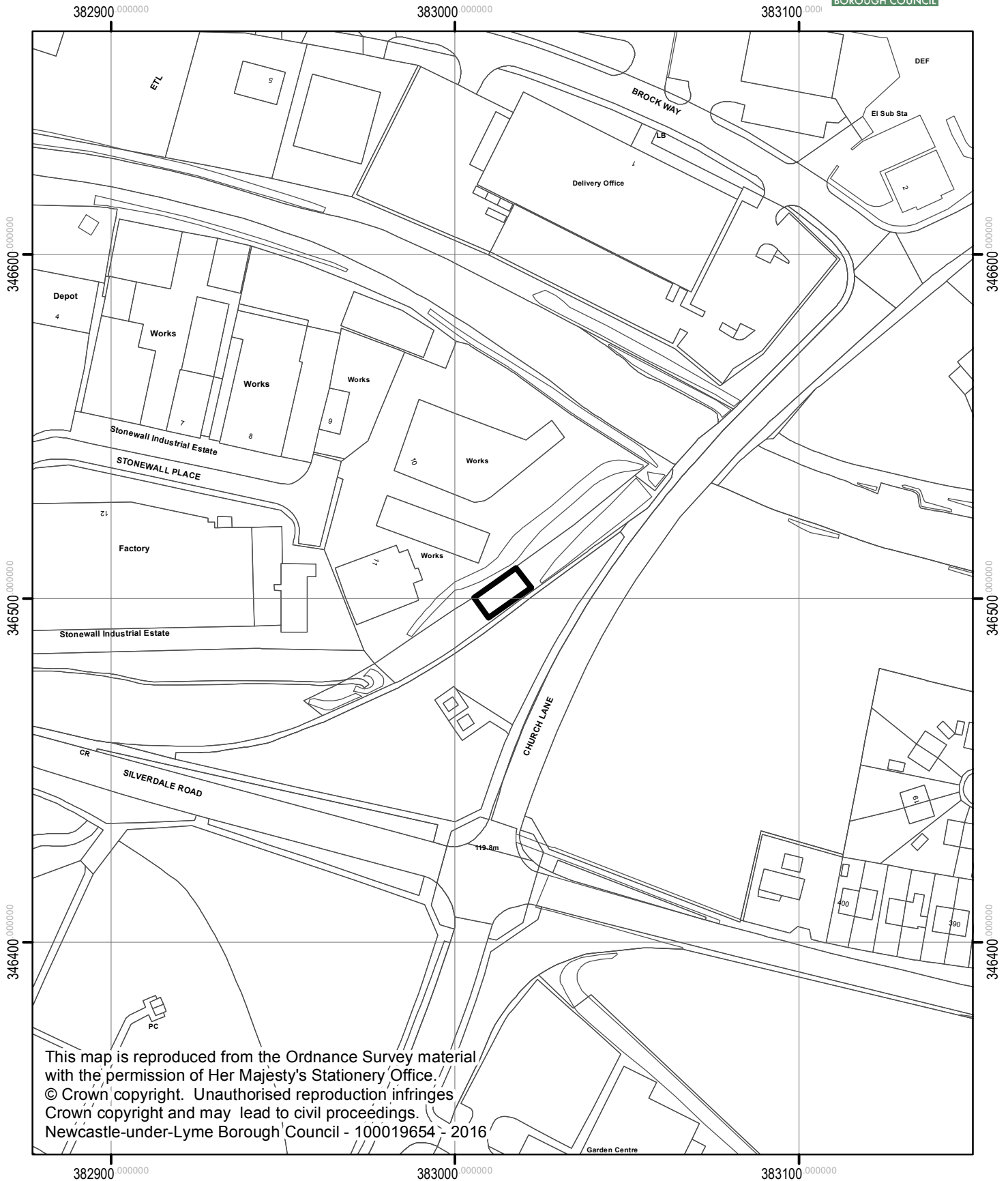
Planning File
Planning Documents referred to

Date Report Prepared

8th May 2017.

This page is intentionally left blank

**Corner of Cemetery Lane and Silverdale Road,
Silverdale.
17/00312/DEEM3**



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2016

This page is intentionally left blank

LAND AT LOWER STREET, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL

17/00315/DEEM3

The application is for advertisement consent for the erection of two 48 sheet unilluminated poster hoardings each 6.32m in width, the panel is 2.98m high on legs measuring 1.22m giving a total height of 4.2m..

The application site is within the Newcastle Urban Neighbourhood as specified on the Local Development Framework Proposals Map. The site lies adjacent to the west side of the A34 (Lower Street) in a position elevated above the footpath on a steep embankment.

The 8 week period for the determination of this application expires on the 1st June 2017.

RECOMMENDATION

PERMIT subject to conditions relating to:

- 1. Approved plans.**
- 2. Landscaping of the embankment**
- 3. Highway method statement to address installation and maintenance of the sign.**

Reason for Recommendation

There will be no harm to the amenity of the area or to public safety and as such the proposal is therefore acceptable.

Key Issues

The application is for advertisement consent for the erection of two 48 sheet unilluminated advertisement hoarding each 6.32m in width, the panel is 2.98m high arranged in a shallow 'V' shape. The sign is to be located on a landscaped embankment adjoining the northbound A34, Lower Street and positioned so that the sign is visible from Lower Street which will mean that is in an elevated position above the adjoining footpath. The dimensions provided do not take account that the site lies below the level of the adjoining carriageway and it is assumed that the sign will be displayed at that level

Amenity

The NPPF at paragraph 67, states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.

