

Public Document Pack

Date of meeting Tuesday, 15th August, 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** (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 - 44)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE BAPTIST CHURCH. GAVIN DONLON. 17/00162/FUL** (Pages 45 - 52)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER BRISTOL STREET FORD GARAGE, LONDON ROAD, NEWCASTLE. ADOBE RESIDENCIES. 16/01106/FUL** (Pages 53 - 70)
- 7 **APPLICATION FOR MAJOR DEVELOPMENT - THE HOMESTEAD, MAY PLACE, NEWCASTLE. WILMOT PARTNERSHIP HOMES LTD. 17/00310/FUL** (Pages 71 - 76)
- 8 **APPLICATION FOR MAJOR DEVELOPMENT - SITE OF FORMER EX-SERVICEMEN'S CLUB, HEATHCOTE STREET, CHESTERTON. ASH GREEN HOLDINGS LTD. 17/00417/FUL** (Pages 77 - 86)

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| 9 | APPLICATION FOR MINOR DEVELOPMENT - HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH. MS S THORLEY. 17/00434/FUL | (Pages 87 - 94) |
| 10 | APPLICATION FOR MINOR DEVELOPMENT- 8 BARFORD ROAD, NEWCASTLE. MR A MOSS. 17/00483/FUL | (Pages 95 - 104) |
| 11 | APPLICATION FOR OTHER DEVELOPMENT - LAND BETWEEN 33 AND 48 HIGH STREET, NEWCHAPEL. TELEFONICA LTD AND CTIL. 17/00548/TDET | (Pages 105 - 110) |
| 12 | FIVE YEAR HOUSING LAND SUPPLY STATEMENT FOR THE BOROUGH OF NEWCASTLE-UNDER-LYME FROM 1 APRIL 2017 TO 31 MARCH, 2022 | |
| | Report and Statement to follow | |
| 13 | DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2016/17 | (Pages 111 - 116) |
| 14 | ANNUAL REPORT ON PLANNING AND RELATED APPEALS | (Pages 117 - 126) |
| 15 | REVIEW OF THE LIST OF LOCAL VALIDATION REQUIREMENTS | (Pages 127 - 186) |
| 16 | APPEAL DECISION - 57 BERESFORD CRESCENT, NEWCASTLE. 17/00020/FUL | (Pages 187 - 188) |
| 17 | APPEAL DECISION - 5 HIGH STREET, ROOKERY. 16/00738/OUT | (Pages 189 - 190) |
| 18 | TREE PRESERVATION ORDER- PARKHOUSE INTERCHANGE, PARKHOUSE ROAD WEST, CHESTERTON. TPO 181 | (Pages 191 - 192) |
| 19 | TREE PRESERVATION ORDER - WOODLAND OFF JAMAGE ROAD TO THE SOUTH OF ARBOUR FARM, TALKE. TPO 183 | (Pages 193 - 194) |
| 20 | 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, Heesom, Northcott, Panter, Proctor (Chair), Reddish, Simpson, Spence (Vice-Chair), Sweeney, S Tagg, G White, G Williams, J Williams and Wright

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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.

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PLANNING COMMITTEE

Tuesday, 18th July, 2017
Time of Commencement: 6.30 pm

Present:- Councillor Bert Proctor – in the Chair

Councillors Burgess, Fear, Holland, Northcott, Panter, Reddish, Simpson, Spence, Sweeney, S Tagg, G Williams, J Williams, Winfield and Wright

Officers Guy Benson, Geoff Durham, Jennet Hough, Rachel Killeen, Elaine Moulton and Darren Walters

Also in attendance Simon Hawe - Senior Engineer Local Development Projects, Staffordshire County Council.

1. APOLOGIES

Apologies were received from Councillors Hambleton, Heesom and White.

2. DECLARATIONS OF INTEREST

Councillor Northcott declared an interest in application 16/01101/FUL as he was personally known to three of the landowners. However it was not a pecuniary interest.

Councillor John Williams stated that the Cross Heath Ward Members had attended a pre application meeting for application 17/00281/FUL. That meeting, however, made no decisions.

3. MINUTES OF PREVIOUS MEETINGS

Resolved: That the minutes of the meetings held on 20 and 22 June, 2017 be agreed as correct records.

4. APPLICATION FOR MAJOR DEVELOPMENT- ORCHARD HOUSE AND 35 CLAYTON ROAD, NEWCASTLE. BAC O'CONNOR. 17/00194/OUT

Resolved: (a) That, subject to the applicant entering into a Section 106 Planning Obligation by the 18th August 2017 securing 25% Affordable Housing onsite and a financial contribution of £2,943 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Lyme Valley Parkway,

The application be permitted subject to the undermentioned conditions:

- (i) Condition to reflect outline nature of part of the application;

- (ii) Time limit for submission of any approval of reserved matters and for commencement
 - (iii) Approved plans and documents;
 - (iv) No.35 Clayton Road to be converted in accordance with the submitted drawings and such works not to be undertaken except in association with the larger development subject of the outline planning permission;
 - (v) Reserved matters application to include a detailed surface water drainage scheme (SuDS);
 - (vi) Finished floor levels set no lower than 112.98m above Ordnance Datum (AOD);
 - (vii) Full details of improvements to the existing access;
 - (viii) Submission and approval of a Construction Vehicle Management Plan;
 - (ix) Submission and approval of a parking strategy, swept path drawings and surfacing materials/ drainage;
 - (x) Reserved matters application to include replacement Planting for the loss of tree T2 and any other trees lost;
 - (xi) Submission and approval of a detailed Tree Survey;
 - (xii) Submission and Approval of Arboricultural Method Statement to BS5837:2012;
 - (xiii) Tree Protection Plan;
 - (xiv) Design measures to control internal noise levels;
 - (xv) Submission and approval of a Construction Environmental Management Plan;
 - (xvi) Full Land Contamination measures;
 - (xvii) Recyclable materials and refuse storage details;
 - (xviii) Drainage Details – foul and surface water;
 - (xix) Adherence to Recommendations of the ecological report and supplementary reports for certain species; and
 - (xx) Reserved matters application to include mitigation measures for protected species
- (b) Should the obligations referred to above not be secured within the above period, Head of Planning given delegated authority to refuse the application on the grounds that without such an obligation the development would fail to secure an acceptable provision of adequately maintained public open space and an appropriate level of affordable housing or, if he considers it appropriate, to extend the time period within which the obligation referred to above can be secured.

5. APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF MEADOW WAY, BALDWINS GATE. BELLWAY HOMES (WEST MIDLANDS). 16/01101/FUL

Proposed by Councillor Northcott and Seconded by Councillor Fear.

Resolved: That the application be deferred for a site visit on Thursday 10 August, 2017 at 5.15pm.

6. APPLICATION FOR MAJOR DEVELOPMENT - LAND AROUND WILMOT DRIVE ESTATE, LOWER MILEHOUSE LANE, NEWCASTLE. KIER LIVING LTD. 17/00281/FUL

- Resolved:** (a) That, subject to the applicant entering into a Section 106 obligation by 25th August 2017 to secure the following:
- (i) A financial contribution of £60,000 (index linked) for the provision/maintenance of a Multi-Use Games Area (MUGA) to be paid prior to commencement of development
 - (ii) A travel plan monitoring fee of £6,430 to be paid prior to commencement of development
 - (iii) Off-site highway works involving improvements to the signalised junction of Lower Milehouse Lane with 'Morrisons' store entrance (expected to be around £30,000)
 - (v) Management agreement for the long-term maintenance of the public open space on the site
 - (vi) A commuted off-site affordable housing contribution amounting to whatever remains of the £996,000 when i, ii, and iii, are deducted (index linked) to be paid in three equal payments which is to be ring-fenced for five years for Aspire Housing Ltd
 - (vii) The review of the financial assessment of the scheme, if there is no substantial commencement (which will be defined in the obligation) within a period, yet to be advised, of the grant of planning permission, and additional affordable housing contributions then being made, up to a policy compliant level, if the scheme is evaluated at that time to be able to support such a contribution.

The application be permitted subject to the undermentioned conditions:

- (i) Standard time limit
- (ii) Approved plans
- (iii) The reporting of unexpected contamination
- (iv) Controls over the importation of soil/material
- (v) Submission and implementation of a remediation scheme
- (vi) Construction and Environmental Management Plan (addressing environmental and highway safety)
- (vii) Controls over piling
- (viii) Internal and external noise levels
- (ix) Landscaping scheme to include additional trees, the number of each species of tree, reinforcement planting to fill any gaps adjoining the western and northern site boundaries and in front of the proposed retaining wall to mitigate the loss of trees and vegetation arising from the development and to soften the appearance of the wall.
- (x) Providing fencing and a gate to the access to the substation.
- (xi) Provision of suitable boundary treatments where gardens back onto the cycle/footpath
- (xii) Off-site improvements to the signalised junction of Lower Milehouse Lane and the Morrisons store.

- (xiii) Surfacing of driveways prior to occupation.
- (xiv) Travel Plan
- (xv) Prior approval of the rear boundary treatment to plots 163-164
- (xvi) Prior approval of a gate to the substation on Breedon Close
- (xvii) Prior approval of the precise facing materials
- (xviii) Surface water drainage details to be provided in accordance with approved details.

(b) Should the matters referred to in (i), (ii), (iii), (iv), (v) and (vi) above not be secured within the above period, Head of Planning given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure an appropriate level of affordable housing, the provision and management of public open space, and measures to ensure that the development achieves sustainable development outcomes, and without a review mechanism there would be no up to date justification for a development with no policy compliant affordable housing provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

(c) Ward Cllrs to be consulted on receipt of any details pursuant to condition that requires submission and approval of play equipment details

7. APPLICATION FOR MAJOR DEVELOPMENT - FORMER SAVOY CINEMA/METROPOLIS NIGHTCLUB, HIGH STREET,NEWCASTLE. MODULTEC. 17/00174/FUL

- Resolved:**
- (i) That Officers now to write to the appellant to confirm that the obligations referred to in the recommendation that was provided to the Planning Committee on 25th April 2017 are required by the Local Planning Authority;
 - (ii) That in preparing the Council's Statement of Case, officers include reference to these above requirements; and
 - (iii) That should the appellant seek before the appeal is determined to enter into a Section 106 agreement with the Council containing such obligations, officers have the appropriate authority to enter into such an agreement.

8. APPLICATION FOR MINOR DEVELOPMENT - LAND OFF HIGHFIELDS COURT, CLAYTON. HULME UPRIGHT. 16/00943/FUL

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

- (i) It has not been demonstrated that the proposed development can be constructed without harm to or the loss of visually significant trees and that satisfactory living conditions can be provided for the occupants of the development without the

pruning or felling of trees which would be harmful to the undeveloped, unspoiled attractive wooded character of the site contrary to policy.

- (ii) The site has been identified as having high ecological value and it has not been demonstrated, through appropriate survey and assessment of the impact and the mitigation measures necessary to minimise such impact, that such value will not be unacceptably eroded.

9. **APPLICATION FOR MINOR DEVELOPMENT - SITE ADJ ST MICHAEL'S PRESBYTERY LIVERPOOL ROAD, CROSS HEATH. NEWCASTLE BOROUGH COUNCIL. 17/00489/DEEM3**

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

- (i) Approved plans
- (ii) Highway method statement to address installation and maintenance of the sign.

10. **APPLICATION FOR MINOR DEVELOPMENT - LAND AT JUNCTION WITH A34 LINLEY ROAD, TALKE. NEWCASTLE BOROUGH COUNCIL. 17/00490/DEEM3**

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

- (i) Approved plans
- (ii) Highway method statement to address installation and maintenance of the sign.

11. **APPLICATION FOR MINOR DEVELOPMENT - MONKEY TREE COTTAGE, HEIGHLEY LANE, KNOWLE BANK, AUDLEY. MR ALAN BRAYFORD. 17/00335/FUL**

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

- (i) Approved plans
- (ii) Prior approval of an lighting scheme (to prevent light pollution and maintain dark skies in this rural location).

12. **APPLICATION FOR MINOR DEVELOPMENT - EARDLEY HALL KENNELS, CROSS LANE, AUDLEY. MR TIM JONES. 17/00425/FUL**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form
- (iv) Demolition of existing reception and storage building within 3 months from the occupation of the new kennels
- (v) Landscaping scheme to include replacement tree planting

(vi) Noise mitigation measures

13. **APPLICATION FOR MINOR DEVELOPMENT - 15 MORSTON DRIVE, CLAYTON. MR & MRS EVANS. 17/00472/FUL**

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

- (i) Standard time limit for commencement of development.
- (ii) Approved plans
- (iii) Hours of use
- (iv) Refuse storage and collection arrangements.

14. **APPLICATION FOR OTHER DEVELOPMENT - NEW WOODHOUSE FARM, APEDALE ROAD, WOOD LANE. MR & MRS G PROCTER. 17/00457/FUL**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form
- (iv) Removal of permitted development rights for extensions, external alterations and outbuildings.

15. **APPLICATION FOR OTHER DEVELOPMENT - OAK LODGE, MUCKLESTONE WOOD LANE, LOGGERHEADS. MR G SPENCER. 17/00396/FUL**

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

- (i) Standard time limit
- (ii) Approved plans
- (iii) Materials as per approved plans and application form unless otherwise agreed by the Local Planning Authority.

16. **QUARTERLY REPORT ON PROGRESS ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED**

Resolved: That the report be received.

17. **REPORT ON OPEN ENFORCEMENT CASES**

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

18. **APPEAL DECISION - SMITHY COTTAGES, BAR HILL, MADELEY**

Resolved: That the decision be noted

19. **APPEAL AND APPEAL COSTS DECISION - OFFLEY ARMS PUBLIC HOUSE, POOLSIDE, MADELEY**

Resolved: That the decisions be noted.

20. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - ST MARY AND ALL SAINTS CHURCH, WHITMORE**

Resolved: That a grant of £531, for repairs to stonework on the tower and gutter cleaning be approved subject to the appropriate standard conditions.

21. **URGENT BUSINESS**

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 8.50 pm

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

16/01101/FUL

The 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.

The application site lies outside the village envelope of Baldwin's Gate and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 4.62 hectares. Part of the public open space comprising a proposed balancing pond lies within the Chorlton Moss Local Wildlife Site.

The 13 week period for the determination of this application expired on the 23rd March 2017.

A decision on this application was deferred at the meeting of the Committee held on 18th July to enable Members to visit the application site. This report has been revised principally to take into account new material received since the previous report was prepared.

RECOMMENDATION

Subject to the applicant entering into a Section 106 obligation by 22nd September 2017 to secure the following:

- i. A contribution of £436,706 towards the provision of education facilities at Baldwin's Gate Primary School and Madeley High School
- ii. Provision of 16% of the dwellings as affordable units
- iii. A financial contribution of £334,650 towards the off-site provision of the equivalent of 9% of the number of dwellings as affordable units
- iv. A financial contribution of £291,357 towards off-site public open space improvement and maintenance
- v. A travel plan monitoring fee of £6,430
- vi. Management agreement for the restoration and long-term maintenance of part of the Chorlton Moss LWS
- vii. Management agreement for the long-term maintenance of the open space on the site

Permit subject to conditions concerning the following matters:

1. Standard time limit
2. Approved plans
3. Construction management plan
4. Surfacing of driveways in a bound material and sustainably drained
5. No occupation of the dwellings until a vehicular entrance on Meadow Way has been constructed
6. Implementation of Travel Plan
7. Contaminated land
8. Hours of construction
9. Internal and external noise levels
10. Arboricultural Method Statement
11. Tree Protection Plan
12. Details of special engineering within Root Protection Areas
13. Landscaping scheme
14. Submission of a detailed surface water drainage scheme,
15. Development in accordance with the Flood Risk Assessment
16. Development in accordance with the recommendations of the Site Investigation report
17. Details of the disposal of surface water and foul sewage
18. Completion of improvements to the local sewage works prior to occupation (as detailed further on in this report)
19. Boundary treatments
20. Materials
21. Upgrading of the public right of way

B) Should the matters referred to in (i), (ii), (iii), (iv), (v),(vi) and (vii) 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 matters being secured the development would fail to secure appropriate provision for required education facilities, an appropriate level of affordable housing, the provision and management of public open space both on and off site, appropriate management of the Local Wildlife Site and 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

In the context of the Council's inability to demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, it is not appropriate to resist the development on the grounds that the site is in within the rural area outside of a recognised rural service centre. The adverse impacts of the development - principally the impact on the Chorlton Moss Local Wildlife Site – do not significantly

and demonstrably outweigh the benefits of the development, particularly when account is taken of the benefits of securing a management agreement for part of the Moss, and accordingly permission should be granted, provided the contributions and affordable housing and the management agreements indicated in the recommendation are secured by planning obligations.

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

Additional information has been requested and provided where necessary to progress the determination of the application.

Key Issues

1.1 Full planning permission is sought for the demolition of existing buildings, the erection of 97 houses and 2 bungalows, access, parking and amenity space.

1.2 The application site, of approximately 4.62 hectares in extent, is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Baldwin's Gate.

1.3 Part of the public open space comprising a proposed balancing pond lies within the Chorlton Moss Local Wildlife Site.

1.4 Representations have been received stating that the proposed development would be contrary to the developing Neighbourhood Development Plan, Whitmore Village Design Statement & Whitmore Parish Plan. The Neighbourhood Plan is a draft document that has not completed its statutory processes (indeed that draft has yet to be consulted upon) and therefore it is not yet part of the Development Plan. At present therefore it can be given very limited weight.

1.5 The Whitmore Parish Plan is a document that was produced by the Parish Council with no input from the Borough Council. It summarises the views and wishes of the people of the Parish at the time (in April 2005) and although it may well have been the subject of considerable local consultation, it has not been subject to the rigorous procedures of wider consultation, justification and challenge which a Supplementary Planning Document has to go through, has not been adopted by the Borough Council, and accordingly has no formal status in the planning system so it must be considered to be of very limited weight. A further factor that has a bearing on what weight could be given to it is the question of how much it complies with the NPPF. It appears to your officer that it far from accords with the NPPF – for example in its approach to housing development, and its lack of an evidence based approach. It is useful as a statement of local opinion but no more. The Whitmore Village Design Statement was prepared jointly by the Borough Council and the Parish Council in 2002, and adopted as Supplementary Planning Guidance at that time. As such it could have some weight, but again the fact that it dates from over 11 years ago and is based upon policies in the previous version of the Newcastle Local Plan all suggest that it cannot be given more than limited weight.

1.6 Representations have been received expressing concern that the planning application should not be determined due to a restocking notice served on the landowner following the felling of trees on part of the application site. The Notice, which was served by the Forestry Commission under the Forestry Act 1967, requires the landowner to restock the felled area before 30th June 2018. The landowner has lodged an appeal against the Notice. The Restocking Notice and the consideration of the appeal is a separate matter to the determination of this planning application and if the planning permission were to be granted, it would supersede the Notice. The existence of the Notice does not therefore prevent the determination of this planning application.

1.7 Taking into account the development plan, the other material considerations indicated above and the consultation responses received, it is considered that the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Is the loss of agricultural land acceptable?
- Would the development impinge unduly upon levels of residential amenity within adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves?
- Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?
- Would there be any issue of flood risk or impact on sewage capacity?
- Would there be adverse impact upon any nature conservation interests?
- Is affordable housing required and if so how should it be delivered?
- Will appropriate open space provision be made?
- What planning obligations are considered necessary and lawful?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

2.1 The application site lies within the Rural Area of the Borough, outside of the village envelope of Baldwin's Gate, in the open countryside.