National Planning Practice Guidance (PPG) indicates that in assessing amenity, the local planning authority should consider the local characteristics of the neighbourhood. The example given is if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. It goes on to say that this might mean that a large poster hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

The PPG therefore identifies the 'extremes' where hoardings are and aren't acceptable. In many cases poster hoardings are not proposed in locations where the decision is as clear cut as highlighted in the Government guidance. Generally, within the Borough and in other areas, the approach often adopted in the consideration of poster hoardings is that they are favourably considered if they are part of the temporary screening of a development site or

where the general environment is so poor the hoarding would perform a positive function. In other circumstances more careful consideration of the visual impact of the hoarding is required.

The poster hoardings proposed in this location will be seen from the nearest highway (the A34) against a backdrop of the roof of Morrison's supermarket, opposite the Vue Cinema. The site is not, therefore, in a visually sensitive location and from the A34 the signs will be acceptable in appearance.

The back of the signs will be visible from the footpath, however the structure would be to some extent above the eye-line of those walking along the path. Given that the signs will only occupy a small section of the stretch of the embankment between the Grosvenor and Midway roundabouts it is not considered that it will be unduly overbearing and visually unacceptable to those using the footpath. As it appears that there is some opportunity to carry out landscaping around on the embankment to soften the appearance of the back of the signs it is concluded that the proposed poster hoardings are not considered harmful to amenity. The views of the Landscape Development Section are awaited. There are trees along the embankment but it would appear that there is space for the sign between them.

Public safety

The Highway Authority have not yet commented upon the proposal, however based upon comments received in respect of applications for hoardings it is not anticipated that they will object to the application, but it is anticipated that they will recommend a condition requiring the submission and approval of information relating to the installation and maintenance of the proposed advertisement. It is considered appropriate to impose such a condition in this case.

Overall it is considered that the poster hoardings are not harmful to public safety by virtue of its scale or location. There are no significant public safety concerns to address.

APPENDIX

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](#)

Policy CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy N17: Landscape Character – General Considerations

Other Material Considerations

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(March 2014\)](#)

Relevant Planning History

None relevant.

Views of Consultees

The views of the **Landscape Development Section** and **Highway Authority** have been sought and any comments received will be reported

Representations

None received.

Applicant/agent's submission

The application form, plans, planning statement and other supporting information (details of the Newcastle-under-Lyme Borough Council Income Project) can be inspected at the Guildhall and on the website that can be access by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/Plan/17/00315/DEEM3>

Background Papers

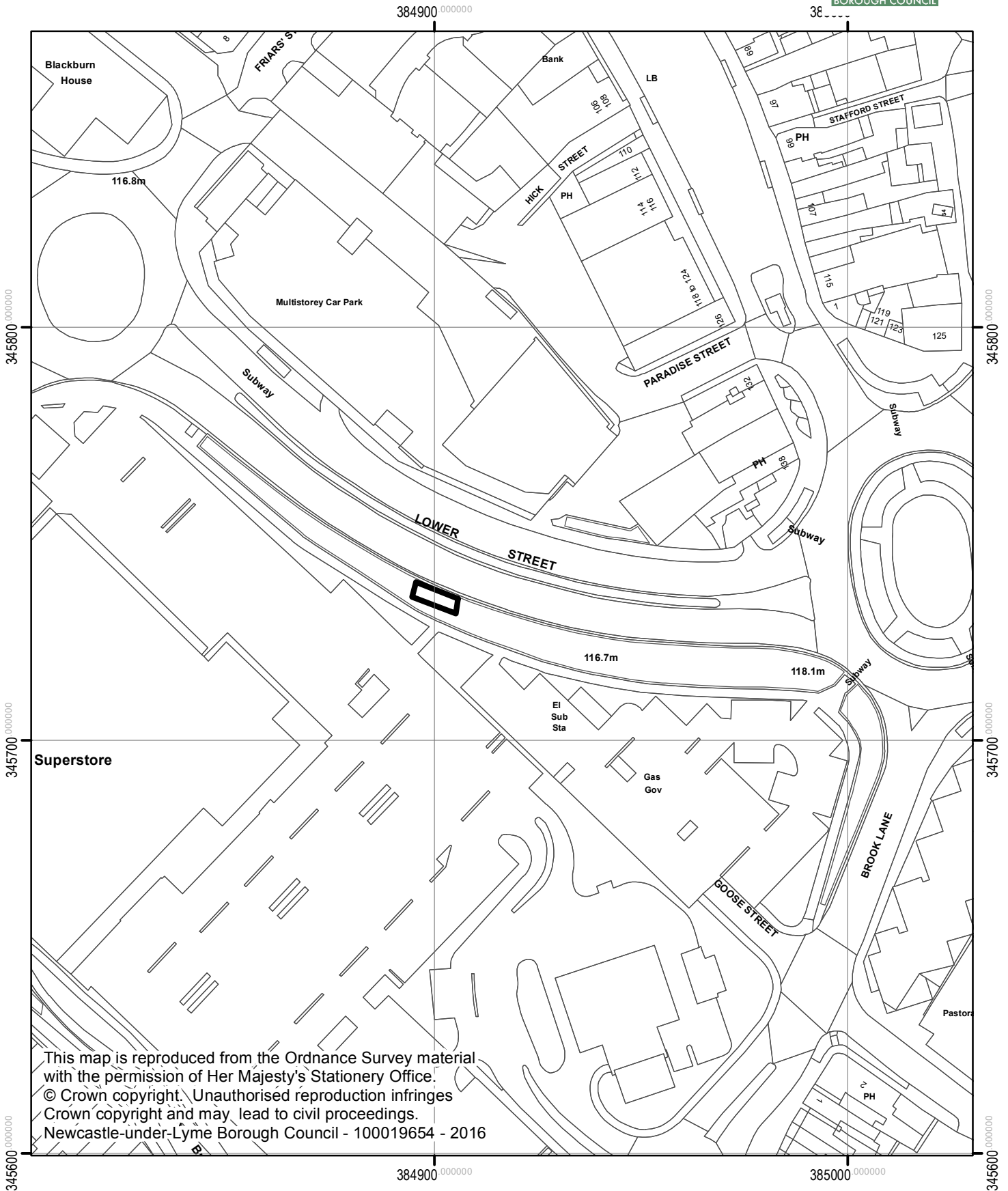
Planning File
Planning Documents referred to