2.2 Core Spatial Strategy (CSS) Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

2.3 CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

2.4 Furthermore, NLP Policy H1 only supports housing in limited circumstances - principally within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

2.5 Baldwin's Gate is not identified in the CSS as one of the Rural Service Centres. It is identified as a village and the CSS indicates that no further growth is planned for the villages and efforts will be made to ensure existing services and activities within the villages are protected. The site is not previously developed land.

2.6 In terms of open market housing, the development plan indicates that unless there are overriding reasons, residential development in villages other than the Rural Service Centres is to be resisted according to CSS Policy ASP6. The adopted strategy is to allow only enough growth to support the provision of essential services in the Rural Service Centres.

2.7 In conclusion, this site is not one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwellings would not serve an identified local need.

2.7 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

2.8 The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore is set out in paragraph 14 of the NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the*

policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

2.9 The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

2.10 Representations have been received referring to a Housing Needs Assessment (HNA) Report for the Neighbourhood Area (which includes Baldwin's Gate) which concludes that an appropriate range of new housing in that Area during the plan period 2013-2033 is between 50 and 100 dwellings. It states that completed and outstanding residential permissions since 1 Jan 2013 count towards fulfilment of the identified housing need and to date 144 dwellings have been permitted in the Neighbourhood Area since 1 Jan 2013. It is the case however, that at this stage, little weight can be given to any supporting evidence to the Joint Neighbourhood Plan as it is likely to be some time before the Neighbourhood Plan completes its statutory processes. The Draft Neighbourhood Plan is not yet available nor has its evidence base been subject to consultation or to any proper scrutiny by an Examiner. Consequently any evidence prepared in support of the Plan may be subject to further changes and therefore it is considered that at this stage, the documentation carries limited weight. Regard should be paid to the findings of the Inspector in relation to the Tagedale Quarry appeal determined in March of this year (Ref. 15/00015/OUT). In considering the Draft Loggerheads Neighbourhood Plan and the weight that could be given to the associated Housing Needs Assessment, the Inspector advised that the Framework requires housing land supply issues to be assessed over the housing market area as a whole i.e. over a much broader area. Whilst the HNA referred to housing projections for Newcastle-under-Lyme Borough, the Inspector commented that both these and the HNA would be subject to further assessment as the proposed Joint Local Plan and the Loggerheads Neighbourhood Plan progress. Critically the findings of the HNA were not considered to outweigh the shortage in the 5 year land supply which was currently identified within the Borough.

2.11 In sustainability terms, although the site is outside the village envelope of Baldwins Gate, which in any event is not one of the Rural Service Centres identified in the Core Spatial Strategy, your Officer considers that the village represents a relatively sustainable location. It has a primary school, village hall, public house, doctor's surgery, and two shops within walking distance of the site and an hourly bus service linking the towns of Newcastle, Hanley, Market Drayton and Shrewsbury. It is considered therefore that the village is well served by local services and that public transport provision is reasonable. It is the case that the occupiers of the proposed dwellings will be able to access certain services and facilities within walking distance and will also have a choice of modes of transport. Top-up shopping for example, would be obtainable from within the village and accessible from the application site by foot or cycle. It is acknowledged that the bus service does not operate in the evenings or on Sundays but it is considered that the bus service would provide an alternative for those without access to a car for certain trips. There are bus stops within walking distance of the application site.

2.12 Baldwin's Gate has over the years been the subject of several planning appeals where the Local Planning Authority's position as to whether or not it is a sustainable location for residential development has been considered. Three different Inspectors have taken the view that Baldwin's Gate has sufficient facilities to justify a description of a "sustainable location". In particular, and most recently, in allowing an appeal for up to 113 dwellings on Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT), the Inspector concluded that although Baldwin's Gate performs less well than other, larger settlements in terms of accessibility and range of facilities, it can be regarded as a reasonably sustainable location.

2.13 Although this site is outside the village envelope, it would still be close to existing facilities. The centre of the site would be approximately 270m from the primary school, approximately 750m from the village shop, and approximately 400m from the nearest bus stops. The national recommended distance for a suitable walking distance from a property to a bus stop is 400m and Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot.

2.14 These points undoubtedly weigh in favour of a conclusion that in terms of access to some facilities and a choice of mode of transport, the site can be described as being in a sustainable location. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental.

2.15 The applicant's agent states that social benefits are the contribution towards the supply of deliverable housing land and towards meeting the area's affordable housing needs. He states that economic benefits are the provision of construction jobs and the contribution of the increase in population to the local economy. In terms of the environmental dimension, the agent states that the site is well situated within a low lying part of the village and contained by existing development and landscaping, it would have no impact on flooding and the proposed landscaping would contribute to biodiversity.

2.16 It is the case that the development would undoubtedly create associated construction jobs and the construction of housing in the rural area in a district that does not have a five year supply of housing. The development would fulfil a social role by delivering a mix of market housing and affordable housing in the rural area and the issue of the environmental impact of the scheme will be considered fully below.

3. Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?

3.1 The application is for full, rather than outline, planning permission. CSS Policy CSP1 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 pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

3.2 The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF and therefore, can be given weight. Section 10.1 of the SPD indicates that the aims for development within, or to extend, existing rural settlements are

- a. *To respond to the unique character and setting of each*
- b. *Development should celebrate what is distinct and positive in terms of rural characteristics and topography in each location*
- c. *Generally to locate new development within village envelopes where possible and to minimise the impact on the existing landscape character*

3.3 RE5 of the SPD states that new development in the rural area should amongst other things respond to the typical forms of buildings in the village or locality and that new buildings should respond to the materials, details and colours that may be distinctive to a locality.

3.4 R12 of that same document states that residential development should be designed to contribute towards improving the character and quality of the area. Proposals will be required to demonstrate the appropriateness of their approach in each case. Development in or on the edge of existing settlements should respond to the established urban or suburban character where this exists already and has a definite value. Where there is no established urban or suburban character, new development should demonstrate that it is creating a new urban character that is appropriate to the area. R13 states that the assessment of an appropriate site density must be design-led and should consider massing, height and bulk as well as density. R14 states that developments must provide an appropriate balance of variety and consistency.

3.5 A mix of 1, 2, 3, 4 and 5-bed dwellings are proposed with a mix of detached, semi-detached and townhouses proposed. All the dwellings would be 2-storey. The Design and Access Statement states that the site would comprise three character areas which would have differing spatial characteristics

to create distinctive environments. A corridor of public green space is proposed centrally to promote views outwards of the site towards open countryside.

3.6 There is a mix of dwelling size and style in the area. To the west of the site, Meadow Way and Pasture Close comprise a mix of 2-storey detached dwellings and bungalows. Fairgreen Road to the north is characterised by relatively modern detached dwellings and to the south-west of the site there are larger detached dwellings in spacious plots on the Lakeside Close development. Residential patterns vary within the village and densities vary between 8 and 17 dwellings per hectare. The Gateway Avenue development that is currently under construction has a density of 26 dwellings per hectare. The density of the proposed scheme here would also be approximately 26 dwellings per hectare.

3.7 The materials would comprise three different but complementary facing brick types and roof tiles and ivory render to ensure variety but a consistency of style. Detailing would be simple and unfussy with gable features, bay windows, brick soldier courses and canopies. Double-frontage dwellings are proposed at prominent locations, providing focal points and features to enhance legibility through the development. Properties would be set back from the pavement to allow for limited frontage landscaping. Parking would be provided in front of or to the side of dwellings, with some dwellings also provided with a garage.

3.8 In consideration of the scheme at the pre-application stage, MADE's Design Review Panel considered that the way that the analysis of the site and its opportunities and constraints had been used to inform the main structure and features on the site was a sound and logical response. They considered that the area that needed to be focussed on was creating a sense of place within the design which it was felt was lacking at that time mainly due to conventional road design and distribution of houses along them. The Panel suggested that more thought be given to using local design features found in the older parts of the village, e.g. chimneys, porches, window details and materials.

3.9 Your Officer's view is that given the variety of dwelling size, density and style currently in the village, the proposed scheme both respects local character and optimises the potential of the site to accommodate development. The proposed development would achieve a mix of housing types and would help to deliver a wide choice of homes and create a sustainable, inclusive and mixed community as required by the NPPF. Notwithstanding the views of MADE, it is considered that the design of the dwellings and the materials' palette proposed would provide a consistency throughout the site and would also provide sufficient articulation and focal points to create variety and interest in the streetscene. The layout and density of the proposed scheme and the proposed house types reflect local character and it is considered that the proposal would be acceptable in terms of its design and impact on the form and character of the area.

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

3.11 The site is located to the south-east of Baldwin's Gate adjacent to the existing built form. To the north and west there is existing residential development, to the north-west is Baldwin's Gate Primary School and to the south there is an extensive area of woodland. To the east of the site is open countryside. There are a number of public rights of way in the vicinity including one along the northern boundary of the site to the rear of the gardens on Fairgreen Road, which then runs along the West Coast Main Line, and others to the south and south-west of the site.

3.12 A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application. It concludes that whilst localised views will be adversely affected by the development, it will blend with the existing village in longer distance views and additional landscaping will soften and blend the development into the existing village edge form.

3.13 The site abuts the existing village edge and the existing residential development surrounding the site on two sides, and views from the south are limited due to the extensive woodland. Although some

longer distance views would be gained from public rights of way, the development would be viewed against the backdrop of the existing village and the proposed landscaping would assimilate the proposals into the landscape. Overall, it is considered that the development would have limited effect on the wider landscape character.

4. Is the loss of agricultural land acceptable?

4.1 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

4.2 The best and most versatile land is defined as that which lies within Grades 1, 2 and 3a. An Agricultural Land Quality Assessment based upon a field survey has been submitted with the application which concludes that the majority of the site comprises Grade 3b agricultural land (moderate quality) with three small areas (0.7ha) of better drained, raised ground comprising Grade 2 agricultural land (very good quality).

4.3 The paragraph of the NPPF referred to above refers to 'significant' development of agricultural land but no definition of 'significant' is provided. In this case the Grade 2 agricultural land is in three small parcels, the largest of which extends to 0.4ha divided across two pasture fields. The other two parcels are located on a small area of higher ground at the north of the site surrounded by lower land of Grade 3b quality and surrounding a group of farm buildings. The submitted Assessment states that the small pockets of Grade 2 land are scattered across the site and cannot be farmed separately from the dominant Grade 3b land. The waterlogged soils will limit the choices of cropping and agricultural land use across the site and the Assessment concludes that whilst the site contains a small quantity of best and most versatile agricultural land, it cannot be exploited to its full potential and will be farmed to reflect the dominant Grade 3b land.

4.4 Your Officer considers that given the relatively small amount of the site that comprises best and most versatile agricultural land and given its dispersed nature, it cannot be concluded that its loss would have any significant adverse impact.

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

5.1 One of the core planning principles of the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

5.2 The Crewe to Stafford Railway Line (West Coast Mainline) runs to the north of the site to the other side of the dwellings on Fairgreen Road but at the north-eastern corner of the site there is a view of the railway line in a partial cutting. A Noise Report which accompanies the application recommends particular design measures and solid garden fencing for those plots in the north-eastern corner of the site. For the remainder of the site acceptable noise levels are achieved.

5.3 The Environmental Health Division has no objections to the proposal subject to the imposition of conditions including a requirement for further noise assessment and appropriate mitigation measures.

5.4 With respect to the interrelationship of the proposed dwellings with the existing properties, it is considered that sufficient distance would be achieved to comply with the Council's Space Around Dwellings SPG.

5.5 The proposed dwellings would generally provide amenity areas which comply with the lengths/areas recommended in the SPG. Although there are a limited number of dwellings that have a garden length or area marginally less than the recommended figures, the level of private amenity space would be sufficient for the family dwellings proposed.

5.6 Overall, it is not considered that a refusal could be sustained on the grounds of adverse impact on residential amenity.

6. Would the proposed development have any adverse impact upon highway safety and does it provide appropriate pedestrian access to village facilities?

6.1 The site would be accessed by extending Meadow Way into the site. This would require the demolition of No. 1, Pasture Close which would enable Meadow Way to be diverted south of the existing pumping station. In addition, an emergency vehicle and pedestrian access would be provided at the north-eastern corner of the site from Fairgreen Road. The use of this access by vehicles would be controlled by means of removable bollards.

6.2 Concerns have been raised by residents on the grounds that the junction of Meadow Way with the A53 is poor and that due to its restricted width, Meadow Way is not suitable for development or construction traffic. It is also stated that Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised and concerns are expressed that the proposal will add to the traffic and safety problems in Baldwin's Gate.

6.3 The application is accompanied by a Transport Assessment (TA) which states as follows:

- Meadow Way and Tollgate Avenue have sufficient width to accommodate the additional traffic that would be generated.
- The proposed development is not expected to add to levels of on-street parking and the volume of traffic generated by the scheme is not expected to give rise to a significant impact on the free and safe movement of traffic or pedestrians in the area.
- The available visibility splays at the junctions of the A53 with Meadow Way and Tollgate Avenue are appropriate to the prevailing 30mph speed limit and measured 85th percentile vehicle speeds on the A53. The geometry of these junctions is therefore considered suitable to accommodate the development.
- Available records of personal injury accidents show that there is no evidence of any road-safety related issues immediately adjacent to the site.
- The proposed development would have no material impact on the surrounding highway network.
- All key junctions within the local area would be more than capable of accommodating forecast traffic flows with the proposed development in place.
- The impact of the development during the construction phase has been considered and preliminary proposals for the management and mitigation of these impacts have been presented in the form of an outline Construction Traffic Management Plan.

The Assessment concludes that the proposed development can be satisfactorily accommodated by the adjacent transport network and that there are no issues that would prevent a suitably conditioned detailed planning consent from being granted.

6.4 The Highway Authority initially commented that the TA as originally submitted was inadequate and that insufficient data had been submitted to support the proposal. A revised TA has been submitted and the Highway Authority raises no objections to the application subject to the imposition of conditions.

6.5 Although representations have been received on the grounds that the junction of Meadow Way and the A53 is poor in both visibility and geometry, the Highway Authority accepts the conclusion in the TA that all key junctions within the local area would be more than capable of accommodating forecasted traffic flows with the proposed development in place. They comment that whilst in reality vehicles could use Tollgate Way rather than Meadow Way, the traffic has been loaded onto the junction of Meadow Way and the A53 to ensure a robust assessment.

6.6 The TA also includes a detailed parking survey of the roads surrounding the site. The parking survey highlights that most of the parking associated with the school is concentrated around the school entrance and in the last 10 minutes of the morning peak hour. The Highway Authority considers that given the location of the application site, it is unlikely that the future occupants of the housing development will park outside the school.

6.7 Representations have been received raising concerns with regard to the impact of construction traffic on Meadow Way and a video has been submitted showing an HGV turning into roads serving the site. The applicant's Highway Consultant has also submitted track runs of various size vehicles turning into and out of the junction on Meadow Way. The information submitted shows that it is possible to use this junction albeit requiring vehicles to utilise the whole of the highway. The Highway Authority has no objections to this subject to a condition requiring a Construction Environment Management Plan (CEMP) which could ensure that any manoeuvres by large HGVs during construction are outside of school hours and under the supervision of a banksman. It should be noted that the Highway Authority have provided their advice (that they have no objections subject to various conditions) on the assumption that the peat will be treated on site and they have factored in the vehicle movements that they have been advised would be associated with such treatment and noted that these works would take place at an early stage and would thus be unlikely to significantly overlap with other construction related traffic.

6.8 The NPPF indicates (in paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst it is the primary responsibility of the LPA to either accept or reject advice from statutory consultees such as the Highway Authority, it has to understand the basis for doing so, and it is required to give thorough consideration to that advice. The Highway Authority does not raise objections to the application and your Officer's view is that subject to the imposition of conditions the impact of the proposed development on highway safety would not be severe and therefore an objection on such grounds could not be sustained.

6.9 In terms of accessibility to the services within the village, the dwellings at the eastern end of the site would be able to use either the pedestrian access to Fairgreen Road or the existing public footpath to the rear of the dwellings on Fairgreen Road. Whitmore Parish Council states that the public right of way is already unsuitable for the current levels of footfall due to its condition which causes it to be waterlogged following rainfall, difficult to negotiate and impassable in places. The Parish Council believes that the proposed development would exacerbate this situation and therefore the public right of way should be resurfaced.

6.10 It is the case that the public footpath requires some improvements to its surface and it is considered that linkages from the site to the village would help to reduce the requirement for residents to use their cars and would help to ensure a sustainable development. In respect of the ability of the developer to do such works, the public footpath is outside of their ownership, but the Highway Authority has the right, regardless of who owns the land, to provide an appropriate surface and they can consent to others – i.e. the developer – to undertake such works. A condition requiring works of improvement to the surface of the path would accordingly be reasonable. Whilst it is not considered that there is a highway safety case for such works, such upgrading should be secured on the grounds of achieving a sustainable form of development.

7. Would there be any issues of flood risk or sewage capacity?

7.1 A Flood Risk Assessment (FRA) submitted to accompany the application concludes that there is a minimal risk of flooding to the development from any nearby fluvial sources or from local drainage infrastructure. It states that the new surface water drainage systems will provide protection from surface flooding under the critical 100 year rainfall event and appropriate sustainable drainage systems will be included where practical to improve the quality of surface water run-off.

7.2 The Lead Local Flood Authority (LLFA) initially raised concerns regarding potential flood risk and surface water drainage for the site. Further information and analysis has been submitted and the LLFA now considers that the proposed development will be acceptable subject to a number of conditions requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the FRA and additional information submitted and development to be carried out in accordance with the recommendations of the Site Investigation Report.

7.3 The LLFA does however highlight that there will be wider implications as a consequence of the drainage works including peat removal, ground raising, location of the attenuation basin within the Chorlton Moss Local Wildlife Site and impact on the Moss of hydraulic changes to the groundwater. The impact on Chorlton Moss will be considered in detail below.

7.4 Concerns have been raised by residents on the grounds that the sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Severn Trent Water has now recommended a condition requiring that no dwellings are occupied until 1st May 2019 or until works to improve the local sewage works have been completed, whichever is the sooner.

7.5 Water utility companies have a legal obligation to provide developers with the right to connect to a public sewer regardless of capacity issues. The issue is that the right to connect can be exercised on 21 days' notice which is insufficient time for the sewerage undertaker to ensure that sufficient capacity exists. Severn Trent Water has referred in correspondence to the Barratt Homes Limited v Welsh Water Supreme Court Judgement (2009) which affirmed the use of Grampian (or negatively worded) conditions as an appropriate means of dealing with the management of new connections into the sewerage network. That Judgement stated as follows:

The planning authority can make planning permission conditional upon there being in place adequate sewerage facilities to cater for the requirements of the development without ecological damage. If the developer indicates that he intends to deal with the problem of sewerage by connecting to the public sewer, the planning authority can make planning permission conditional upon the sewerage authority first taking any steps necessary to ensure that the public sewer will be able to cope with the increased load. Such conditions are sometimes referred to as Grampian conditions after the decision of the House of Lords in Grampian Regional Council v Secretary of State for Scotland [1983] 1 WLR 1340. Thus the planning authority has the power, which the sewerage undertaker lacks, of preventing a developer from overloading a sewerage system before the undertaker has taken steps to upgrade the system to cope with the additional load.