Date Report Prepared

9th May 2017.

This page is intentionally left blank

Land at Lower Street, Newcastle.
17/00315/DEEM3



This map is reproduced from the Ordnance Survey material with the permission of Her Majesty's Stationery Office.
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to civil proceedings.
Newcastle-under-Lyme Borough Council - 100019654 - 2016

This page is intentionally left blank

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

Purpose of the Report

To provide Members with a quarterly report on the exercise by the Head of Planning 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 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 Section 106 obligations.

Introduction

The Committee, when resolving to permit an application subject to the prior entering into of a planning obligation, usually also agree to authorise the Head of Planning 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 be agreed where the Head of Planning 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 officers 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 applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought.

This report covers the period between 28th February 2017 (when the Committee last received a similar report) and the date of the preparation of this report (10th May 2017).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent agreed extensions, and extensions have been agreed with respect to some 8 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made “in time” insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned. As advised in the half yearly DM performance report submitted to the Committee at its meeting on 6th December 2016 (item 10), from the first quarter of 2017 the national performance regime will include performance with respect to applications for both Major and Non-Major development.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid 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 provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

In cases where extensions of the period within which an obligation may be secured have been considered appropriate your Officer's agreement to that has normally been on the basis of that should he consider there to be a material change in planning circumstances at any time short of the engrossment of the final document he retains the right to bring the matter back to the Planning Committee. Applicants are also asked to formally agree a parallel extension of the statutory period within which no appeal may be lodged by them against the non-determination of the application, and in most cases that agreement has been provided. An application determined within such an agreed extended period, provided that agreement is obtained prior to the expiry of the existing statutory period, is defined as one that has been determined as being determined "in time".

Details of the applications involved are provided below:-

(1) 16/00902/DEEM4 Land off Deans Lane and Moss Grove

This application, for outline planning permission for the erection of up to 50 dwellings, came before the Planning Committee on 6th December 2016 (at around week 5). The resolution of the Planning Committee included a time limit for the securing, by the 24th January 2017, of an undertaking regarding the provision of a planning obligation with respect to the provision of a visibility splay and an agreement providing obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities.

Neither obligation was completed by the 24th January – in the case of the agreement due to delays on behalf of the Council as the Local Planning Authority in providing instructions, and accordingly it was considered appropriate by your Officer to agree to extend the period, within which the obligations can be completed by, to the 14th March. That date passed without progress and the applicant since has agreed to extend the statutory determination period to the 8th June 2017.

Given that the delay is on the Local Planning Authority's side (in providing the required instructions) it would be unreasonable to "time out" the application, and in the absence of any material change in planning circumstances, and the current position with respect to instructions to the County Solicitor, your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 15th June. Renewed efforts are being made to progress the matter and a further report on progress may be able to be given to the meeting on the 23rd May

Some 27 weeks have now passed since receipt of the application.

(2) 16/00958/FUL M & S, Wolstanton Retail Park, Newcastle

This application, for a variation of condition 3 of the original planning permission 11/00611/FUL, came before the Planning Committee on the 4th January 2017. The resolution of the Committee was that subject to the applicant entering into planning obligations by no later than the 12th February, that preserve the Borough and the City Council's position in relation the obligations secured prior to the grant of planning permission 11/00611/FUL, the application was to be permitted subject to various conditions.

The 12th February passed without either of the Deed of Variations of the previous legal agreements being completed. Your officer agreed two further periods for the completion of the Deed of Variations to the 5th March and the 12th March due to the substantive progress made and the draft Deeds of Variation being in circulation at that time.

Both of the Deeds of Variation were completed on the 14th March and in the circumstances a decision notice of approval was issued on the 6th April 2017.

The decision was issued in this case some 20 weeks after receipt of the application.

(3) Land off Eccleshall Road, Loggerheads. Newcastle Borough council. 16/00866/DEEM4

This application, for outline planning permission for the erection of up to 55 dwellings, came before the Planning Committee on 2nd February (at around week 15). The resolution of the Planning Committee included a time limit for the securing, by the 3rd March 2017, of an undertaking regarding the provision of a S106 agreement providing obligations relating to on-site affordable housing, the provision and long-term management of on site public open space and payment of a contribution towards education facilities.