7.6 Severn Trent Water has advised that it has strong concerns that if the proposed development is permitted before the necessary improvement works to the local sewage works are carried out, the system would become overloaded. Having considered the Supreme Court Judgement, your Officer's view is that a condition as recommended by Severn Trent Water would meet the necessary tests and should be imposed. Discussions have taken place between your Officer, Severn Trent Water and the applicant regarding the wording of the condition and the following is understood to be acceptable by all parties:

No dwelling within the development hereby permitted shall be occupied until 1st May 2019, or until works to improve the local sewage works so that they are able to accommodate the flows from the proposed development without increasing the risk of breaches to the discharge consent from that sewage works, have been completed in accordance with details to be submitted to and agreed beforehand in writing by the LPA, whichever comes first, unless otherwise agreed in writing with the LPA.

8. Would there be adverse impact upon any nature conservation interests?

8.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

8.2 Paragraph 118 goes on to state that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including the following:

- if *significant* harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

8.3 To the south of the site is Chorlton Moss Local Wildlife Site (LWS) which is one of only two raised bogs in Staffordshire, and is part of a wider network of Meres and Mosses. The applicant's contention is that whilst originally a wetland bog, the area has now become a woodland on peat substrate. Discussions have taken place between your Officers, Staffordshire Wildlife Trust (SWT), the applicant and their Ecology Consultants and additional information has been submitted during the course of the application including an addendum Ecology Report and a Management Plan for the LWS.

8.4 The proposed development includes the siting of a sustainable drainage feature (a drainage attenuation basin) within the LWS – a direct impact - and SWT objects to the proposal on a number of grounds including that the siting of the attenuation basin within the Moss is unacceptable and would not be compatible with raised bog restoration. The applicant's Ecologist has responded with the following points:

- The drainage attenuation basin is a wetland feature which can support a wet grassland/mire species composition
- Suitable mitigation has been proposed to prevent additional desiccation of the peat layer within the LWS (use of clay lining) and the basin would discharge into the surrounding peat deposit as it reached capacity
- The proposals would not reduce the volume of water reaching the LWS through the existing ditch along its northern boundary. Thus, the development proposals would not have a net adverse effect on ground water levels associated with the LWS.
- The development proposals would also result in impacts to peat substrate (losses) outside of the LWS boundary but it does not follow that impacts to the wider peat deposit will lead to further degradation of the LWS
- The hydrological function of the LWS would not be impeded. The volume of water 'charging' the peat deposit associated with the LWS would not be reduced as there would be no significant impact on flow rates associated with the ditches which feed the LWS
- The impact of the development on the LWS is the creation of a wetland feature within what is now scrub/woodland habitat which has developed on a raised bog accepted as being degraded. It cannot hold that this represents an adverse impact on Chorlton Moss LWS.

8.5 The submitted Management Plan identifies management initiatives to be delivered within the LWS and describes the measures which will be delivered in respect of restoring an area of acid grassland within the LWS if the Management Plan is secured. The broad management objectives are tree removal, restoration and maintenance of the acid grassland area, removal of non-native Rhododendron, maintenance of the new wetland area as a bog/open water mosaic, ditch blocking, installation of dip wells and undertaking of a hydrological survey/monitoring exercise. SWT state that whilst the restoration proposals are generally suitable in principle, they consider that the area is not large enough to compensate for complete loss of LWS grassland.

8.6 The size of the area to be restored is approximately 0.8ha which is nearly but not quite twice the size of the area of habitat loss. Although SWT states that the area should be increased to at least twice that of the area of marshy grassland to be lost, your Officer has been unable to find any reference to such a requirement in either planning policy or guidance on this matter. The measures proposed in the Management Plan are similar to those listed in a 2009 report that was produced following research and feasibility appraisal work funded by Natural England in respect of the management and restoration of this wetland feature, although the area involved is significantly smaller than then envisaged.

8.7 SWT states that there is no evidence within the agenda report for the 18th July Committee that the Natural England Standing Advice on irreplaceable habitats has been referred to or that the guidance checklist worked through. The Standing Advice issued jointly by Natural England and the Forestry Commission has been considered but it appears to relate to Ancient Woodland and Veteran Trees only. It is acknowledged that the principles of the Advice may apply equally to raised bogs in general, as an irreplaceable habitat, in that the LPA should consider whether the need for and benefits of the

development clearly outweigh the loss of and harm to the habitat. . The applicant's Ecologist considers that the Standing Advice is not relevant. They remind the authority that the land in question is not designated under statute – it is not a Special Area of Conservation (SAC) or SSSI because it does not meet the designation criteria.

8.8 SWT express concern that the applicant has not shown that the relocation of the SuDs basin or an alternative SuDS design is not possible. It is stated that impacts could be avoided and fully mitigated and that the proposed compensation is the last resort in the mitigation hierarchy. The applicant has provided information setting out that the attenuation basin is positioned as close to the existing watercourse as possible for reasons of levels and water quality treatment. The pond would not work hydraulically (i.e. it wouldn't fill up and hold water) if it was positioned far away from the outfall and also water run-off from the development must be stored and polished for a period of time before it is discharged into the watercourse. Your Officer accepts that the relocation of the SuDS is not feasible.

8.9 SWT expresses concern regarding the impact of the proposal on opportunities for future restoration of the wider Moss. They state that while the proposed management work would be positive, it could only be seen as partial restoration to prevent further deterioration and it could not constitute restoration of the habitat to active bog. The applicant's Ecologist responds by stating that all of the land is in private ownership and there is no obligation on the landowners to manage the land. Although a restoration strategy was funded by Natural England in 2009, the measures identified have not been implemented and it is asserted that the relevant landowners are not prepared to allow the implementation of the 2009 restoration strategy. They highlight that there is no foreseeable, real prospect of implementing a restoration strategy for the whole moss but that this application makes a commitment to deliver certain measures which would enhance part of the LWS.

8.10 It is the case that the proposed development would result in both direct and indirect impacts on the Chorlton Moss LWS. This must be considered to be a material consideration that weighs against the proposals. However, this is a degraded bog and the measures outlined in the Management Plan would provide some ecological enhancements in the LWS, which otherwise are extremely unlikely to be achieved, given the view of the landowner, and would go some way to mitigating against the adverse impacts. The development can therefore be seen as an opportunity to secure restoration of at least some of LWS to how it should be, and a Management Plan could be secured by a planning obligation. Whether the direct adverse impact on the LWS and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

8.11 Representations have been received regarding the removal/treatment of the peat on the site. It is stated that information has been received suggesting that the developer intends to treat the peat on site and stabilise the ground rather than removing the peat from the site. Concerns have been expressed that on-site treatment of the peat would have serious consequences for watercourses in the area and neighbouring wetland habitats and catastrophic consequences for the lowland raised bog habitat. Further information now provided details the quantity of peat that is expected to be treated, the options considered including removal off site (which was it is indicated rejected on cost and traffic grounds) and various mixing methods, and the preferred option – a particular stabilisation system that uses a binder powder, to form a structural foundation layer. A local example of its use at Doxey Road, Stafford is cited.

8.12 It is understood that this type of process is an insitu ground improvement technique that enhances the characteristics of weak soils by mechanically mixing them with a cementitious binder such as cement, fly ash, lime or bentonite, so as to in effect turn them into soft rock. The fact that the proposals might involve the on-site treatment of peat was listed as one of the options in the documentation viewed by consultees. No particular concerns have been raised by them as to the proposal. A literature search has not revealed any particular known offsite adverse implications from such procedures, that is any more than could be the result of normal construction activities unless appropriate precautionary measures are taken.

9. Is affordable housing provision required, if so how should it be delivered and is the type and siting of the affordable units acceptable?

9.1 CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of

25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

9.2 This application proposes 99 dwellings and at 25% provision for affordable housing, 25 affordable dwellings would be required. On this site a hybrid approach is proposed with 16% of the affordable housing obligation provided on site (16 dwellings in total) with the remaining 9% (9 dwellings) delivered by a commuted sum for provision elsewhere in the Borough. The applicant states that this approach is in line with the recently approved development on Gateway Avenue, Baldwin's Gate.

9.3 Paragraph 50 of the NPPF states that where they have identified that affordable housing is needed, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The Council's Developer Contributions SPD states that whilst affordable housing should be provided on the application site so that it contributes towards creating a mix of housing, where it can be robustly justified, off site provision or the obtaining of a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted. The SPD suggests that one of the circumstances where offsite provision may be appropriate is where the Council considers that "the provision of completed units elsewhere would enable it to apply the contribution more effectively to meet the Borough's housing need".

9.4 It is the case that in allowing the Gateway Avenue appeal (Ref. 13/00426/OUT) the Inspector accepted the proposed hybrid approach as appropriate on the grounds that the Council had no up-to-date needs survey for Baldwin's Gate to justify the 25% on-site provision and acknowledged the high level of need for such housing in other areas of the Borough.

9.5 The Council's Housing Strategy Section agrees that the proposed hybrid approach is appropriate and refers to the Council's most up-to-date needs information which is within the Strategic Housing Market Assessment for Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council (July 2015). The document apportions the net annual affordable housing need into sub areas and for the Rural South area (which includes Baldwin's Gate) the need is 9% of the overall Borough-wide need. The Housing Strategy Section considers that the proposed approach would allow both affordable housing need within the Rural South to be met along with provision where there is demonstrably greater need.

9.6 Your Officer concurs and it is considered that a proportion of the required affordable housing provision could be secured by means of a financial contribution to off-site provision. It is critical that calculation of the level of financial contribution fully takes into account the real difference between the costs of offsite and onsite provision, so that there is no financial benefit to the developer in proceeding in this way. The advice of the District Valuer has been received regarding the sum to be required and it has been calculated to be £334,650. Your Officer is satisfied that the sum is of broadly equivalent value to the cost to the developer of on-site provision.

9.7 In relation to house types, the Council's Affordable Housing SPD states that the starting point will be that developers would be expected to provide the affordable housing within a development across the same range of housing types as the market housing on a pro rata basis. It also states however that where there is an opportunity to provide for specific dwelling types where evidence indicates a particular need, this will be pursued. The affordable units would comprise a mix of 1, 2 and 3-bed units and the Housing Strategy Section considers that this is an appropriate range with greater emphasis on smaller properties which would assist a diverse range of households from single persons to starter families to meet their affordable housing need.

9.8 In terms of design and layout requirements the SPD states that to ensure the creation of mixed and integrated communities the affordable housing should be seamlessly integrated and distributed throughout the development scheme consisting of only small groups. It should not be distinguishable from market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials. It states that there should generally be no more than 10 affordable units in one cluster but states that there will be a certain degree of flexibility and that the Council will negotiate the distribution of the affordable dwellings across the site to ensure the creation of balanced and

sustainable communities whilst also taking into account housing management and overall site development issues.

9.9 In the plan as originally submitted, the affordable units were proposed in two groups in the north-eastern part of the site. Amended plans were subsequently submitted showing three clusters of affordable units with two clusters in the north-eastern part of the site and a smaller group adjacent to the rear boundary of the school playing fields. Your Officer remained concerned that the affordable units were not sufficiently distributed across the site and the developer responded by submitting revised plans showing a group of three units at the entrance to the site. The Housing Strategy Section considers that the affordable units are now sufficiently 'pepper-potted' across the site and your Officer is satisfied that the scheme accords with the SPD in that the units would not be distinguishable from the market housing in terms of location, appearance, levels of amenity space, privacy and build quality and materials.

10. Will appropriate open space provision be made?

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

10.2 An area of public open space is proposed in the southern part of the site incorporating a SUDs water feature and a diverted stream. The Design and Access Statement that accompanies the application states that it has been designed as a corridor orientated west to east to extend sight lines across and out of the site.

10.3 The Landscape Development Section has raised concerns that the area shown for public open space provides little meaningful public use and should be developed further.

10.4 The applicant has responded to state that the area of public open space proposed will provide amenity space for new residents as well as buffering the main part of the development from the Chorlton Moss Local Wildlife Site. A significant commuted sum of £2,943 per dwelling has been requested that will go towards improving the existing play facilities within Baldwin's Gate. It is stated that it has not been possible to re-design the area of open space due to the constraints of the site, namely the level changes between the proposed dwellings and the open space and the siting of the balancing pond adjacent to Chorlton Moss. The applicant also refers to the need to use land efficiently for housing development.

10.5 Although it is the case that part of the open space area proposed within the site would not be useable due to the location of the balancing pond, part of the area would be publicly accessible and it would provide an attractive amenity feature. The applicant has agreed to pay a financial contribution towards off-site public open space which would be used for improvements to the open space and play facilities at Whitmore Village Hall. It is not considered therefore that an objection could be raised to the open space provision that is proposed.

11. What planning obligations are considered necessary and lawful?

11.1 Section 122 of the Community Infrastructure Levy (CIL) Regulations states that planning obligations should only be sought where they meet all of the following tests:

- 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

11.2 The applicant has confirmed their willingness to agree to the provision of 25% affordable housing (16% on site with the remaining 9% delivered off-site). In addition, the Highway Authority has requested a travel plan monitoring fee of £6,430, the Landscape Development Section (LDS) has requested a contribution of £291,357 towards off-site public open space (£2,943 per dwelling) as indicated above and Staffordshire County Council as the Education Authority has requested a sum of £436,706 for both primary and high school places. As discussed above, it is considered necessary that a management agreement is required for the restoration and long-term maintenance of the Chorlton Moss LWS and in addition, for the long-term maintenance of the open space on the site.

These are all considered to meet the tests identified in paragraph 204 of the NPPF and are compliant with Section 122 of the CIL Regulations.

11.3 However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations. Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it is in respect of a specific infrastructure project or a type of infrastructure and five or more obligations providing for the funding for that project or type of infrastructure have already been entered into since 6 April 2010.

11.4 As indicated above Staffordshire County Council has requested an education contribution towards the provision of high school spaces - at Madeley High School. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a project to provide 2 additional classrooms, which will be attached to the dining room, which will also need to be expanded. Any subsequent planning obligations, including the one now being sought, will be for a different project or projects than mentioned above so compliance with Regulation 123 would be achieved. None of the other contributions raise the same issue.

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

12.1 In consideration of the above points, the development would result in some adverse impact on the Chorlton Moss Local Wildlife Site. A Management Plan for part of the LWS would be secured which would not otherwise occur. The proposal represents sustainable development which would make a sizeable contribution towards addressing the significant undersupply of housing in the Borough. It is considered therefore that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. It is therefore considered that the proposal accords with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF. On this basis planning permission should be granted provided the required contributions and obligations are obtained and appropriate conditions are used, as recommended.

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 SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
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 and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N8	Protection of Key Habitats
Policy N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
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

Whitmore Village Design Statement SPG (2002)

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

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

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

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

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

[Waste Management and Recycling Planning Practice Guidance Note \(2011\)](#)

Relevant Planning History

None

Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring the submission and approval of a Construction Environmental Management Plan, surfacing of driveways in a bound material and sustainably drained, and no occupation of the buildings until a vehicular entrance on Meadow Way has been constructed. A travel plan monitoring sum should be secured via a legal agreement.

The **Environmental Health Division** has no objections subject to conditions regarding hours of construction, construction environmental management plan, mud on roads, internal noise levels and contaminated land.

Staffordshire County Council as the **Rights of Way Authority** has advised that there is a public footpath which runs adjacent to the site and any planning permission given does not give the developer the right to divert, extinguish or obstruct any part of the public path.

The **Landscape Development Section** is concerned that the proposals encroach on the woodland of Chorlton Moss and that trees have been removed to clear the area of the proposed balancing pond. Chorlton Moss is a valuable woodland of high visual amenity and has been damaged by this action. The loss of the protective trees on the perimeter could lead to further losses through windthrow. It is acknowledged that in order to retain the ecological value of the moss, thinning of trees would be required to prevent the soils becoming too dry however this should be done as part of a considered management plan and take into account the amenity value of the woodland.

The area shown for public open space provides little meaningful public use and should be developed further. Public access should be improved and the area developed to provide alternative activities. Subject to this, no objection is raised in principle to the landscaping proposals although some shrub planting densities appear to be light and may need to be increased. Permission should be subject to conditions requiring provision of an Arboricultural Method Statement, Tree Protection Plan and details of special engineering within RPAs. A contribution of £291,357 is requested towards off-site public open space (£2,943 per dwelling) is requested which would be used for improvements to the open space and play facilities at Whitmore Village Hall.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. The development could add 20 primary-aged pupils, 13 high school aged pupils and 3 Sixth Form aged pupils. All schools are projected to be full for the foreseeable future and therefore a contribution is sought towards primary and secondary school provision. A contribution for 20 primary school places (20 x £11,031 = £220,620) and 13 high school places (13 x £16,622 = £216,086) is sought giving a total request of £436,706.

The **Crime Prevention Design Advisor** states that crime prevention has featured significantly as part of design considerations. The northern boundary where rear gardens will back onto the existing footpath is worthy of reconsideration. It would be better if the section of footpath behind plots 13-30 was re-routed through the development and incorporated into the rear gardens. If this is not possible, the garden boundaries should be reinforced externally with defensive planting.

Staffordshire County Council as **Minerals and Waste Planning Authority** states that the site lies within a Mineral Safeguard Area proposed in the new Minerals Local Plan. The minerals are superficial sand and gravel. The proximity of the development to the existing settlement means that it is unlikely that any underlying minerals could be worked in an environmentally acceptable manner in the foreseeable future. Therefore, no objection is raised.

Network Rail states that the proposal has the potential to impact upon Network Rail land and infrastructure via the surface water and foul water drainage proposals and therefore the developer will need to confirm matters relating to surface runoff and foul sewage to Network Rail. If a sustainable drainage and flooding system is to be included then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and its land. Reference is also made to Network Rail's right of access through the site.

The **Housing Strategy Section** states that the proposed 16% on site affordable housing and the 9% off site contribution split is acceptable allowing affordable housing need which arises within the Rural South to be met along with provision where there is demonstrably greater need. The mix of affordable rented and shared ownership is considered consistent with policy and an appropriate range of bedroom sizes with greater emphasis on smaller properties is proposed which would assist a diverse range of households to meet their affordable housing need. The space standards are appropriate and with regard to the amended plan, there would be sufficient 'pepper-potting' of the units across the site.

The **Lead Local Flood Authority** states that in their previous responses they raised a number of concerns regarding potential flood risk and surface water drainage for this site. Further information and analysis has been submitted and the consultants conclude that the risks can be adequately mitigated through engineering works and the drainage strategy that will be implemented. In summary:

- The channel and proposed culverts have sufficient capacity to avoid flood risk.
- Further analysis of the site topography has concluded that existing overland flow routes will be retained across surrounding land with ground and floor levels within the development raised to mitigate flood risk. The final boundary treatment at the attenuation pond will potentially impact on adjacent land drainage and the desired outcome would need to be agreed.
- The Site Investigation Report concluded that peat removal and replacement with engineered soils will be required to avoid instability and potential groundwater issues.
- Part of the site lies within the Chorlton Moss Local Wildlife Site (LWS) and the location of the attenuation basin within the designated area will result in the loss of some of this area. Development of this site could also impact the adjacent Chorlton Moss site indirectly through hydraulic changes to the groundwater. Staffordshire Wildlife Trust has raised concerns that the location of the SuDs pond within the Chorlton Moss boundary is inappropriate. Substantial measures will be required to address the potential issues and therefore conditions are recommended to ensure that these are carried out. There will be wider implications as a consequence of these measures that the LPA will need to consider when making their decision. Some of the wider implications that the LPA should take into consideration are as follows:
 - Waterlogged ground – the Site Investigation Report identified that peat removal and replacement will be required to avoid instability and potential groundwater issues. Whilst this will be necessary from a flood risk and drainage perspective it will require substantial movements of material to and from the site and ecological implications will need to be considered.
 - Ground raising – information indicates that ground levels and finished floor levels will be raised significantly in some areas which will aid drainage of the site by gravity and mitigate surface water flood risk. A continued overland flow route to the watercourse from the south has been demonstrated but the final form of the attenuation pond could have implications for land drainage and would need agreement.
 - Impact on the Chorlton Moss LWS as referred to above.
- Conditions are recommended requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the Flood Risk Assessment and development to be carried out in accordance with the recommendations of the Site Investigation report.

Severn Trent Water (STW) has no objections subject to conditions requiring drainage plans for the disposal of foul and surface water flows and requiring prior to occupation of the development completion of improvements to the local sewage works and associated ancillaries, which is expected by April 2020. Reference has been made to *Barratt Homes v Welsh Water UK Supreme Court Judgement (2009)*.

In response to comments of the applicant's agent on the issue of drainage conditions, the following further comments have been received:

- Similarly worded conditions have been applied in other areas within the Sewer Service Area over the last 7 years.

- The condition seeks to phase occupancy rather than commencement so it does not affect deliverability of the site, nor are STW trying to influence matters outside of the life of the planning permission.
- Some time is requested to avoid issues with creating or exacerbating sewer flooding and to avoid overloading the sewage treatment works resulting in environmental issues.
- Section 98 of the Water Industry Act 1991 does not cover an Undertaker upgrading existing sewers to accommodate new development, in fact it is believed that Counsel opinion suggested that it could potentially be used to ask a developer to fund improvements specific to their site if need be, although STW haven't followed that approach in the past, agreeing that they have a duty under Section 94.
- Section 106 of the Act details a developer's right to connect with a public sewer subject to 21 day notice period, it has been determined in the UK Supreme Court that this does not relate to the capacity of that receiving sewer or controlling flows into them. The only grounds to object to a S106 notice are if the mode of connection is unsatisfactory.
- Section 195 of the Act is the right of a developer to request the undertaker divert an asset to facilitate development at the cost of the developer. There is uncertainty how this is relevant to STW's request for a short potential delay in occupancy whilst essential improvements works are provided.

Natural England has no comments to make but draws the Council's attention to Natural England funded research and feasibility appraisal work in respect of the management and restoration of key wetland features within the Shropshire, Cheshire & Staffordshire Plain National Character Area (NCA). This work presented a 'Wetland Vision' for the area comprising reports on the Meres and Mosses in the NCA.

Staffordshire Wildlife Trust (SWT) made the following comments regarding the information as originally submitted:

- The site is mostly within the Meres and Mosses Ecosystem Action Plan (EAP) area and on the edge of the Wooded Quarter EAP area.
- The area around Chorlton Moss including the application site is mapped as an opportunity area for Meres and Mosses in terms of potential to restore and enhance wetland habitats.
- Chorlton Moss Local Wildlife Site (LWS) is directly impacted by the proposals with habitat to be lost to a balancing pond and gardens along the eastern edge appearing to utilise a narrow strip of the LWS. This would not enhance the moss as it is not part of the recommended restoration management listed in the restoration site dossier produced in 2008.
- Chorlton Moss was last checked in 2006 and the data on the site's flora, condition and boundary are therefore out-of-date and a full resurvey and assessment is required to provide an accurate baseline for decision making.
- Although the tree cover on the moss is thought to be causing it to dry out, anecdotal evidence from residents suggests that water levels have been rising over the last 20-30 years as surface water has appeared more in the surrounding fields and marshy vegetation has expanded. In order to determine the current extent of the LWS it should be assessed. The marshy grassland habitat on the site has potential to be of LWS quality.
- As one of only two raised bogs in Staffordshire, the moss is part of the wider network of Meres and Mosses, unique features of this area of the Midlands.
- A plan is submitted showing the Functioning Ecological Unit (FEU) for the moss.
- Objection is raised to any development within, or indirectly affecting the FEU, and a suitable buffer of complimentary habitat should be retained beyond the FEU boundary.
- Raised bogs are irreplaceable habitats, by virtue of the unique geological and hydrological conditions needed for their formation. Some diverse grasslands may also be irreplaceable if they are not able to be recreated in a human lifetime. The proposals would result in the loss or deterioration of part of the raised bog habitat although in poor management condition, currently could be restored. As well as proposing a balancing pool within the bog habitat itself, the development would alter hydrology in the area and destroy adjacent marshy grassland which forms a buffer of complimentary habitat around the moss. Removing or changing semi-natural habitats around the core wetland area would reduce its ability to support the species it contains at present. The proposed habitat compensation within the development design falls

far short of that required to replace the wet areas that would be lost and the need for and benefits of the development have not been shown to clearly outweigh this loss.

- The marshy grassland would qualify as Floodplain grazing marsh and the lowland raised bog within Chorlton Moss is a Habitat of Principal Importance (HPI). Such habitats should be protected, enhanced, expanded and/or replaced if the required gains are to be met nationally. The proposals would result in the loss of priority habitats and this is not adequately mitigated by landscaping proposals.
- The hedgerows and stream on the site all act as corridors for a range of wildlife and the wet grassland along with the moss itself is a 'stepping stone' site for wetland wildlife within a more intensively farmed landscape. The proposals do not preserve or strengthen ecological links.
- Given the type of buildings, the proximity of waterbodies and woodland and the many bat species recorded, the likelihood of bats roosting in the buildings is higher than reported and further inspections and surveys are required.
- Activity surveys recorded six bat species which is unusually high for a development site indicating that the habitat on and around the site is of good quality for bats. The development would impact on the favourability of the area for bats, changing the habitat and introducing more artificial light and disturbance.
- It is likely that common amphibians will be present in long grass on the site and so precautionary site clearance methods would be required as best practice.
- Due to the loss of habitat proposed, a breeding bird survey should be carried out.
- Any development within a floodplain is opposed unless impacts to the floodplain function are fully compensated and enhanced. This would not be the case on this site. Culverting and loss of sections of the small watercourse is also not acceptable.
- It appears that the water table in the area has been changing and the reasons for this should be investigated. Adequate information from the relevant agencies and bodies should be sought to understand the hydrological issues further.
- In summary, Staffordshire Wildlife Trust objects due to impacts to the Chorlton Moss Local Wildlife Site, irreplaceable habitats, priority habitats and species and a lack of up-to-date and accurate information on the Local Wildlife Site's condition and extent as well as a number of species potentially affected.

The following comments were received in response to the further comments of Ecology Solutions Ltd:

- It is misleading to state that Natural England does not object. Rather they make no comment as it is not normally their policy to comment on locally designated sites due to resources.
- Restoration of the moss is possible and has occurred on other similar sites. Whilst the likelihood of restoration is uncertain at present, the priority should be to ensure that any development does not prevent or obstruct this from happening in the future.
- It is possible for some restoration work to be secured through a planning condition or S106 agreement.
- It is true that the LWSs vary in quality and many actually meet SSSI criteria. A LWS of County value as this one is at present, is deemed to be of this value until it is reassessed. The interest and habitats within the site are described in the survey report and there may be parts of the site that are more or less sensitive to potential impacts. This is why re-assessment has been recommended, so that its accurate current status can be established.
- The aim should be to protect, enhance, extend and link LWSs and to seek mitigation if this is unavoidable. Impacts, especially direct impacts, to the moss are avoidable – the SUDs feature could be moved and housing areas reduced.
- Policy N3 of the Local Plan is relevant and the proposals do not comply with most aspects of this policy.
- If tree felling is approved as part of a planning application, the licencing procedure is overruled.
- It is not unusual for there to be conflicts between the needs of various aspects of land use including landscape, flood risk, archaeology etc. when considering restoration but if such a project were to be planned, it would be expected that agreement on the approach would be discussed with all relevant bodies so that the issues involved could be solved or satisfactory compromises made.
- Ecology Solutions state that the purpose of the assessment is to identify potential ecological impacts, their magnitude/significance and then propose any mitigation or enhancement

measures. However to properly assess potential impacts there must first be accurate and up-to-date information on the status and boundary of the site. Therefore the state and status of the LWS needs to be re-assessed, along with the predicted impacts, and appropriate mitigation proposals.

- It is not agreed that provision of a wetland feature represents an enhancement over the current situation. The proposals have not been designed with the restoration of the moss in mind and would lead to surface water run-off, the quality of which cannot be guaranteed, directly into the moss. SuDs features should be positioned outside of the moss to create new habitat on low-value land and allow filtering of water before it enters sensitive habitats.
- The proposed loss of surrounding habitat has also not been considered as an impact on the LWS.
- Policy N8 of the Local Plan is relevant. The proposals involve direct and indirect impacts on peatland with no indication that the need for the development clearly outweighs the need to safeguard the habitat and with no measures to minimise damage or provide habitat restoration and/or re-creation as compensation.
- The further information regarding bats is welcomed and the inspections appear thorough.
- The state of Chorlton Moss in terms of its hydrology is not known and so it is not possible to assess whether the development would have an impact, especially into the future. The proposals as they stand however would prevent the moss from being fully re-wetted and restored in future.
- A smaller area of development may be able to proceed without impacting the moss or its FEU and this should be considered as a potential satisfactory alternative.
- The viability of the scheme is not something that can be commented on without more detailed information but there are areas of land that could be developed at a smaller scale that would not impact the floodplain. Impacts to watercourses could be avoided with an alternative design and enhancement of these features within the site.
- Staffordshire Wildlife Trust maintains an objection to the proposal.

In relation to an Addendum Ecological Report received on 6th June SWT comments as follows:

- The updated botanical/habitat information is useful but no methodology has been referenced for the National Vegetation Classification (NVC) methods used which are rarely used for Local Wildlife Site (LWS) assessment. Species lists and a map should be provided for clarity. The field to the south of the site has not been assessed although it has potential to be of LWS quality.
- It is not possible at this stage to clearly confirm which areas of the site and surroundings are of LWS quality. So far it would appear that some of the land could be SBI (Site of Biological Importance) and some could be (BAS) Biodiversity Alert Site. On provision of additional information, further discussion will be needed with Staffordshire LWS grading committee. SWT would like to independently verify findings as well as to update survey information on Chorlton Moss itself but given the information available so far, it is considered that there are a number of areas within the proposal site and in the field to the south which would qualify as some kind of LWS.
- The updated information on Great Crested Newt and nesting birds coverage is welcomed.
- As the extent of areas worthy of designation and therefore the magnitude and severity of the impacts it is still not clear, it is not possible to advise in detail on the level of mitigation required. The main point to make however is the absence of any consideration of the first level in the 'mitigation hierarchy' – that of avoidance. There has been no attempt to avoid or reduce any losses or impacts by changing the scale and layout of the development.
- The area of acid grassland restoration proposed is not stated. It is estimated to be 0.6ha but this is too small to compensate for wet grassland loss and is not necessarily the full extent of areas that could be designated as LWS. Restoration areas for compensation need to be around twice the size of habitat loss as the habitat to be restored already has some value so the amount of gain one can achieve per hectare is not as great as creating valuable habitat from nothing.
- No detailed baseline information or habitat survey/plan is provided on the habitats currently in the area proposed to be managed.

- The restoration and ongoing management would need to be secured for the life of the development, not just for 10 years, if it is intended to act as mitigation for habitats permanently lost.
- Regarding tree felling, it would be beneficial to avoid trees with bat potential but the habitat restoration would need to take precedence.
- Otherwise, restoration proposals for the acid grassland appear sound in terms of methods but would need more detailed agreement.
- In summary, there has been no attempt to avoid impacts to the moss or the FEU which would avoid the majority of impacts, assessment and mitigation requirements and SWT's objection is upheld.

Further comments have been received which comment on the report to the Planning Committee of 18th July. A summary of the comments made is as follows:

- The main issues of the Committee report include 'Would there be any significant adverse impact upon any nature conservation interests?' This is not conducive to compliance with guidance in the NPPF and Planning Practice which indicates LPAs should be seeking no net loss of biodiversity, and where possible, a net gain. This means that any impact on nature conservation interests needs to be considered, not just those that are 'significant'. All impacts must be avoided, mitigated or compensated in order to reach a neutral impact.
- It is not clear how the need for, and benefits of the development has been assessed to clearly outweigh the loss. The adverse impacts to the moss have not been fully considered or quantified. It is not just the immediate and direct impacts but the overall long term effect that the development would have on the area that must be considered. LPAs should recognise the wider benefits of ecosystem services however consideration of the ecosystem services that the moss provides and could provide if restored have not been mentioned.
- The benefits of the development in this location, versus other locations, are not set out.
- It could be requested that damaging elements are changed so that impacts are avoided, and ensure that impacts are fully mitigated. A smaller and more sensitively designed development would deliver housing while avoiding and mitigating impacts to the LWS.
- There is no evidence that the Natural England Standing Advice on irreplaceable habitats has been referred to or the guidance checklist worked through.
- It is not best practice to locate drainage features within existing important habitats and the applicant has not shown that the relocation of the basin or an alternative SuDS design is not possible.
- Whilst management work to restore the acid grassland would be positive, it could only be seen as partial restoration to prevent further deterioration and would not constitute restoration of the habitat to active bog as this would require water levels to be raised. Also, this would be compensation which is the last resort in the mitigation hierarchy.
- The presumption in favour of sustainable development in the NPPF has a caveat of 'unless material considerations indicate otherwise'. The footnote examples of specific policies that indicate that development should be restricted also include 'locations at risk of flooding'. The list is not exhaustive and could also include irreplaceable habitats, for which there is no specific policy in the NPPF.

Whitmore Parish Council objects on the following grounds:

- Baldwin's Gate has nearly doubled in size in under 20 years during which time there has been no increase in facilities or infrastructure resulting in a loss of amenity to the whole community
- Work is progressing on a Neighbourhood Development Plan and a Housing Needs Assessment defines an extremely low level of local need. This has been catered for by the Gateway Avenue development and there is absolutely no remaining projected need until at least 2034.
- Residents of Baldwin's Gate oppose the scheme.
- It is inappropriate as it is a greenfield site outside of the Village Envelope and contrary to policies.
- Facilities in the village are extremely limited and there are no significant job sources in the parish. The development is unsustainable.
- The access route is unacceptable for construction vehicles

- The proposal is opportunistic and parasitic. The harm in this case significantly outweighs the benefits.
- There are serious concerns as to the capacity of the existing sewerage plant to deal with the extra load that this would create. It is requested therefore that an outline plan for the modification/extension to the treatment plan is put forward.
- The site is basically a waterlogged bog which floods freely under any heavy rain.
- Adverse ecological impact on the site which is an irreplaceable ancient wetland habitat
- Concerns regarding the validity of the application
- The affordable units are not sufficiently pepper-potted throughout the site
- An application has been submitted to Staffs County Council for the right of way between Moss Lane and Meadow Way to be formally registered as a Public Right of Way
- If permission is granted, funding should be set aside to cover the upgrading of the surface of public right of way 7 as the route is already unsuitable for the current levels of use.

The revised site layout improves the level of pepper-potting by moving three of the eight units previously grouped together in the NE corner to a different part of the site creating four groups (3+3+5+5) instead of only three previously (3+5+8). However it is considered that the resulting 4 groups instead of 5 do not go far enough, especially since all four groups are located on the extreme northern edge of the site. The Parish Council therefore maintains its objection that the 16 affordable units should be split up into at least five groups spread widely throughout the site. Further, no adjustments have been made to the site plan in view of the restocking notice issued by the Forestry Commission. Assuming the notice is enforced, the development as currently planned is not feasible.

Chapel and Hill Chorlton Parish Council objects on the following grounds:

- A Housing Needs Assessment produced as part of the Neighbourhood Development Plan indicates that housing is well provided for in this area and for the next 15-20 years. There is little need for 3, 4 or 5 bedroom houses, the need is mainly bungalows, houses for older people and 1 or 2 bedroom houses.
- Highway safety adjacent to a primary school
- Local sewerage plant is at capacity
- The site is a peat bog and is a priority habitat in UK Biodiversity Action Plan

Maer & Aston Parish Council objects on the following grounds:

- The proposal is contrary to Policy SP1 of the Core Spatial Strategy.
- A Housing Needs Assessment produced as part of the Neighbourhood Development Plan indicates that housing is well provided for in this area and for some time to come. If any housing is to be provided, smaller bungalows would be more welcome in enabling the more elderly population to remain in the area.
- Environmental and ecological damage to the area
- The land is low lying bog and unsuitable for development
- Pressure on services

The **Waste Management Section**, the **Environment Agency**, and **United Utilities** were consulted upon the application, the date by which their comments were requested has passed without comments being received from them and they must be assumed to have no observations to make

Representations

Approximately 280 letters of objection have been received. A summary of the objections made is as follows:

- Contrary to the NPPF, the developing Neighbourhood Development Plan, the developing Joint Local Plan, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development.
- The dwellings are not needed. A Housing Needs Assessment report for the Neighbourhood Area concludes that an appropriate range of new housing during the plan period 2013-2033 is between 50 and 100 dwellings. Completed and outstanding permissions since 1 January

2013 count towards fulfilment of the housing need and to date 144 dwellings in the Neighbourhood Area have been permitted since that date.

- Not sustainable as the local infrastructure is incapable of meeting the needs of the further dwellings proposed in addition to those currently under construction at the Gateway Avenue site. There are limited GP resources, the primary school is oversubscribed and secondary school children need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.
- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- Meadow Way, due to its restricted width, is not satisfactory for development and construction traffic which will involve the large scale removal of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- The Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of the Meadow Way junction has been omitted from the application.
- A number of manoeuvres were carried out by a Class 2 Large Goods Vehicle turning left into Meadow Way from the direction of Newcastle and secondly turning right out of Meadow Way and the manoeuvres were recorded by residents. When turning right out of Meadow Way the vehicle could not do so without striking the nearside kerb and it took at least 20 yards before it was totally on the correct side of the road. When it turned left into Meadow Way it had to be positioned totally on the offside of the A53 facing oncoming traffic for at least 20 yards before turning. This brought all the traffic travelling towards Newcastle to a standstill. The vehicle was unable to complete the turn into Meadow Way in one movement and it came to rest with the front overhanging the pavement in Meadow Way and the rear protruding onto the A53 and then it had to reverse a short distance onto the A53 to level the vehicle and complete the turn.
- In the event that Meadow Way is deemed unsuitable for construction traffic, it has been suggested that Fairgreen Road could be an alternative. Limited investigations have demonstrated that it will also present significant challenges and dangers.
- The Highway Authority states that a banksman could control construction traffic but they are employed on building sites and other private developments and there is nothing to indicate that such a person could lawfully control traffic on a designated highway.
- It is not just a 10 minute period in the morning when there is a problem with traffic parked in Tollgate Avenue. The problem lasts for at least 30 minutes after which there are always a number of vehicles parked due to people visiting the doctor's surgery.
- There is no public parking provision within the development.
- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required. The applicant's ecology report and later addendum lack credibility.
- The disturbance and removal of peat from the site will lead to the release of large amounts of CO².
- The Ecology Report states that the landowner has no intention of allowing the large scale removal of trees on his land and that the woodland was purchased to be managed as woodland for the recreational use of family and friends. The landowner of the woodland and the south section of the site are the same so allowing regeneration would be in direct conflict with their intention to sell the land to the property developers.
- A £10 million grant scheme to restore England's iconic peatlands was launched recently by the Government. DEFRA states that the National Planning Policy Framework includes protections for peatland sites whereby permission should not be granted for peat extraction from new or extended sites. It also includes a core planning principle that planning decisions should contribute to conserving and enhancing the natural environment and reducing pollution.