The 3rd March passed without the completion of the agreement due to delays on behalf of the Council as the Local Planning Authority in providing instructions, and accordingly it was considered appropriate by your Officer to agree to extend the period to the 21st April. This date passed without completion of the agreement.

Given that the delay is on the Local Planning Authority's side (in providing the required instructions) it would be unreasonable to "time out" the application, and in the absence of any material change in planning circumstances, and the current position with respect to instructions to the County Solicitor, your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 15th June. Renewed efforts are being made to progress the matter and a further report on progress may be able to be given to the meeting on the 23rd May.

Some 29 weeks have now passed since receipt of the application.

(4) Application for Major Development - Audley Working Mens Club, New Road, Bignall End. Sandycroft Construction Ltd. 16/01036/FUL

The application for the variation of condition 2 of planning permission 15/00692/FUL originally came before the Planning Committee on the 2nd February (at around week 8). The resolution of the Planning Committee included a time limit for the securing, by the 3rd March 2017, to preserve the Council's position in respect to obligations entered into in respect of 15/00692/FUL which secured a review mechanism of financial contributions if the development is not substantially commenced within 12 months from the date of the decision.

However, following the committee resolution the applicant indicated that a substantial commencement of the development was unlikely to be achieved within 12 months from the date of the previous decision. Therefore an item of Urgent Business came before the 28th February Planning Committee and it was resolved to extend the date by which substantial commencement must be achieved to the 27th July 2017 (to avoid the reappraisal requirement), and the date by which the agreement (Deed of Variation) had to be completed by being amended to the 3rd April 2017.

The 3rd April passed without the Deed of Variation being completed and a further extension to the period was agreed to the 26th April. The Deed of Variation was completed on the 12th April but the decision notice is still to be issued due to negotiations with the applicant regarding conditions.

Some 21 weeks have now passed since receipt of the application.

(5) 16/01107/OUT Land at Selbourne, Ashley

The application for outline planning permission for the erection of 2 dwellings came before the Planning Committee on 28th February (at around week 7). The resolution of the Planning Committee included a time limit for the securing, by the 31st March 2017, of an undertaking regarding the provision of a S106 agreement providing an obligation relating to a contribution towards public open space.

The 31st March passed without the completion of the obligation but it was completed on the 11th April. Taking into account the limited overrun and the absence of any material change in planning circumstances in the interim your officer agreed that the period for completion of the Section 106 period could be extended (to the 11th April). The decision notice on the application was issued "in time" on the 25th April 2017.

The decision was issued in this case some 15 weeks after receipt of the application

(6),(7) & (8) Barnes Hall, Keele University. University of Keele. 16/01014/FUL, Horwood Hall, Keele University. University of Keele. 16/01016/FUL & Lindsay Hall, Keele University. University of Keele. 16/01015/FUL

These three full planning applications came before the Planning Committee on 21st March (at around week 16). Details of what the applications were for were contained within the agenda reports for that meeting

The resolutions of the Planning Committee, with respect to all three applications, included a time limit for the securing, by the 6th May 2017, of an obligations relating to financial contributions towards travel plan monitoring, the provision of real-time travel information and a Toucan signal controlled crossing on Cemetery Road.

Although progress has been made since the Committee with the submission of a draft Unilateral undertaking the 6th May has passed without its completion whilst it is considered by the two Council's solicitors, and there are ongoing discussions between the two applicants and their solicitors about its terms. It has yet to be submitted in a completed and signed form. Having taken into account the progress already made by the applicants, that they have been awaiting responses from the 2 Councils, and the lack of any material change in planning circumstances, your Officer has agreed to extend the period within which the planning obligation may be completed – to the 26th May

Some 23 weeks have now passed since receipt of the application.

Date Report prepared

10th May 2017

APPEAL BY MISS ANNETTE WESTWOOD AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR THE ERECTION OF A NEW 3 BEDROOM DWELLING AT LAND OFF LOVERS LANE, HOOKGATE, MARKET DRAYTON

<u>Application Number</u>	16/00644/FUL
<u>LPA's Decision</u>	Refused by delegated powers on 28th September 2016
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	20th March 2017

The Inspector found the main issue to be whether the occupants of the proposed development would have acceptable access to shops, community facilities, employment opportunities and other services.

In dismissing the appeal, the Inspector made the following comments:

- The Council accepts that it does not have a five year supply of deliverable housing sites. Accordingly, the policies relating to the supply of housing are therefore not up-to-date when considered in relation to Paragraph 49 of the Framework. By reason of them not being up-to-date and not consistent with the Framework, limited weight is attached to these policies in the determination of the appeal. Where relevant policies are out of date, the advice in Paragraph 14 of the Framework is applicable. This advises that planning permission should not be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or unless specific policies in the Framework indicate development should be restricted.
- The site is between 1.6km and 1.7km from the nearest village of Loggerheads which contains various shops and services. The roads leading from the site to the village are unlit and do not have footways and given the narrow width of Lovers Lane, it is unlikely to be used often by the occupants of the dwelling for access to the village by walking or cycling, particularly during dark mornings and evenings.
- The appellant argues that there is a public footpath network within proximity of the site that provides direct access to the village. Taking the public footpath route, the site is approximately 1.3km from the village. However, the route crosses fields in places and therefore would unlikely be frequently used, particularly so in inclement weather. It is reasonable to conclude therefore that occupiers of the development would be reliant on the use of private vehicles to access basic facilities and services such as shops, schools, health services and employment. Although some of the journeys would be relatively short, given the poor accessibility, they are likely to be frequent.
- Paragraph 55 of the Framework promotes sustainable development in rural areas, providing it would enhance and maintain the vitality of rural communities. However, it also restricts isolated homes in the countryside unless there are special circumstances. The Inspector was not satisfied that there are any special circumstances that would justify the development.
- The proposal represents a new isolated dwelling within the open countryside in an unsustainable location, relying heavily on car transport, for which there are no special circumstances and therefore fails to comply with the sustainability objectives of the Framework.
- The proposal would offer economic and social benefits, albeit limited, by way of the occupants of the dwelling utilising local shops and services. It would also make a positive but limited contribution to the existing shortfall in housing provision in the borough.
- The Inspector concluded that the isolated location of the site and the unacceptable accessibility to shops, community facilities, employment facilities and other services significantly and demonstrably outweighs the social and economic benefits including the contribution it would make to the shortfall in housing supply and the use of previously developed land. The appeal is dismissed.