- The submitted Chorlton Moss Management Plan proposes to restore and maintain a small area of acid grassland but this must be viewed in the context of the loss to urban development of 4.2ha of land that currently functions as a catchment for the bog and the Local Wildlife Site (LWS). Further this development would involve the destruction and removal of two areas of the functioning ecological unit of the bog that extend beyond the boundary of the LWS. On balance, it is clear that the net loss would be so significant and in no way can the proposed management plan be viewed as an adequate compensation for very significant loss and damage to the habitat.
- The removal of a naturally occurring area of rainwater attenuation that significantly contributes to reducing downstream flooding on the wider river and streams network.
- The surface water drainage strategy will mean a massive overloading of an existing level drainage ditch and the additional discharge of millions of litres of rainwater into the already overloaded river and streams network.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Severn Trent Water has recommended a condition to delay occupation until after the necessary upgrades to the system and refer to a Supreme Court Judgement. If development is approved the Local Planning Authority has a responsibility to impose such a condition.
- The site is poorly drained and flooding has occurred in the past in Meadow Way and should not be added to.
- The public open space would be unsafe and unusable by the public.
- There are no children's play areas or space for children to play or provisions for recreational activity or space.
- Open views of the country would be lost.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.
- The emergency access is across private land outside of the application site and as such its integrity by the present or future owners of the land cannot be guaranteed for use as an emergency access
- The existing public rights of way would become enclosed corridors with high fencing on both sides removing the open countryside aspect.
- Oppressive outlook to some properties and impact on privacy.
- There is no mention of Section 106 contributions or benefits to the local community.
- Two 19th century brick-built historic farmstead buildings, as defined in the Staffordshire Historic Environment Record, are proposed to be demolished and should be preserved.
- There are no details of street lighting or exterior residential lighting.
- Questions are raised regarding the validity of the application due to the absence of several required documents.
- Information has been received stating that the developer intends to treat the peat on site and stabilise the ground but this is at variance with the submitted reports. On-site treatment of the peat would have serious consequences for watercourses in the area and neighbouring wetland habitats and catastrophic consequences for the lowland raised bog habitat.
- Peat remaining on site after stabilisation will continue to generate gases which could affect properties outside the site. Further information and advice is required regarding this issue.

Sir William Cash M.P. objects to the proposal for the following reasons:-

- Contrary to the NPPF, the developing Neighbourhood Development Plan (NDP) for Whitmore, Maer & Aston and Chapel & Hill Chorlton, the developing Joint Local Plan, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development. Baldwin's Gate is not a key rural service centre.
- Not sustainable and the local infrastructure is incapable of meeting the needs of a further 99 dwellings in addition to the 109 currently under construction at the Gateway site. There are limited GP resources, the primary school is oversubscribed and secondary school children

need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.

- Meadow Way, due to its restricted width, is not satisfactory for development and construction traffic which will involve the large scale removal of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of Meadow Way has been omitted from the application.
- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required.
- Open views of the country would be lost.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Flooding has occurred in the past in Meadow Way and should not be added to.
- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.

A further letter has been received from Sir William Cash MP enclosing an e-mail from Baldwin's Gate Action Group #2 requesting that the Chairman of the Planning Committee agree an adjournment of the hearing of this application by the Planning Committee on Tuesday 18th July. The Group states that it is unable to present a complete argument for its objection to this application due to a failure of the Planning Department to provide information requested in a formal Freedom of Information application made on 7th April on behalf of the Group. The request for information made under the Freedom of Information Act has now been responded to.

Baldwin's Gate Action Group #2 objects on the following grounds:

- Unsustainable location due to the limited bus service and local employment, the damage to Chorlton Moss, impact on the primary school and GP surgery and the closing off of the public right of way.
- No need for housing due to an excessive over-supply in the rural area as evidenced in the Housing Needs Assessment report for the Neighbourhood Area of Chapel and Hill Chorlton, Maer and Aston and Whitmore Parishes
- Landscape impact due to impact on outward views into the surrounding landscape, impact on the character and quality of the wetland landscape of the area and Chorlton Moss Local Wildlife Site (LWS)
- The proposed density does not correlate with those of the surrounding area
- Affordable housing ghettoised by being concentrated in the north-eastern part of the site
- There are already flooding issues in the area and should not be added to
- Inadequacy of the current pumping station and sewage facilities
- Meadow Way, due to its width, is not satisfactory for development and construction traffic and has a history of poor sub-structure resulting in frequent break up and movement
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised. Restricting of parking is not an acceptable solution for parents or patients.
- Impact of heavy construction traffic on the school due to air pollution and road safety hazards

- Poor visibility of the junction of Meadow Way with the A53
- Will add to the traffic and safety problems in the area
- Loss of valued green space
- Major impact on public right of way through loss of views and its enclosure with fences
- The path at the rear of Pasture Close is a local right of way

A further letter has been received from **Baldwin's Gate Action Group #2** following the submission by the applicant of amended plans and further information in February 2017. A summary of the additional comments made is as follows:

- The applicant's ecology report and addendum lack credibility
- The removal of a large quantity of peat would result in the release of large amounts of carbon dioxide, loss of natural carbon sequestration and the loss of flood mitigation currently provided by retention in the peat of water
- Unlicensed tree felling was carried out in the LWS in December 2016
- The applicant has failed to implement any of the changes recommended by MADE design review
- Only 16% on-site affordable housing is proposed and this is contrary to the Government declarations that it will increase the amount of affordable housing in new developments
- The affordable units remain insufficiently spread across the development
- No details of street lighting are provided
- If the Planning Committee is minded to permit the development it has a responsibility to condition occupation of the development on the completion of the necessary upgrade works as requested by Severn Trent
- Video recordings submitted to the Planning Department clearly demonstrate the hazards posed by construction vehicles
- No consideration is given in the revised Transport Assessment to increased traffic flows resulting from recent planning approvals in Loggerheads

A subsequent letter has been received from **Baldwins Gate Action Group #2** following the submission by the applicant of amended plans and further information in April 2017. A summary of the additional comments made is as follows:

- The four groups of affordable units do not go far enough in 'pepper-potting'. There should be five groups and they should be spread widely rather than all being on the northern edge of the site.
- Many of the 'facts' stated in the response of the Highway Authority are rejected

A copy of a letter from Baldwin's Gate Action Group #2 to Members of the Planning Committee has been received. The issues raised are referred to above.

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Drainage Strategy
- Tree Survey Report
- Landscape and Visual Impact Assessment
- Arboricultural Method Statement
- Statement of Community Involvement
- Ecological Assessment
- Addendum Ecology Report
- Transport Assessment
- Travel Plan
- Agricultural Land Classification
- Site Investigation Report

- Design Review Report
- Noise Report
- Archaeological Desk Based Assessment

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/16/01101/FUL>

Background papers

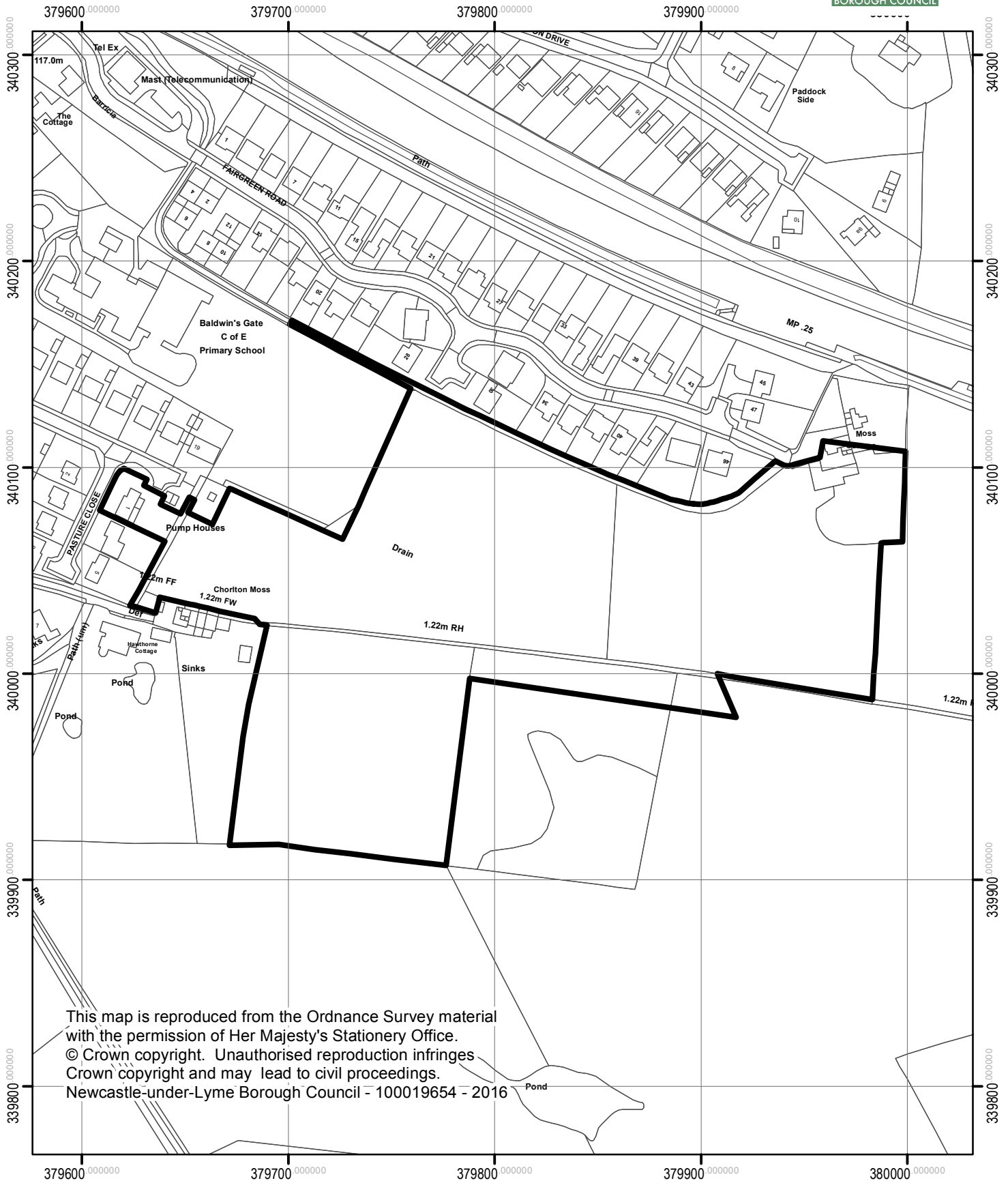
Planning files referred to
Planning Documents referred to

Date report prepared

1st August 2017

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16/01101/FUL
Land off Meadow Way
Baldwins Gate



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**SITE OF FORMER NEWCASTLE BAPTIST CHURCH, LONDON ROAD, NEWCASTLE
G DONLON**

17/00162/FUL

The Application is for full planning permission to vary condition 2 of permission 14/00477/FUL, which lists approved drawings, to allow for the enclosure of open air corridors indicated within the approved scheme and subsequent changes to the affected elevations, the car parking layout, areas available for landscaping within the development and other various design changes.

The site was previously occupied by the Newcastle Baptist Church which has been demolished.

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map.

The 13 week period for this application expired on 30th May 2017,

RECOMMENDATION

- A. Subject to the applicant entering into a Section 106 obligation by agreement by 30th September requiring prior to the substantial commencement of the development (as defined in the previously entered into Section 106 agreement) a financial reappraisal of the scheme to assess its ability at that time to fund policy compliant contributions to offsite affordable housing provision and public open space, and**
- B. Subject to satisfactory revised plans of the front elevations being received**

Permit subject to conditions relating to

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. A requirement to provide for approval and implementation a car parking management scheme, and**
- 3. Any other conditions of 14/00477/FUL as continue to apply to the development**

B. Failing completion by 30th September of the above planning obligation, that the Head of Planning be given delegated authority to either 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 financial contributions towards affordable housing provision and public open space; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

Reason for Recommendation

The revisions sought to the approved plans are generally acceptable, although there are concerns about the treatment of the two front elevations. The reduction in the number of car parking spaces to be provided is only slight and is unlikely to give rise to severe highway safety impacts bearing in mind that occupiers of the flats will, in this location, have a choice

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

There was a delay in progressing this application but officers have now confirmed their views on the substantive issue – the financial reappraisal – to the applicant.

Key issues

The Application is for full planning permission to vary condition 2 of permission 14/00477/FUL, which lists approved drawings, to allow for the enclosure of open air corridors indicated within the approved scheme and subsequent changes to the elevations, the car parking layout and areas available for landscaping within the development.

In considering an application to vary a condition, the authority has to consider only the question of the conditions subject to which planning permission may be granted. If the Authority considers that planning permission may be granted subject to different conditions it can do so. If the Authority considers that the conditions should not be varied it should refuse the application. The condition which the applicant is seeking to vary is that which lists the approved drawings. No changes are being sought to the number of the units within the development. The changes sought are to the design of the development. The principle of the development is not therefore for reconsideration.

The approved development is a 22 unit apartment scheme, occupying a corner site, with a L shaped footprint around a two sided courtyard with some 22 car parking spaces indicated

In terms of the building itself, the approved scheme, envisaged a deck at first floor level incorporating a landscaped amenity space projecting out from the building at its internal corner, over some of the car parking – in order to provide some landscaped space for the residents of the flats. Access to flats at first, second, third and fourth level was to be obtained along open balustraded deck access corridors with feature framing up the elevations in question, up to the third floor.

In the revised scheme, here being considered, these open corridors have now become fully enclosed with the end units on the first, second and third floor becoming larger as a result. An external opensided 3 storey high fire escape stair is added to one of the elevations.

The above changes are all to the internal courtyard elevation, non-public elevation. The framing features that were part of the original scheme remains – helping provide vertical emphasis, although the removal of the deck access arrangement makes for simpler flatter, and frankly less interesting elevations than were previously proposed with less recessing and shadow effect. However it does have to be recognised that these are internal courtyard elevations of which there will be limited public view.

Turning to the London Road (south west) and Vessey Terrace (south east) elevations, the changes are more limited, the primary components remaining unaltered, but a positive feature, the full height apertures to each unit that previously helped give a vertical emphasis have been reduced somewhat in height and the proportion of solid wall to aperture increased. Your officer is seeking an amendment to the scheme in this respect and also a reinstatement of the depth of projection of the flat roof capping – to ensure that the development does not appear box like – these were all important positive features of the original scheme.

Whilst the revised scheme has deleted the raised landscaped deck that had been proposed over part of the parking area, the new scheme takes a more conventional approach and provides a reasonable sized ground level landscaped area at the northern end of the car park. This will help improve the ambience of the internal courtyard, by forming an attractive feature viewable upon entering the courtyard upon which some reasonably sized trees could be established, and it is quite a bit larger as well than the previous decked area (which did introduce challenges for the area below), and there will be other opportunities for landscaping within the courtyard as well.

The only downside of the rearrangement is the consequential reduction in the amount of parking. Previously the scheme had 22 spaces - one parking space per unit. That number has now been reduced to 18. Members will wish to note that on the one hand national policy does indicate that highway safety impacts have to be severe to justify refusal, whilst Ministers have also signalled a wish that developments do provide sufficient parking. As members will be aware both this section of London Road and some way up Vessey Terrace are double yellow lined already. Account needs to be taken of the edge of centre location of this development. There are opportunities here to use modes of travel other than the private motor car – the site being within easy walking distance of the town centre, on a main bus route, and close to the bus station. That the Highway Authority do not object to this relatively slight reduction in onsite parking provision is also important. It is not considered that refusal on grounds of insufficient parking could be sustained here.

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation entirely new planning permission rather than an amendment of the existing one (14/00477/FUL in this case). That previous permission was granted on the 26th October 2015 following the completion of a Section 106 agreement which included a requirement for a financial

reappraisal should the development not be substantially commenced within 18 months of the date of the planning permission (ie by 25th April 2017), and the payment of such policy compliant contributions as could be afforded towards public open space and offsite affordable housing provision.

It is believed to be the applicant's position that the financial viability position remains largely unchanged from that which was established by their advisers and subsequently confirmed by the District Valuer in early 2015. The floorspace and thus the Gross Development Value and costs of the development will be different but it seems to your Officer that the changes consequent to the changed the design are likely to be fairly limited and ones which if applied to the calculations of the District Valuer would be unlikely to make material difference to his conclusions. However it is possible that other assumptions within the financial appraisal may have changed since January 2015.

The question the LPA needs to consider is whether it ought, given the passage of time, to now require a further appraisal by the District Valuer before determining this application (the application has been with the authority for some time and the applicant is pressing for a decision on the application) or whether provided a revised Section 106 agreement is entered into simply securing upon substantial commencement - whenever that may be - a reappraisal and funding of appropriate contributions if the scheme can financially support them - that would be sufficient.

The view is taken is that the situation that now prevails is simply the potential scenario that the original Section 106 envisaged – the 25th April 2017 having passed a further reappraisal upon substantial commencement would already be required.

Your Officer's recommendation is to proceed without requiring a further viability appraisal at this stage, but that would mean that there would definitely have to be one in the future (upon substantial commencement of the development happening). The Council's interests would be protected by such an approach. The alternative would be to get the appraisal out of the way now, but that would almost certainly delay the determination of the application and there might still have to be another appraisal should substantial commencement not be achieved within 18 months of the date of the new permission.

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 T16: Development – general parking requirements

Other Material Considerations include:

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

14/00477/FUL – Demolition of former Newcastle Baptist Church and erection of residential apartment development comprising 14 two bedroom units and 8 one bedroom units, formation of new access and associated car parking

Views of Consultees

The **Highway Authority** notes that the proposal reduces the number of car parking spaces within the scheme from 22 to 18, but they have no objections to this provided a car park management scheme is submitted for approval and thereafter implemented

The **Environmental Health Division** indicate that they have no objections provided the conditions they sought for the previous application continue to be applied

The **Landscape Development Section (LDS)** have no objections but they would still wish to see provision made on the north eastern boundary to act as a visual foil/screen between the development and the backs of the properties in Grosvenor Gardens

No comments have been received from the **Newcastle South Action Partnership** and given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

No letters of representation have been received.