Recommendation

That the decision be noted.

APPEAL BY RENEW LAND DEVELOPMENTS LIMITED AGAINST THE DECISION OF THE COUNCIL TO REFUSE OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 128 DWELLINGS AT TADGEDALE QUARRY, MUCKLESTONE ROAD, LOGGERHEADS

<u>Application Number</u>	15/00015/OUT
<u>Recommendation</u>	Approval subject to prior securing of various planning obligations
<u>LPA's Decision</u>	Refused by Planning Committee 12th January 2016, following site visit
<u>Appeal Decision</u>	Appeal allowed and planning permission granted
<u>Costs Decision</u>	Application for a partial award of costs against the Council - refused
<u>Date of Appeal and Costs Decisions</u>	22nd March 2017

The appeal decision

The full text of the appeal decision is available to view via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/15/00015/OUT>

(as an associated document) and the following is only a brief summary.

The Inspector concludes that the main issues in this case are:

- i. Whether the proposed development would be sufficiently accessible, by a choice of means of transport, to jobs and services in the surrounding area;
- ii. Whether sufficient information has been submitted regarding ground conditions to demonstrate that the site is suitable and deliverable for housing development as proposed; and
- iii. The balance, having regard to relevant national and local policies, between any benefits and any harm which may arise from the proposal.

In allowing the appeal, the Inspector makes the following comments:

Policy context

- The proposal would conflict with Saved Policy H1 of the Local Plan (LP) and Policies SP1 and ASP6 of the Core Spatial Strategy (CSS).
- The Council has accepted that it can only demonstrate between 1.90 and 3.97 years supply of specific, deliverable sites for housing development. In such circumstances, paragraph 49 of the Framework requires that relevant policies for the supply of housing should not be considered up to date. As they guide and restrict the locations in which housing should be developed, Saved Policy H1 and Policies SP1 and ASP6 all constitute relevant housing policies in this context.
- Furthermore, the village envelopes referred to in Policies H1 and ASP6 were originally defined in the context of a Plan which was not intended to meet housing needs beyond 2011. The lack of a 5 year land supply indicates that they are incompatible with the aim set out in the Framework of boosting significantly the supply of housing. The limit of 900 dwellings in Policy ASP6 is not based on any up to date assessment of housing needs. As they restrict housing development in some settlements and prevent others from expanding, irrespective of the sustainability impacts of individual proposals, H1 and ASP6 are at odds with the Framework and limited weight is attributed to them.

- Policy SP1 of the CSS also forms part of a strategy which the Council has indicated is undeliverable however it does not preclude steps being taken to boost the supply of housing outside the urban areas. Moderate weight is attributed to this Policy.
- As relevant housing policies are out-of-date, paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- The proposed Stoke-on-Trent and Newcastle-under-Lyme Joint Local Plan is at a very early stage and it carries very limited weight.
- The Framework stresses the importance of neighbourhood planning to local communities. However, it is likely to be some time before the Draft Loggerheads Neighbourhood Plan completes its statutory processes. Due to its early stage it carries limited weight.

Transport accessibility

- The appeal site is located just outside the village of Loggerheads which is designated as one of the 3 key rural service centres in the district. The village centre provides a Co-op food store and several other services.
- Whilst the walking route to the village centre crosses several highways, except for the A53 these are not sufficiently busy to present substantial barriers to pedestrian movement. To facilitate the crossing of the A53, a new pedestrian crossing and speed reduction measures would be provided. Whilst there are gradients along the route from the site to the village centre they are not excessive. The route would also benefit from a proposed pedestrian refuge and link to the proposed dwellings at the southern end of the appeal site, and adequate lighting and footways. Cycling would also be a practicable alternative for trips from the site to various locations in the area.
- A large proportion of children living within the proposed dwellings would be likely to use St Marys CE Primary School due to their location within its catchment area. Whilst the route to this school along Rock Lane is pleasant when the weather is good, it is also unlit, isolated and poorly surfaced in places and involves crossing Eccleshall Road. Whilst the 'walking bus' may be re-instated this would rely on various factors such as the availability of volunteers.
- However, it is noted that a high proportion of the pupils of St Marys CE Primary School currently travel from outside its catchment and a large proportion of these trips are likely to be by motorised transport. Trips from the appeal site to the school would be likely to be shorter than many of the journeys made by out-of-catchment children.
- All services within the village would be closer to the dwellings than the distance of 2km referred to in Manual for Streets and identified as a 'preferred maximum' for schools in the Institution of Highways and Transportation document 'Guidelines for Journeys on Foot'. The distances are indicative only and no guidance concerning walking distances to services has been set out in national planning policy since the former Planning Policy Guidance 13: Transport was replaced in 2012 and even that did not set firm thresholds.
- None of these points mean that these documents are immaterial to the decision and the references made to them are noted.
- In terms of access to services such as bulk food and comparison goods shopping, most evening entertainment, secondary and further education and hospital visits, occupiers of the proposed development would rely on trips outside Loggerheads. However, there is a range of food shopping available only about 8km away at Market Drayton and many shopping and other services available both there and in Newcastle town centre, to and from which there are regular daytime buses.
- Occupiers of the proposed development would also, however, rely heavily on daily commuting trips to work locations outside Loggerheads. The length of bus journeys to many employment locations combined with the walk at the beginning and end of each day is likely to discourage bus use.
- Whilst the Framework Travel Plan is likely to reduce single car occupancy commuting to some extent, its effects in this regard are likely to be limited.