Applicant's/Agent's submission

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00162/FUL>

Background papers

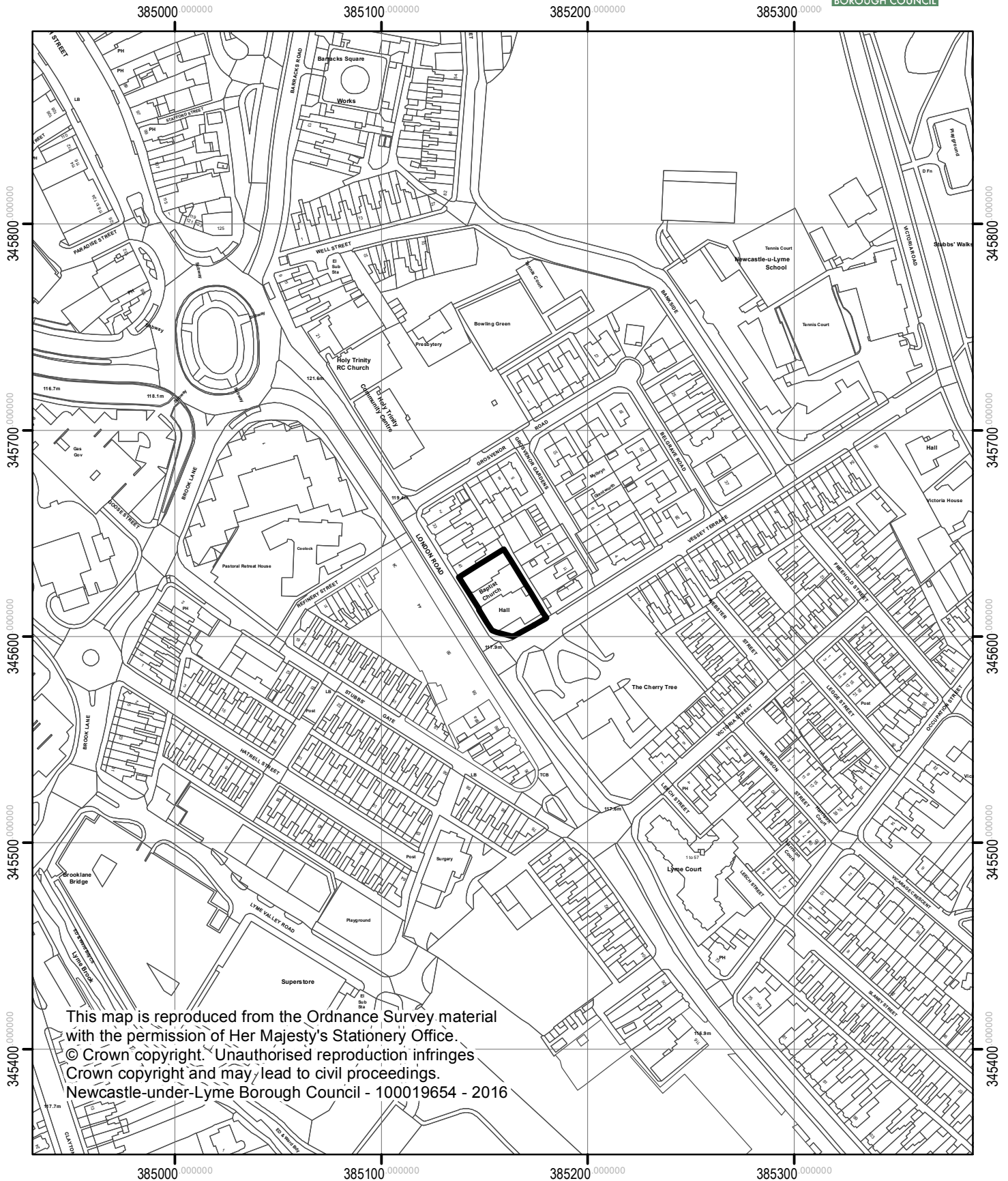
Planning files referred to

Planning Documents referred to

Date report prepared

2nd August 2017

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FORMER BRISTOL STREET FORD GARAGE, LONDON ROAD
ADOBE RESIDENCIES

16/01106/FUL

The application is for full planning permission for 499 studio apartments for student occupation. The application site measures 1.24 hectares in area.

The site formerly operated as a Ford Bristol Motors car sales dealership and servicing provider, with access directly onto London Road, as well as rear access from Lyme Valley Road. The site has been vacant for around 10 years.

The development scheme proposes an 'in' only access to the site from Brook Lane/Lyme Valley Road. Vehicles will not be able to exit from the site onto Lyme Valley Road. A new 'left in and left out', 'and right out' signal controlled access / junction is proposed on London Road (A34).

The site does not have any particular policy designation other than being within the Urban Area of Newcastle as defined on the Local Development Proposals Map. The site lies adjacent to Lyme Valley Parkway which is designated as Green Belt.

The statutory 13 week period for the determination of this application expired on the 6th June 2017. However the applicant has agreed to extend the statutory period of the application to the 31st August.

RECOMMENDATION

- 1) Subject to the applicant entering into section 106 obligations where appropriate by agreement by 31st August -or if they are willing to similarly extend the statutory period, by 30th September - that secure a financial contribution of £1,199,396 towards public open space and public realm improvement; the agreement and implementation of a landscaping scheme involving tree thinning and landscape works, including paths, to the Lyme Valley Parkway boundary immediately adjacent to the site; and sums relating to highways and transportation matters of:- £2,245 or such sum as is appropriate, towards Travel Plan monitoring; £50,000 for residential street parking surveys and implementation of car parking zones if deemed appropriate; £10,000 for Real Time Passenger Information displays (and maintenance) at the bus stops on London Road; £5,000 for bus shelter upgrades; and £25,300 towards local cycle network improvements from Newcastle Town Centre to Keele University and the provision of introductory bus passes, and
- 2) subject to any required notification under the Town and Country Planning (Consultation) (England) Direction 2009 being undertaken first

PERMIT subject to conditions relating to:-

1. Time Limit for commencement.
2. Plans.
3. Prior approval of all external facing materials including doors and fenestration and exterior parking and pedestrian hard surfaces.
4. Precise window detailing showing indentation and extrusion.
5. Implementation of submitted landscaping scheme and detailed landscaping scheme approval for Lyme Valley Parkway which is to include large tree specimen standards to give immediate impact.
6. Revised boundary treatments (wood fencing considered inappropriate).
7. Refuse and storage collection arrangements including revised bin storage position for Block 1.
8. The occupation of the development shall be restricted to full time students only.
9. Highways matters:-
 - i. Full signal control details approval and implementation.
 - ii. Off-site highways works for:-
 - pedestrian improvements to Lyme Valley Road.
 - improvements to the existing pedestrian refuge on Brook Lane to accommodate the Lymebrook cycle path.
 - access, parking, servicing and turning.
 - iii. Surfacing, delineation of bays and means of surface water drainage for internal road and parking areas.
 - iv. Car park management scheme approval and implementation.
 - v. Implementation of the Traffic Regulation Order on London Road.
 - vi. Temporary parking scheme for 64-116 London Road approval and implementation pre commencement.
 - vii. Secure weather proof parking for 253 cycle spaces approval and implementation.
 - viii. Full implementation of the submitted Travel Plan.
 - ix. Prior approval and implementation of a Construction Method Statement.
 - x. The approval and implementation of a traffic management scheme/residents parking zone for Hatrell Street and Stubbs Gate prior to first occupation.
10. Approval and implementation of a Construction Management Plan.
11. Ventilation provision for habitable spaces.
12. Hours of construction.
13. Cladding cleaning arrangements
14. Noise survey mitigation measures.
15. Prior approval and implementation of detailed drainage strategy/scheme.
16. Land contamination treatment.

17. Approval and implementation of a site drainage strategy/scheme.
18. Detailed external lighting scheme.
19. Any further conditions considered appropriate in the light of the comments from Environmental Health recently received.

2) That should the above obligations not be secured within the above period, the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would be contrary to policy on open space provision and/or highway safety/adequate sustainable transport provision interests; unless he considers it appropriate to extend the period for completion of the obligations.

Reason for Recommendation

The site is in a very sustainable location close to the Town Centre. The development scheme uses redundant, previously developed land in need of rejuvenation. The design of the scheme is considered to be attractive and complementary to the local townscape. Initial highway safety and transportation concerns have been addressed by the applicant through the negotiation of a bespoke signalised junction access and a range of agreed detailed measures within the submitted Transport Assessment. The impact on surrounding occupiers' living conditions is in accordance with the Council's space standards. Subject to an appropriate legal agreement and planning conditions all concerns regarding the proposal can be appropriately managed.

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

The scheme in light of negotiated changes which include the use of a bespoke signalised access junction off London Road (the A34) along with a range of other agreed measures is considered to represent sustainable development.

Key Issues

1.0 The development comprises 499 studio apartments for student occupation arranged into a series of 5 individual blocks. The number of units within each block varies, as follows;

- Block 1 which faces onto London Road contains 66 units and measures 46m by 18m and is 9.75 in height (3 storeys)
- Blocks 2, 3 and 4 face onto Lyme Valley Parkway. Block 2 contains 108 units and measures 49m by 16m and is 11.9 metres in height (4 storeys)
- Block 3 contains 108 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)
- Block 4 contains 103 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)
- Block 5 is situated to the rear of 78-104 London Road. This block contains 114 units and measures 49m by 16m and is 11.9 metres in overall height (4 storeys)

Internally the apartments have a floor area of 20 square metres with a toilet/shower, bedroom/living space with a kitchenette. In addition each of the blocks will have a communal lounge, laundry room, and a concierge service desk area (on the ground floor). Blocks 1 and 4 are to have a gymnasium. The applicant originally proposed a mixture of student and key worker accommodation but has during the course of the application determination period altered the proposal for it to comprise solely student accommodation.

1.1 The key issues to consider in the determination of the application are:

- 1) Is the broad principle of residential development acceptable in this location?
- 2) Is the impact of the development on the form and character of the area acceptable?

- 3) Would the resultant living conditions of neighbouring residents and the living conditions of future occupants of the development be adequate?
- 4) What is the impact on highway safety?
- 5) What financial contributions are appropriate for the proposal?
- 6) Can drainage matters and the risk of contamination to 'Controlled Waters' be properly managed in light of the objection received from the Environment Agency?
- 7) An assessment overall of whether or not any adverse impacts of the development significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole.

2.0 Is the broad principle of residential development acceptable in this location?

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

2.2 The National Planning Policy Framework (NPPF) advises, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14, the Framework also states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF at a whole.

2.3 The Borough Council is currently unable to demonstrate a five year supply of deliverable housing sites which triggers the provisions of paragraph 49 of the Framework and, on that account, paragraph 14.

2.4 The broad principle of residential development in this location does not conflict with any of the relevant housing policies within the Development Plan in any case. The proposal makes use of previously developed land, in a very sustainable location which is within a short walking distance of the full complement of services and public transport provision offered within the Town Centre. The site itself is unkempt disused land in need of rejuvenation. Therefore there is a presumption in favour of this development unless any adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

3.0 Is the design and appearance of the development acceptable?

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

3.2 Policy CSP1 of the Core Strategy sets out the design criteria to which development will be assessed against which include that development positively contributes to an area's identity in terms of scale, density, layout, use of appropriate material for buildings surfaces and accesses. The Council's Urban Design Supplementary Planning Document gives further detail of how the development should be assessed above the broad guidance contained within Policy CSP1.

3.3 The main vantage points to consider in line with the 3D images submitted with the proposal are the following:-

3.4 *London Road street scene perspective*

The scheme has been designed so that the new building (block 1) which faces directly onto London Road is constructed partly from brick to tie in with the more traditional facing materials used for properties on this Road as well as light grey smooth panelling with a small amount of white render on the central part of the building. The building is appropriately designed in relation to the surrounding street scene in terms of its scale and appearance. This particular section of London Road is not tree lined and contrary to the request of the Landscape Development Section it would not be appropriate to encourage additional tree planting on the front elevation to the development which would be out of kilter with the surrounding form and character of the area. Low level hedgerow planting is proposed in front of the building which gives a welcome break from engineered surfaces along with tree planting on the boundary shared with no.136 London Road and a tree lined access road entrance. From the London Road perspective Lyme Valley Parkway (which will be seen along the main entrance road) and woodland further afield on higher ground also provides a high degree of background greenery to complement the scheme layout and buildings within it.

3.5 *Lyme Valley Parkway/Lyme Valley Road perspectives*

Blocks 2, 3 and 4 are closest to the boundary shared with the Parkway. The buildings are finished in light grey coloured composite panelling giving a crisp contemporary appearance. They also feature window indentation and extrusion along with engineered panelling joint detailing to generate architectural interest. The buildings fenestration position is irregular rather than uniform to add further interest to their appearance. The applicant also proposes in conjunction with the advice received by the Landscape Development Section to thin out the trees immediately adjacent to the boundary of the Parkway and the development site improving the relationship between the development and the Parkway. The buildings would be seen in the context of a carefully negotiated and applied landscaping scheme to be agreed with the applicant. Subject to landscaping works within the Parkway itself the relationship of the new buildings with the public open space would, it is considered, be successful visually.

3.6 *Internal views within site itself*

The application includes the formation of a tree lined private internal road linking Lyme Valley Road with London Road (A34) and giving access to internal parking areas with the site. The architectural style of the buildings is complementary to the hard engineered parking and pedestrian footway surfaces proposed. The internal road tree lining built into the scheme design generates an attractive avenue like appearance. The view taken is that internal views within the site are appropriate for an urban location without the need for additional landscaping within the site boundary already proposed, which is well thought out.

3.7 The design of the scheme has been subject to an initial Urban Vision Design Review Panel meeting where a number of improvements were suggested:- the design of block 1 be tailored to respond to the street scene of London Road through use of appropriate materials and scale; the approach to internal landscaping to include a tree lined emphasis within the internal road rather than sporadic tree planting; and the changes in levels within the site which are substantial from London Road be sensitively addressed. Taking into account all relevant vantage points, the design of the scheme is considered to be visually attractive and would both improve and complement the local townscape subject to the agreement of high quality and durable materials for all external finishes inclusive of hardstanding surfacing and the implementation of the submitted soft landscaping works.

4.0 Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?

4.1 *The impact of the development on existing neighbouring living conditions*

4.2 Supplementary Planning Guidance (SPG) Space about Dwellings provides advice on environmental considerations such as light, privacy and outlook. The relationship of the

development with existing residential properties has been designed so it complies with the Council's space standards. There are no objections to the development in that regard.

4.3 *Noise*

4.4 There is potential for noise and disturbance to be experienced by future occupants of the development from road traffic on the A34, and from surrounding uses (taking into account a nearby commercial car garage). However it is considered, upon the advice of the Environmental Health Division that appropriate design measures to achieve acceptable internal noise levels for this development which can be secured by planning condition.

4.5 *Private amenity space provision*

4.6 The development is adjacent to Lyme Valley parkway. One bedroom flats do not generate the same private outdoor space requirements which a family housing scheme would and provision is made internally for domestic functions such as the drying of clothes. The applicant also proposes communal roof terraces to provide some amenity space for occupants of Blocks 2, 3 and 4. The site also benefits from a direct pedestrian link to the Lyme Valley Parkway for recreation purposes.

4.7 *Expected bin storage and collection arrangements*

4.8 Waste Management have confirmed that they would be able to access the site and undertake collections subject to condition that the bin store serving apartment Block 1 needs to be amended so it is closer to the internal road.

4.9 *Air quality*

4.10 Air quality management is a problem within the Town Centre and adjacent to some of main roads leading to it including London Road. The Environmental Health Division have expressed concerns that a proposed Traffic Regulation Order on London Road will potentially increase traffic pollution to affected residents by freeing up an extra lane closer to these properties. However the counterargument is that if this measure reduces congestion it could improve air quality. The promotion of sustainable modes of transportation other than the use of the motor car also offers a valuable way of reducing pollution levels locally. The design rationale behind the development promotes the use of public transportation, walking and cycling as realistic alternative modes of travel which are detailed further on in this report. The new buildings proposed can also be fitted with mechanical ventilation as a further means to improve internal air quality.

5.0 What is the impact on highway safety?

5.1 The scheme has been revised during the course of the determination period to take into account further submitted Transport Assessment information following on from initial concerns voiced by the Highway Authority. The up to date Transport Assessment proposes a suite of measures to support the safe management of the road network and to promote safe and sustainable modes of transportation. The following highways considerations are involved in assessing the impact:-

5.2 *The Brook Lane/Lyme Valley Road access proposed*

5.3 The development is designed so that access from Brook Lane and Lyme Valley Road is an 'in' access only. This is to be achieved through the use of a key fob barrier system to facilitate controlled vehicle entry. The reason for this not being a two way road is to prevent traffic congestion at the mini roundabout junction on Brook Lane (opposite the Morrison's supermarket) and nearby road junctions where there is little or no scope to improve the road network given landownership constraints and existing surrounding development. Without such 'in' only provision the movements generated by the scheme are unlikely to be able to be accommodated within the highway network - by having this access, as well as that on London Road, it spreads traffic on the highway network rather than requiring use of one single

point of access

5.4 The Highway Authority have advised during negotiation of the scheme that an 'in' only access point on this side of the development site is a safe means of accessing the site and managing traffic flows for the amount of development applied for. The applicant has submitted a robust technical assessment to demonstrate there would be no harm to highway safety/capacity using this method of controlled 'in' only entry.

5.5 *The London Road signalised access proposed*

5.6 A bespoke traffic light controlled signalised access is being proposed by the applicant following negotiations with the Planning Service and Highway Authority to provide access from London Road (A34). The controlled signalised access will allow 'left in, left out', and 'right out' or southwards vehicle turning movements only. Vehicles approaching from the north will be able to gain access into the site via Lyme Valley Road so they should not need to U turn on London Road.

5.7 The use of a controlled signalised access off London Road means that Grosvenor Roundabout junction or London Road itself will not be adversely impacted upon in terms of queuing traffic emanating from the site. The bespoke signalised system proposed has been subject to extensive negotiations with the Highway Authority and is considered to be the most robust and safe access solution available.

5.8 *The parking provision proposed*

5.9 Policy T16 of the Local Plan states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem, and furthermore that development may be permitted where local on-street problems can be overcome by measures to improve non-car modes of travel to the site and/or measures to control parking and waiting in nearby streets. The NPPF, at paragraph 32, states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. Prior to that the government had signalled that LPAs should generally not seek to cap car parking provision.

5.10 The development is to provide a total of 203 parking spaces on site. 157 of these spaces being allocated to students. In accordance with the Local Plan car parking standards 499 student units on the basis of 1 space per every 4 units equates to 125 car parking spaces when such maximum standards are applied so that would suggest there is some overprovision. However as indicated these maximum standards are considered to be out of line with the approach set out in the NPPF. In assessing the acceptability of parking levels provided by the scheme regard also needs paid to locational factors as well as the availability of non-car modes of travel in assessing the amount of car parking provision required. Taking into account the Transport Assessment information submitted by the applicant which addresses trip rates to and from the site, the amount of parking proposed is considered to be acceptable. This is also because the majority of students will be occupying accommodation with the knowledge they are not guaranteed a parking space and therefore anticipated most students will be intending to travel to the site in a sustainable manner or will simply not own or have access to a car. The level of parking applied for needs to be considered in the context of the other measures available for transport to and from the site.

5.11 30 spaces within the application site will be allocated to the occupiers of the existing properties along London Road (no's 64 to 116), providing them with safe off-road parking and effectively ensuring that in terms of the parking demands of residents this side of the A34 London Road could be kept clear of parked vehicles thereby improving traffic flow.