- In summary, the proposal would be sufficiently accessible to a range of services and would reduce reliance of St Marys CE Primary School on out of catchment children. It would also, by providing a safer and more convenient pedestrian crossing across the busy A53 close to Loggerheads village centre, help encourage walking within the village. However, its heavy reliance on private car use for daily commuting trips, together with the distance likely to be covered by these, lead to the conclusion that it would conflict to some extent with the provisions of Policy SP3 of the CSS and the Framework related to this matter.

Ground Conditions

- Much of the appeal site constitutes a former sand and gravel quarry which was used for landfill between the 1930s and 1990s.
- Interested parties have set out a case that the proposals are based on a lack of understanding of the extent and nature of contamination within the site. The Environment Agency (EA) indicates that it has no objections in principle to outline planning permission being granted subject to conditions. Given its role as a statutory consultee with a remit covering land contamination issues, the advice of the Agency must carry substantial weight.
- Although the EA raised concerns about the Appellant's Phase II Geo-Environmental Site Investigation, their concerns related to whether the information was sufficient to justify the discharge of its recommended conditions, rather than to the question of whether outline permission should be granted. The fact that the EA considers it necessary to impose conditions does not indicate that the development would cause excessive risk to the environment.
- Further risks to the delivery of the proposed development have been raised, including the extensive works that will be required and the costs of those works, but none of the points mean that the proposal is not deliverable in principle. It is considered likely that some of the development at least on the southern part of the site where less re-contouring would be required could be completed within 5 years of outline permission being granted.
- Sufficient information has been submitted regarding ground conditions to demonstrate that the site is suitable and deliverable for housing development as proposed. The proposal would not conflict with the development plan in relation to this matter and would be consistent with the relevant provisions of the Framework and PPG.

Other considerations

- The Council has questioned how much of the site satisfies the definition of previously developed land (PDL) in Annex 2 of the Framework. The transport depot appears to fall within the definition in annex 2 and there is little evidence to show that the housing needs of the Borough can be met without greenfield sites being developed. The proposal as a whole would not be inconsistent with the encouragement given to the re-use of PDL in the Framework and Policy SP1 of the CSS.
- The Parish of Loggerheads Housing Needs Assessment (HNA) identifies that the permitted potential supply of housing in Loggerheads equates to 9.8 years of demand. However the Framework requires housing land supply issues to be assessed over a housing market area as a whole i.e a much broader area.. Whilst the HNA refers to housing projections for the Borough, both these and the HNA will be subject to further assessment as the proposed Joint Local Plan and Loggerheads Neighbourhood Plan progress. The findings of the HNA do not outweigh the shortage in the 5 year supply which is identified within the Borough.
- The development would generate substantial traffic movements however there is no substantive evidence that there would be resultant harm to highway safety and the proposal would lead to the removal of movements of hgvs associated with the current transport depot use..
- The eastern edge of the appeal site can be seen from the grounds of the Grade II Listed Building at White House Farm, however this is a considerable distance to the east of the site and mature landscaping and other buildings exist along the boundary

of the site. As a result, the proposal would not adversely affect the setting of White House Farm.

- With the exception of its south eastern tip, the boundaries of the site are not contiguous with the current built up area of Loggerheads. In plan form the site would protrude notably into the countryside from the existing settlement and the proposal would have an urbanising effect. However, it would secure the removal of the HGV yard and buildings and any permission would be subject to approval of details of design, layout and landscaping. The proposal as a whole would have a neutral effect on the character and appearance of the area.

Planning obligation

- The submitted planning obligation includes provisions relating to affordable housing, open space, education and sustainable transport.
- The affordable housing, open space and education elements satisfy Regulation 122 of the Community Infrastructure Levy Regulations . The education contribution would also comply with Regulation 123.
- The obligation also requires the owner to pay a sum of £6,300 to Staffs County Council to cover the costs of monitoring the submitted Travel Plan. The submission of reports demonstrating progress against targets set out in the Travel Plan can be required by condition and the highway authority activities such as those required to monitor reports would be part of its normal functions. This element does not satisfy the test of being necessary to make the development acceptable in planning terms set out by Regulation 122.
- The obligation also requires the owner to pay a sum of £5,000 to SCC to be used for the provision of access to the primary school by sustainable modes of transport which is an important part of the overall planning balance and this element of the obligation would meet the Regulation 122 tests.
- The obligation also requires the owner to pay to the County Council a County monitoring fee of £437.50. It is not clear how this money would be spent on activities which fall outside the County's normal monitoring functions and therefore the Inspector was not satisfied that it would meet the Regulation 122 tests.