5.12 The remaining 20 spaces proposed will be made available within the site on an

informal basis for any visitors/deliveries that London Road residents may have, again to ensure there is no requirement for any vehicles to park on London Road itself. This provision would also apply to property no. 74 London Road which is a hairdresser's. The occupier of No. 136 London Road who currently relies solely on on-street parking is also to be gifted their own independent off road parking provision using land within the applicant's control following concerns in relation to obtaining access to that particular property immediately adjacent to the development site.

5.13 *Traffic Regulation Order on the A34 and residents parking zones in Stubbs Gate and Hatrell Street proposed*

5.14 Complementary to the on-site parking provision proposed the applicant also proposes to pay for a Traffic Regulation Order (TRO) for double yellow lines along London Road to permanently prevent on street car parking from re-occurring. Coupled with the residents parking areas this additional provision will clear London Road of parked cars providing considerable highway safety betterment on a busy strategic road network.

5.15 The TRO proposed will place a 'no parking at any time' restriction on London Road. It will run from the site access on the same side of the road as the application site north bound to no.44 London Road and south bound just past no.146 London Road. On the opposite of London Road it will run from no.73 to no 93 London Road.

5.16 The submitted Transport Assessment also proposes developer funded parking zones in Stubbs Gate and Hatrell Street to ensure residents do not have their on-street parking availability compromised in those residential side roads. In addition to those the Highway Authority have advised that a parking survey should be required prior to occupation of the development to assess if there are parking problems in other nearby residential roads, and repeated again 12 months later to examine if additional residential parking zones are necessary. For example the survey could potentially include properties opposite the development site such as Duke, Slaney, Leech and Occupation Streets on the east side of London Road. This is to take into account the displacement of a small amount of onstreet parking on that side of London Road that will also be a result of the Traffic Regulation Order proposed. That restriction is required to allow safe vehicle turning and approach movements for drivers using and passing through the signalised junction access proposed as well as to improve the free flow of other traffic travelling on London Road itself on the approach to the new signalised junction.

5.17 *Pedestrian access and footway improvements proposed*

5.18 With respect to journeys on foot, a distance of 800 metres is identified nationally as the preferred maximum distance for town centres, whilst a distance of 2 kilometres is defined as a preferred maximum for commuting purposes.

5.19 The Lyme Valley Road access will be available for pedestrians to use, it is proposed to provide dropped kerbs and tactile paving at the existing accesses along Lyme Valley Road, in order to provide a safe continuous walking route between the site and Brook Lane and the facilities located there, such as the bus stops and the Morrison's supermarket.

5.20 The Stoke Royal University Hospital is 450m metres away to the south east which is about a 5 minute walk for any students studying at the hospital. The walking route is assisted by the existing subway at the signalised The Avenue/London Road junction to the south. A review of existing infrastructure by the applicant has shown that the quality of the pedestrian network is of good standard providing safe continuous walking routes to the surrounding area.

5.21 *Cycle provision and access*

5.22 The scheme provides a total of 124 secure cycle spaces spread out within each block, the use of which is proposed to be monitored as part of a Travel Plan. A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey time of around 25 minutes based on a

leisurely cycle speed of say 12 kilometres per hour and would encompass access to Knutton, Silverdale, Chesterton, Bradwell, Hanley and Stoke-on-Trent.

5.23 A local cycle route is situated to the west of the site in the Parkway, approximately 50 metres from the centre of the site, this cycle route travels into Newcastle-under-Lyme town centre. In addition to local cycle routes, National Route 551 is located around 760 metres northeast from the centre of the site, which travels from Newcastle-under-Lyme into Silverdale (the Greenway). As the development is intended to cater of students, consideration has been given to the cycling route to Keele University, which is located approximately 4.3 kilometres to the north-west of the site.

5.24 The distance to the University is less than 5 kilometres and equates to a cycle journey of around 25 minutes, so cycling is a realistic transportation mode choice. Keele University due to its location would be accessed up Keele Bank but that is not considered to be insurmountable for cyclists minded to travel this way. On the advice of the Highway Authority it is considered that a higher level of cycle parking for a total of 253 spaces is required which can be secured by planning condition. A financial contribution towards cycle network provision is also considered later on in this report.

5.25 *Public transport access*

5.26 The nearest bus stops to the site are located on London Road, around 220 metres south east of the site, consisting of bus shelters, seating facilities and service information. Further bus stops are situated further along London Road, north of the site. Safe pedestrian access to the nearest bus stops to the site is provided for via the existing pedestrian footways on London Road. Newcastle Bus Station is located around 650 metres from the centre of the site.

5.27 Occupants of the scheme are proposed to be provided with free “introductory” bus passes to promote the use of public transport. The applicant submits a bus journey from Newcastle Town Centre to Keele University takes approximately 11 minutes while Stoke is around a 12 minute journey from the site and Hanley is a 27 minute bus journey.

5.28 Overall, the site is demonstrated to be highly accessible to modes of transport other than the private motor car. The Highway Authority have no objections to the scheme proceeding subject to a range of conditions and legal agreements which include Travel Plan Monitoring, parking surveys before and after occupation and, if deemed necessary, for the developer to fund the setting up of further residents parking zones. The conclusion is that all highway safety concerns to the scheme have been addressed and that, in part, highway safety betterment will be apparent through Traffic Regulation Order implementation on the A34.

6.0 Financial contributions triggered by the development

6.1 The Council needs to have regard to the three lawfulness tests set out in Regulation 122 of the CIL Regulations i.e. is any contribution 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. Furthermore Regulation 123 states that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and if five or more obligations for that project or type of infrastructure have already been entered into since 6th April 2010. .

6.2 *Public open space provision*

6.3 Saved Local Plan Policy C4 states that appropriate amounts of publicly accessible open space must be provided in areas of new housing, and its maintenance must be secured. Core Strategy Policy CSP5 identifies that developer contributions will be sought to provide a key funding source to meet the needs of new residents and for the delivery of Newcastle’s

Leisure Needs and Playing Pitch Strategy and the Urban North Staffordshire Green Space Strategy.

6.4 Local Authorities are justified in seeking planning obligations where the quality of provision is inadequate or under threat, or where new development increases local needs. The contribution expected by the Landscape Development Section is £2,943 per dwelling (consisting of £1,791 for improvements to capital development and maintenance in addition to £1,152 per dwelling for 60% maintenance costs for 10 years). The Landscape Development Section have taken into account the development is for student accommodation and advised a lesser amount of £2,403 per dwelling is appropriate. Members will note that the LDS suggest that it may be appropriate to spend some or indeed all of the money on public realm projects as opposed to conventional public open space. Bearing in mind the demands upon and use which students tend to make of the public realm as well as open space this approach is considered reasonable, but there will need to be limitations as to where such expenditure is made.

6.5 The Council is entitled to devise a pragmatic method of calculation for the amount requested to be considered reasonable in line with the reduced amount. The Council will however have to consider carefully the purpose for which the money is to be spent to avoid transgressing Regulation 123, or restricting its future position. The applicant has indicated they are in agreement verbally with the requested amount.

6.6 *Affordable housing*

6.7 Policy CSP6 of the Core Spatial Strategy states that for new residential development within urban areas, on sites or parts of sites proposed to, or capable of, accommodating 15 or more dwellings will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided.

6.8 The scheme is to provide student accommodation only. Where schemes are providing purpose built student accommodation the Council's approach has been to not to require affordable housing provision for this particular market niche. There is no reason to deviate from that approach here which requires a planning condition to restrict the occupation of the development for students only. A scheme without such a restriction would otherwise trigger affordable housing requirements to be considered.

6.9 *Public transport, cycle network infrastructure improvements and parking survey/travel plan monitoring sums*

6.10 The Highway Authority advises the following financial contributions are required to make the development acceptable in highways and transportation terms:-

- the funding of the implementation of a Residents Parking Zone for Hatrell Street and Stubbs Street;
- A sum of £50,000 for parking surveys and the implementation of Resident Parking Zones if deemed appropriate on full occupation of the development;
- A Travel Plan monitoring fee of £2,245;
- £10,000 and £5,000 for Real Time Passenger Information (RTPI) displays at the two bus stops on both sides of London Road to the east of the development including maintenance of the RTPI system and shelter upgrades;
- A financial contribution of £25,300 to provide improvements to the cycle route from Newcastle town centre to Keele University.

The financial requests meet the 3 tests and need to be sought via legal agreement in any approval. They also comply with Regulation 123.

7.0 Can a surface water drainage provision be secured and the risk of contamination to 'Controlled Waters' be properly managed in light of the objection received from the Environment Agency?

7.1 The site is in a location which has a low risk of flooding. The Local Lead Flood Authority were concerned about the applicants' initial proposal to use a 'soakaway' drainage system as a way of managing surface water run-off. That has subsequently been switched by the applicant towards a different type of drainage strategy which uses underground closed storage system which should prevent impact to 'controlled waters'. Although precise drainage details have still not been fully agreed upon there is no reason to suggest the matter cannot be dealt with by planning condition along with standard contaminated land conditions where the impact to 'controlled waters' has been raised as an issue on the advice of consultees. There is scope to use 'green' roofs within the scheme to slow some runoff.

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

8.1 The benefits of the scheme are considerable when measuring the proposal against the Development Plan, and the aims and objectives of Framework itself. In summary these are broadly:-

- The reuse of presently redundant previously developed land within a short walking distance from the Town Centre.
- Investment supporting the Town Centre economy (day and night) and the associated economic benefits arising from allowing construction activity to occur.
- Improved vehicle circulation on the A34 achieved as a result of removing parked vehicles on the road and placing a traffic regulation order to facilitate clear two lane movement offering significant highway safety betterment.
- The promotion of cycling and public transport use as realistic alternative modes of transportation to the motor car, which also fits in with wider strategic pollution control and health and well-being aims.
- A significant contribution to Council's 5 year housing land supply within the urban area when there is a current significant identified shortfall.
- A visual improvement to the character and appearance of the area on unkempt land (subject to landscaping provision for Lyme Valley Parkway boundary)

8.2 The negatives, if any, arise from introducing additional traffic onto an already pressured highway network where residents are heavily reliant on on-street parking, and the displacement of some on-street parking for local residents on the opposite side of London Road could marginally aggravate parking problems. But that is said in the absence of any objection from the Highway Authority taking into account the range of measures proposed within the application documents. The range of mitigation measures proposed by the applicant are extremely comprehensive and therefore that particular concern weighs little when assessed against the overall benefits of the scheme which are considerable.

8.3 In conclusion overall there are no matters of any significant weight which suggest that permission should be refused for this development which offers clear and substantial regeneration benefits to the Borough. Through the application of appropriately worded legal agreements and planning conditions, when assessed against the policies in the NPPF taken as a whole permission should be granted.

Appendix

Policies and Proposals in the Approved Development Plan relevant to the 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 for Economic Development
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy 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 and Protection of the Countryside
Policy N2:	Development and Nature Conservation – Site Surveys
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12:	Development and the Protection of Trees
Policy N13:	Felling and Pruning of Trees
Policy N17:	Landscape Character – General Considerations
Policy T16:	Development – General Parking Requirements
Policy T18:	Development – Servicing Requirements
Policy C4:	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities
Policy IM2:	Compliance with Policy Concerns

Other Material Considerations

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)

[Affordable Housing SPD](#) (2009)

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

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

[Waste Management and Recycling Planning Practice Guidance Note](#) (2011)

[North Staffordshire Green Space Strategy](#) (September 2007)

Relevant planning history

Views of Consultees

The **Highway Authority** have no objections to the scheme proceeding subject to conditions relating to:-

1. The development shall be restricted to occupation by students only.
2. Precise details of the proposed signal controlled access on London Road including a Stage 2 Safety Audit and details of construction, surface water drainage, street lighting, signing and road markings
3. Off-site highway works have been submitted to and approved in writing by the Local Planning Authority;
 - Proposed pedestrian improvements to Lyme Valley Road;
 - Improvements to widen the existing pedestrian refuge on Brook Lane to accommodate a cycle on the route of the Lymebrook cycle path.
4. Provision of the access, parking, servicing and turning areas in accordance with the approved plans.
5. Agreement and implementation of:-
 - surfacing materials for the internal access road, parking, turning and servicing areas;
 - delineation of parking bays;
 - means of surface water drainage for the internal access road and parking turning areas;
6. Agreement and implementation of a car park management scheme.
7. The development shall not be occupied until a Traffic Regulation Order to prohibit parking on the A34 London Road consisting of double yellow lines in accordance with the submitted details has been implemented.
8. The development shall not be commenced until details of an off-site traffic management scheme comprising of a Residents Parking Zone on Hatrell Street and Stubbs Gate has been submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to the first occupation of the development.
9. A temporary car parking scheme for properties 64 to 116 London Road
10. Weatherproof parking for a minimum of 253 cycles.
11. The Travel Plan implementation and monitoring. .
12. Construction Method Statement agreement and implementation.

The developer must also enter into a Section 106 Agreement to secure the following financial contributions:

- A sum of £50,000 for parking surveys and the implementation of Resident Parking Zones if deemed appropriate on full occupation of the development;
- A Travel Plan monitoring fee of £2,245;
- Real Time Passenger Information (RTPI) displays at the two bus stops on both sides of London Road to the east of the development including maintenance of the RTPI system £10,000;
- Upgrades to both of the above bus shelters £5,000;
- A financial contribution of £25,300 to provide improvements to the cycle route from Newcastle town centre to Keele University.

Severn Trent Water have no objections to the proposal subject to conditions requiring: the agreement of drainage plans for the disposal of foul and surface water flows, and their full implementation prior to occupation to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

The **Coal Authority** advise the application falls within a Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted. There are therefore no objections to the scheme.

Natural England have no objections but suggest the application could consider biodiversity improvements such as bat and bird boxes and also enhancing the natural landscape and opportunities available to connect with it.

The **Waste Management Section** comment that the Council has a general policy of not making collections from un-adopted roads. However with this application there is no realistic alternative. Waste collection vehicles would have to be able to have safe access the site from Lyme Valley Road side (having an access fob), drive through the site without any need for reversing at all when making collections, and leave through the London Road signalised junction. They also comment that the bin store at Block 1 needs be moved to the roadside within the application site as its current location is inaccessible for collection purposes taking into account bike storage and ease of movement.

Subject to a condition for the approval of refuse storage and collection arrangements being agreed in writing with the Planning Authority and carried out in accordance with the approved details they have no objections.

The **Landscape Development Section** comment the following:-

- The lack of buffer between the site and Lyme Valley Parkway is a concern. The four storey blocks positioned immediately adjacent to the boundary would have an extremely domineering visual impact upon the Parkway and the adjacent events space. They also have concerns about the potential complaints that the Council could receive about park users from residents overlooking the parkway in such close proximity (windows and living space would be very close to the open space).
- Large expanses of unbroken paved surfaces for parking areas lack soft adequate landscaping.
- The use of timber boundary treatments along the Parkway boundary is unsuitable and should be substituted to parkway style railings.
- A defined routes for cyclists should be included in the scheme.
- The scheme should be adapted to include tree planting on the London Road frontage.

In terms of impact on trees, at present land in the Parkway (abutting the site) comprises dense young tree plantings. It is likely that Blocks 2, 3 and 4 would have an adverse impact upon these trees as the new homes would be too close to potentially large trees. The Section would not however object to moderate tree loss and well thought out thinning works in this case, subject to a legal agreement to cover appropriate landscaping within the parkway which may include thinning of existing tree planting, new replacement planting and footpath installation. Landscaping would be needed to blend the development in with the Parkway and installed at the developer's expense.

A financial contribution towards public open space provision is sought of £2,403.60 per dwelling (comprising of capital development/improvement of greenspace (less play) of £1,482 per dwelling and additional maintenance to meet the demand that will be created by the development on nearby green space (less one fifth for play) of £921.60 per dwelling).

Funds obtained through a planning obligation would be used on a variety of improvement projects at Lyme Valley Parkway or on public open spaces and/or public realm improvements within the Town Centre.

Housing Strategy comment that in previous cases, the Council has not sought affordable housing on purpose built student accommodation (PBSA). Where the accommodation is cluster flats or studio apartments and has communal facilities, and where the accommodation is exclusively to be occupied by students, the Council has been minded to accept that the accommodation is PBSA. A more flexible scheme would trigger affordable housing requirements.

The **Education Authority** advise that no financial contribution toward education provision is required.

The **Local Flood Authority (SCC)** object to the drainage strategy submitted.

The **Environment Agency** objects to the development on the basis that the previous use of the proposed development site as a garage and historic landfill presents a high risk of contamination that could be mobilised during construction to pollute 'Controlled Waters' receptors. 'Controlled Waters' are particularly sensitive in this location because the proposed development site is located on a superficial Secondary (A) Aquifer and within 100 metres of Lyme Brook. At present the planning application is not supported by an appropriate assessment of risk so does not meet the requirements of national planning policy.

Staffordshire Police have no objections and comment that:-

1. Connectivity to the Lyme Valley Parkway and the A34 entrance should be for residents only with appropriate signage and surfacing treatments to confirm and highlight that to passers-by.
2. The scheme offers a high degree of natural surveillance of parking, cycle storage and wider areas. In addition appropriate down lighting should also be installed to reduce the risk of crime occurring at night. One of the cycle storage areas could be a little more open to residents being able to view them within the site rather than tucked away.
3. Security measures of the blocks could be further enhanced by using electronic access control mechanisms and higher security standard windows and doors for internal rooms and access points above the concierge service proposed by the applicant.

The **Environmental Health Division** object to the impact on air quality on the residents of London Road who are to have parking removed. They also recommend that contamination reports are updated for the proposal and that conditions are applied relating to:-

1. Site contamination
2. The agreement and implementation of a Construction Management Plan
3. Noise mitigation.
4. Artificial lighting.

The **County Archaeologist** has no objections.

Newcastle South LAP, Staffordshire Fire and Rescue Service and Stoke on Trent City Council have not commented by the due date so it is assumed they have no objections to the proposal.

Representations

6 letters of representation have been received. A number of concerns have been raised:-

- The development would harm the appearance of Lyme Valley Parkway and disturb wildlife.
- Roads cannot sustain the additional traffic caused by the development. The development will exacerbate traffic and parking congestion in the area. Other developments in and around the town centre will also magnify the impact which has not been gauged.
- The proposed entrance on Brook Street would bring the extra traffic down from the Grosvenor roundabout past Stubbs gate and Hatrell Street and from reported residents experience attempt to get out of Hatrell Street where it is already dangerous to do at certain times of the day.
- Parking levels are low for residents of the development and the A34 is already strewn with parking problems from hospital workers.
- There is a proposal put forward to make Stubbs gate and Hatrell Street into residents parking zones because of parking problems. Residents should not have to pay for this.
- The occupier of No.136 London Road adjacent to the site initially raised concerns with respect to parking and access to that dwelling house if double yellow lines were present outside the property and also allowing maintenance of the side elevation of that property. *Those specific residents concern have now been withdrawn by the occupier following a plan revision which includes off-road parking for that property.*

- The existing operation of a commercial repair garage near to the development site may give cause to complaint by future residents of the development.
- No provision has been made for primary care, the closest doctor's surgery is already full.