Planning balance and conclusion

- The proposal would make a substantial contribution of up to 128 dwellings to the housing land supply and as a result would make a notable contribution to the Government's objective of significantly boosting the supply of housing, within a district which currently lacks a 5 year deliverable supply of sites.
- There is no substantial evidence that the shortfall in the Council's housing land supply will be addressed in advance of the proposed new Joint Local Plan which is unlikely to be in 2019. Any large sites brought forward via the Local Plan process may also have substantial 'lead in' timescales. These points emphasise the benefits of bringing forward the appeal site at the current time.
- 25% of the dwellings would be affordable which would make a substantial contribution to meeting the need for such housing in the Borough. It could also help to meet the needs of households in Loggerheads. The proposal could contribute to providing a mixed and inclusive community.
- Substantial weight is attributed to the contribution that the proposal would make to widening the choice and availability of housing in the area.
- Limited weight is attributed to the increase in household retail expenditure which is likely to be modest compared to overall expenditure flows. Construction jobs and spending is attributed limited weight as they would be for a temporary period.
- The proposed development would make a notable contribution to pupil numbers in local schools but there is no evidence that the schools would otherwise be unviable so limited weight is attributed to this.
- The proposed development would result in the further investigation and remediation of a contaminated former landfill site which is considered to carry limited weight as

the evidence does not show that the site poses a substantial risk to public safety of the environment in its current form.

- Whilst the proposal would provide public open space and play facilities, these would be primarily to meet the needs of its future residents rather than the wider community and so limited weight is given to this.
- Against the proposal it is found that due to its heavy reliance on car use for daily commuting trips and the distance likely to be covered by these, it would conflict to some extent with national and local policies relating to sustainable transport. However, it would be sufficiently accessible to a range of services.
- Having regard to these findings, it is not considered that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits of doing so. The proposal would contribute to the economic and social dimensions of sustainable development and whilst it would have adverse environmental effects it would also lead to environmental benefits including the remediation of the contaminated site.
- Whilst the proposal would conflict with some aspects of the development plan, material considerations, including the positive outcome of the balancing exercise required by paragraph 14 of the Framework, indicate that permission should be granted. Taking account of these points, the proposal would constitute sustainable development and the appeal is allowed.

The Costs Decision

The Costs decision letter records the submission by the appellants and the response by the Council. The letter is available in full to view via the above weblink. The case for the appellants was made on the following grounds:-

- The Council's decision is *inconsistent* with its officer's advice and members had no reasonable grounds to disagree with officer advice.
- The appellant's evidence on accessibility was based on nationally recognised thresholds which had informed many appeals, and the Council did not cite any alternative nationally recognised standards against which to judge the proposal.
- The Council's approach is *inconsistent* with its approval of development on Mucklestone Road (the Muller site) (15/00202/OUT) and the recommendation of its officers to approve a development at Eccleshall Road (16/00866/DEEM4). Having approved the Muller scheme it was not open to Members to *reasonably* refuse the appeal proposal on transport accessibility grounds.
- The decision to refuse permission was *inconsistent* with its identification of the appeal site as being developable for housing in its Strategic Housing Land Availability Assessment (SHLAA) documents, the Site Allocations and Policies Local Plan Issues and Options Paper (2012) and the Stoke-on-Trent and Newcastle-under-Lyme Joint Local Plan Issues Consultation Document (2016). One of the key tests in determining whether a site should be included within a SHLAA is whether the site is accessible
- The Council's refusal of permission was *ill-founded and unjustified*. Loggerheads is a designated rural service centre which it has identified as having a wide range of services and being in an accessible location.

The Council's response included that:-

- The proposed development would conflict with the Development plan and that it was a matter of judgement whether other material considerations would outweigh the conflict with the development plan and the Council's approach was *reasonable*
- The assessment of accessibility is *not an empirical or scientific exercise*. Members came to a different view based upon on *local knowledge*
- *Evidence was presented* by the Council to demonstrate the sustainability and accessibility issues, there was a need to correctly differentiate between policy guidance and those referred to by the appellant

- The SHLAA made no particular finding on accessibility and the assessment of accessibility within that process is not comparable with the *exercising of planning judgement* in the context of a planning application by experienced members,
- In comparing sites and decisions it is necessary to recognise the spatial differences between them

In refusing the application for a partial award of costs against the Council, the Inspector made the following comments:

- The proposed development would conflict with Saved LP Policy H1 and Policies SP1 and ASP6 of the CSS and these conflicts are sufficient to mean that the proposal would not accord with the development plan as a whole. Whilst this does not mean that the Council's decision was reasonable, it indicates that it could justifiably withhold permission unless it considered that material considerations indicated otherwise.
- Although Council officers recommended approval on several occasions, and the highway authority raised no objections, the assessment of a proposal's accessibility by sustainable modes of transport is a matter of judgement. The guidance referred to by the appellant is of an indicative nature which should be taken into account alongside other material considerations
- The Council has also brought evidence to support its reason for refusal. For example it has shown that many of the proposed dwellings would be further from facilities in the village centre than the distance referred to in Manual for Streets as typically characterising a walkable neighbourhood, and that they would all be further than the distance of 1000m from the nearest primary schools which is referred to as 'acceptable' by the Institution of Highways and Transportation. It was able to present evidence to demonstrate that Loggerheads has some weaknesses with regard to distances to higher order settlements, the distances involved in most daily commuting journeys from Loggerheads, and that they involve single occupancy car trips. .
- The accessibility of the development to jobs and services would have similarities with the Muller site and the site off Eccleshall Road but the Council has brought evidence to show that the appeal site is further from the village centre and bus stops on the A53 than either of those sites and that although it is closer to St Marys CE School, it is further from Hugo Meynell School.
- The SHLAA report states that the sites identified have only been subject to preliminary assessment and it is also noted that the list of sites was clearly intended to be subject to further consideration following consultation on its contents. The inclusion of the site in the 'long list of strategic sites for potential allocation as part of the 2012 Issues & Options paper did not constitute a clear commitment from the Council that the site is suitable for development.
- Whilst the Council has acknowledged that journeys to some work locations and services outside Loggerheads could be made using the bus services, it has also presented a reasonable case that most occupiers of the proposed dwellings are likely to only make limited use of these services.
- Although the Council has clearly accepted in other cases that relevant housing policies are out of date and should be given reduced weight, this did not make it inevitable that it should grant permission in this case, particularly given the approach in the Framework of maximising the use of sustainable transport solutions. This is even taking account of the approach in paragraph 14 of the Framework that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- Having regard to all these points, is the Inspector concludes that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Your Officer's comments

In allowing the appeal, the Inspector acknowledged that the occupiers of the dwellings would be likely to rely heavily on car use for daily commuting trips and that the proposal would conflict to some extent with national and local policies relating to sustainable transport.

However, he concluded that it would be sufficiently accessible to a range of services and overall he considered that the adverse impacts would not significantly and demonstrably outweigh the benefits of the scheme, particularly its contribution towards widening the choice and availability of housing in the area.

The Inspector's conclusions regarding the submitted planning obligation are of note. In particular, he considered that the requirement for a travel plan monitoring sum did not satisfy the relevant CIL tests on the grounds that in his view, the monitoring of such reports would be part of the normal functions of the highway authority. In addition, regarding the requested County monitoring fee he was not clear how this money would be spent on activities which fall outside the County's normal monitoring functions and therefore he did not consider that it would meet the CIL tests. By virtue of the actual wording of the S106 agreement, given the comments of the Inspector, the developer will not be required to pay either the Travel Plan monitoring fee or the County monitoring fee.

The appeal decision was sent to the Highway Authority's officers and lawyers and they maintain the view that both requests are reasonable and meet the CIL tests. They have made reference to another appeal decision in which the travel plan monitoring sum was considered appropriate.

Of note in the Costs decision letter is that although the Council's decision was contrary to the advice of its officers, the Inspector concludes that the assessment of a proposal's accessibility by sustainable modes of transport is a matter of judgement. Importantly, the witness who gave evidence on behalf of the Council presented a reasonable case and the Inspector was satisfied that the Council had brought sufficient evidence to support its reason for refusal (although he was not convinced by that evidence). Furthermore, the Inspector was satisfied that the Council was able to distinguish sufficiently between the location of the appeal site and the location of other sites in Loggerheads that had been permitted, so as not to have acted unreasonably.

This page is intentionally left blank

Planning Committee site visit dates for 2017/18

It has been the practice of the Committee to annually agree a programme of dates upon which Planning Committee site visits will be held, should such visits be agreed to be necessary at a meeting of the Committee.

Although Council is yet to formally agree at Annual Council the Municipal Calendar for 2017/18 the likely dates of Planning Committee meetings, to which Development Management items are likely to be brought, are known. It is recommended that the Committee should now agree, as they did in April last year, to a programme of dates upon which the Planning Committee visits will be held during the 2017/18 municipal year. Members are reminded that the policy of the Committee is that in the event of a site visit being held, only members who have attended the site visit may then take part in the discussion and determination of the application which has been the subject of the site visit.

Date of Planning Committee at which decision to hold a site visit is made	Date of site visit	Time of site visit
Tuesday 23 May 2017	Thursday 15 June 2017	6.15pm
Tuesday 20 June 2017	Thursday 13 July 2017	6.15pm
Tuesday 18 July 2017	Thursday 10 August 2017	6.15pm
Tuesday 15 August 2017	Thursday 7 September 2017	6.15pm
Tuesday 12 September 2017	Saturday 7 October 2017	9.15am
Tuesday 10 October 2017	Saturday 4 November 2017	9.15am
Tuesday 7 November 2017	Saturday 2 December 2017	9.15am
Tuesday 5 December 2017	Saturday 16 December 2017	9.15am
Wednesday 3 January 2018	Saturday 27 January 2018	9.15am
Thursday 1 February 2018	Saturday 24 February 2018	9.15am
Tuesday 27 February 2018	Saturday 24 March 2018	9.15am
Tuesday 27 March 2018	Thursday 19 April 2018	6.15pm
Tuesday 24 April 2018	Thursday 17 May 2018	6.15pm
Tuesday 22 May 2018	Thursday 14 June 2018	6.15pm
Tuesday 19 June 2018	Thursday 12 July 2018	6.15pm

In the event of any additional meetings of the Planning Committee, to which Development Management items are brought, being held, it will be necessary in the event of the meeting agreeing to defer an item for a site visit, to also agree at that meeting an appropriate date and time for that site visit

Recommendation

That the above list of dates and times for possible Planning Committee site visits for 2017/18 be agreed