Applicants/ Agents submission

The applicant has submitted along with application forms and plans:-

- Air Quality Assessment
- Affordable Housing Statement
- Design and Access Statement
- Transport Assessment
- Sustainable Drainage Report
- Tree Impact Report
- Phase I and II Assessments
- Design Review Statement
- Site Waste Management
- 3D images of the scheme

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/16/01106/FUL>

Background Papers

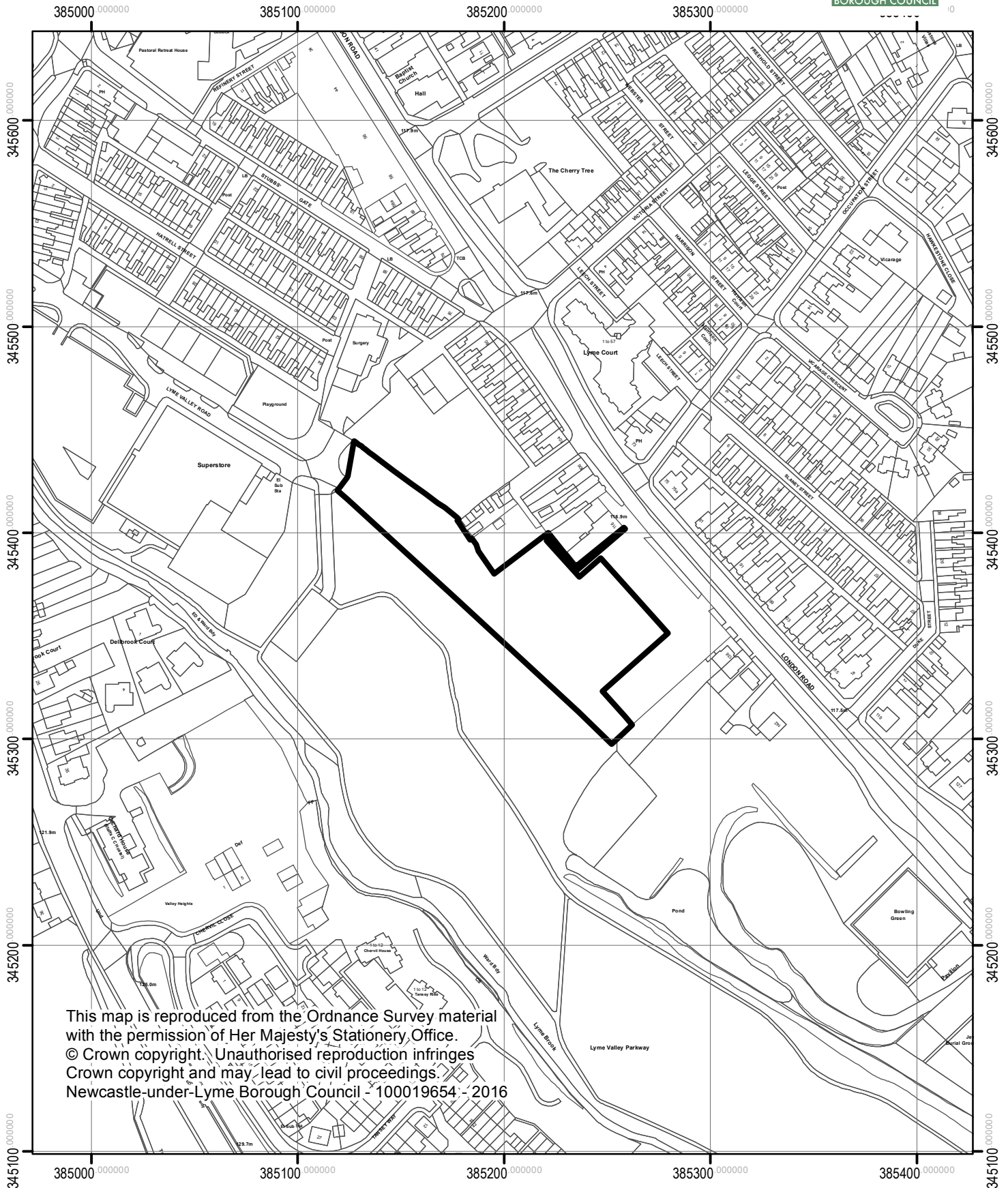
Planning File.

Planning Documents referred to.

Date Report Prepared

29th July 2017.

**16/01106/FUL
Bristol Street Garage
London Road
Newcastle**



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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**THE HOMESTEAD, MAY PLACE, NEWCASTLE
THE WREKIN HOUSING TRUST**

17/00310/FUL

The application seeks full planning permission to vary condition 2, which lists approved drawings, to enable alterations to the design of the terraced area balustrading at the Homestead extra care facility at May Place, Brampton Road.

The site lies within the urban area as indicated on the Local Development Framework Proposals Map. The site is adjacent to the Brampton Conservation Area.

The application is retrospective as the balustrading is already in place and the development occupied.

The 13 week determination period for the application expired on the 12th July; however the applicant has agreed to extend the statutory period to the 18th August 2017

RECOMMENDATION

Approve with conditions as were attached to application 14/00476/FUL as remain applicable & the newly worded condition agreeing the alterations from glass balustrading to metal railings in line with the application.

Reason for recommendation

The proposed submission is considered to overcome previous concerns with regard to noise, and as such the application can be supported.

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

The feedback of a consultee was provided to the applicant's agent during the application process, and additional information was submitted to overcome their concerns. This is considered a sustainable form of development that complies with the aims and objectives of the National Planning Policy Framework.

KEY ISSUES

Full retrospective planning permission is sought for the variation of condition 2 of planning permission 14/00476/FUL, the condition specifying the approved plans, to enable minor alterations to the design of the terraced area balustrading. Permission 14/00476/FUL was for a 65 apartment extra care scheme with allied facilities. This new application follows the withdrawal of the balustrading element from an earlier variation application for the same scheme (16/00880/FUL) which came before the Planning Committee at its meeting on 28th February 2017 and was approved. The Committee also resolved at the same time that it was expedient that enforcement action be taken unless either the balustrading was removed or a further application with new supporting information was submitted within 8 weeks. Such an application was submitted and it now comes before the Committee for decision.

The balustrading that was originally permitted was glass screening; however metal railings have been installed instead of the glass, which is not in accordance with the approved plans.

The main issue to consider in this proposal, therefore, is the design and noise implications of the amended balustrading

The design and noise implications of the amended balustrading

The permitted balustrading was for reinforced glass barriers around the terraced area, however metal railings have been installed. In design terms, the railings are considered acceptable; however concerns were originally raised by the Council's Environmental Health Division with regard to noise

attenuation which resulted in the Committee being of the view that the installed balustrading did not provide sufficient noise mitigation for the terraced area from traffic noise on Brampton Road/ Sandy Lane and as such the development conflicted with the aims and objectives of the NPPF, in particular the aim of creating healthy communities and the requirement to avoid noise giving rise to significant adverse impacts on health and quality of life.

During the course of the current application further discussions have taken place between the applicant's Noise Consultant and the Council. On consideration of this submitted information it has been accepted by your officers that the previously approved glass balustrading approved under 14/00476/FUL offered no meaningful noise mitigation to persons using the terrace and accordingly that the use of a metal balustrade will not alter the position. In the circumstances no purpose would be served by resisting this application.

Section 106 matters

The effect of this decision would be to grant an entirely new planning permission. Planning permission 14/00476/FUL was only granted following the completion of a related Section 106 Agreement on 13th Jan 2015 securing the payment upon commencement of a public open space contribution to the Borough Council and a Travel Plan monitoring contribution to the County Council. Because of the way it is worded the Section 106 agreement does not limit the right to develop the land in accordance with another planning permission, such as would now be granted. Provided the sums have been paid this does not matter.

Your officers have established that the public open space contribution has been paid to the Borough Council but have not yet been able to confirm with the County Council that they have received the required Travel Plan monitoring contribution. It is expected that the position will be known by the time of the meeting, but a further report may be required to address this essentially "technical" issue.

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 ASP5 Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1 Design Quality
Policy CSP2: Historic Environment
Policy CSP3 Sustainability and Climate Change
Policy CSP5 Open Space/Sport/Recreation

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

None relevant

Other material considerations include:

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

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

[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 \(2010\)](#)

Relevant Planning History

16/00880/FUL Permitted	Variation of condition 2 to enable minor alterations to the design of the roof over the kitchen area relating to planning permission ref 14/00476/FUL for a proposed new 65 apartment Extra Care scheme with allied facilities.
14/00476/FUL Permitted	65 apartment extra care home with allied facilities

Views of Consultees

Environmental Health Division – No objections to the proposal

Representations

None received

Applicant/agent's submission

The application plans and form are available to view at the Guildhall or using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00310/FUL>

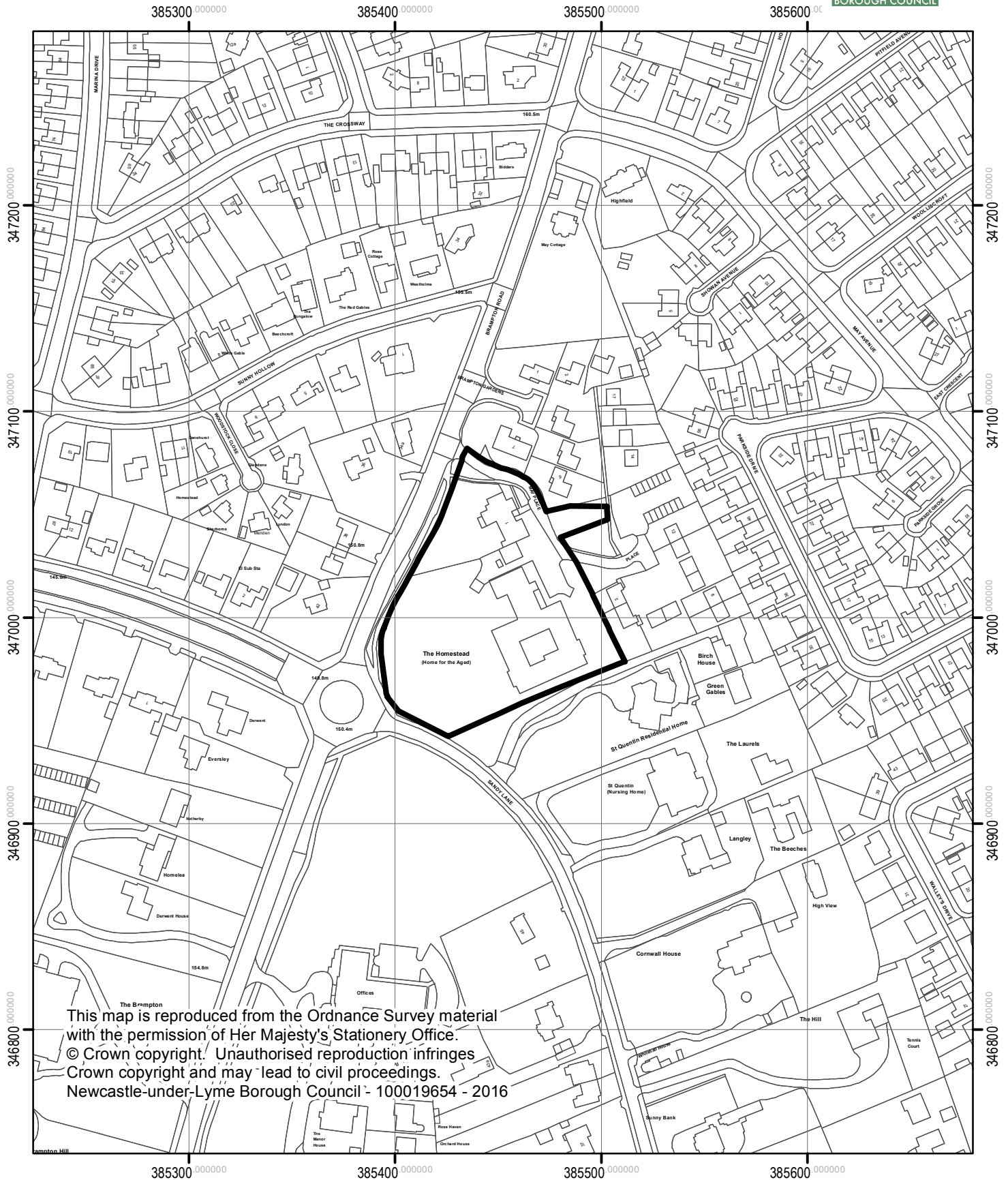
Background Papers

Planning File
Development Plan

Date report prepared

27th July 2017

17/00310/FUL The Homestead, May Place



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FORMER CLUB HEATHCOTE STREET, CHESTERTON
ASH GREEN (HOLDINGS) LTD

17/00417/FUL

The application seeks full planning permission for the erection of 14 dwellings

The site lies within the urban area of Chesterton, as indicated on the Local Development Framework Proposals Map. The site extends to approximately 0.32 hectares

Access is proposed off Sandford Street and the site was previously occupied by Chesterton Ex-Servicemen's Club.

The application site also includes public footpath (Newcastle 36a) which runs through the northwest corner of the site and would need to be diverted.

The statutory 13 week determination period for this application expires on the 5th September 2017

RECOMMENDATION

A. Subject to the applicant first entering into a Section 106 agreement by 4th September 2017 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £33,244 (index linked) towards the provision of education places and the discounted financial contribution of £23,202 (index linked) to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if found financially viable with preference being given to the making of a policy compliant contribution to the provision of education places first followed by the above contribution to public open space, PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard Time limit for commencement of development**
- 2. Approved Plans**
- 3. Materials**
- 4. Boundary treatments, including acoustic fence**
- 5. Landscaping Plan**
- 6. Tree Protection measures**
- 7. Submission and approval of noise report. Mitigation measures**
- 8. Design Measures to Secure Noise Levels**
- 9. Construction hours**
- 10. Contaminated land treatment**
- 11. Visibility splays**
- 12. Surfacing and drainage details**
- 13. The access and access road being completed prior to occupation**
- 14. The existing access permanently closed and footway reinstated**

B. 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 financial contributions towards education places and public open space; or if he considers it appropriate to extend the time period within which the obligation referred to above can be secured.

Reason for recommendation

The development is located within a highly sustainable urban area and given that there is a strong presumption in favour of sustainable development in the context of the Council's inability to be able to demonstrate a 5 year supply of deliverable housing it is considered that the development is acceptable in principle. The design of the scheme, highway safety and noise impacts are considered acceptable subject to conditions. It is also accepted, following the obtaining of independent financial

advice, that the scheme is not viable with any financial contribution towards education places and public open space, and whilst these policy compliant requirements are not sought, given the benefits of the scheme, a S106 agreement should be secured to achieve a review mechanism should substantial commencement not be achieved promptly.

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

Pre application advice was sought from the applicant and discussions with officers of the LPA have been ongoing during the application to resolve any matters. The proposed development is still considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

1.1 The application seeks full planning permission for the erection of 14 dwellings.

1.2 The site was the former Chesterton Ex-Servicemen's Club and is accessed off Sandford Street in the urban area of Chesterton which has a mixed land-use.

1.3 The application site includes a public footpath (Newcastle 36a) which runs through the northwest corner of the site and would need to be diverted. This matter is dealt with separately but would not raise any significant concerns with the proposed re-diversion being along an existing footpath that adjoins the site and runs from Sandford Street to Rosevale Road.

1.4 The site has planning permission for the construction of 19 dwellings approved under 07/00620/OUT & its subsequent approval of some of its reserved matters 08/00800/REM but whilst a material commencement has taken place to implement and keep extant the planning permission the site presently remains undeveloped. Permission 07/00620/OUT did also include outline consent for commercial/replacement club development on land between the site and Sandford Street, and that commercial/club development consent has now in effect lapsed.

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

- The principle of residential development
- The design and impact on the character and appearance of the area
- Car parking and highway safety
- Residential amenity matters
- Planning obligation considerations

2.0 The principle of residential development

2.1. Local and national planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land.

2.2 Saved Newcastle Local Plan (NLP) policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026.

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

2.4 The land is located in the urban area within an area of mixed land use and is considered to represent a sustainable location for housing development by virtue of its location in close proximity to services, amenities and employment opportunities.

2.5 Furthermore, the site has had planning permission granted previously for the erection of 19 dwellings and this development is still capable of being implemented which is a fall-back position should this application be refused. However, the applicant has identified in their submission that a scheme of 19 dwellings would be hard to deliver but a scheme of 14 dwellings could be delivered and a timetable for that has been set out by them.

2.6 The proposed development complies with local and national planning policy guidance. The construction of 14 dwellings would contribute to the area's housing supply and the principle of residential development on this site is considered acceptable.

3.0 The design and impact on the character and appearance of the area?

3.1 The NPPF provides more general guidance on the design of development proposals. It indicates at paragraph 56 that great importance should be attached to design which is a key aspect of sustainable development that should contribute positively to making places better for people. It further states at paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.2 The site has been cleared for a number of years but was previously occupied by a building which was in use as Chesterton Ex-Servicemen's Club.

3.3 The site is within a mixed area with varying styles of buildings and uses. In particular the site adjoins Parkhouse Industrial Estate beyond its north-west boundary. There is also a row of terrace residential properties that front Heathcote Street beyond the southern boundary.

3.4 The layout of the scheme would be similar to the previously approved extant scheme that has not been implemented. However, the density of the proposed scheme is much less than that previously approved. The design of the dwellings would all be of an identical appearance but represent an acceptable design.

3.5 It is considered that whilst the design of the dwellings has a suburban style they would be similar in appearance to a nearby development at the former Corona Works which is located in the locality on Sandford Street. The scheme would allow for some landscaping to the front of the site on one side of the street – the other side would have frontage parking. The approved scheme had frontage parking on both sides, so the revised scheme is an improvement in these terms.

3.6 As is indicated below an acoustic fence is proposed on the north eastern boundary of the site. The height of this will be determined by the submission of a noise report which will be secured via condition but is unlikely to raise any concerns regarding impact on the visual amenity of the area due to its location. The Police have requested further planting to deter crime and anti-social behaviour but the requested location for this (on the industrial estate side) is outside of the applicants' control and an acoustic fence is likely to exceed 2 metres in height and be designed in a manner that would not make it easy for people to scale. Other boundary treatments will be designed to deter crime also.

3.7 On balance it is considered that the design of the proposed scheme would enhance the appearance of this vacant site that has remained undeveloped for a number of years. This would enhance the visual amenity of the area and it is considered to be in accordance with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

4.0 Residential amenity matters

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

4.2 Due to the layout of the scheme and the relationship of the proposed dwellings with the limited number of existing dwellings the proposed development would comply with the Council's SPG – Space Around Dwellings which sets out separation distances between what are termed principal windows of proposed and existing residential properties. An adequate level of private amenity space for each dwelling would also be achieved.

4.3 The site does however adjoin an established industrial estate and the Environmental Health Department (EHD) has advised that acoustic assessment standards and acoustic criteria have evolved significantly since the original application such that an updated noise assessment is now required in order to identify appropriate noise mitigation measures. Notwithstanding this the EHD raises no objections subject to design measures being incorporated into the dwellings that secure appropriate noise mitigation. This is likely to result in an acoustic fence being proposed on the north eastern boundary of the site. However, the height has not been indicated but is unlikely to harm the visual amenity of the area due to its location (as discussed above). The noise assessment and suitable design measures can be secured via condition, as advised by EHD.

4.4. Subject to the advised conditions it is considered that the residential amenity levels of future occupiers of the development and amenity of any existing neighbouring properties would be protected.

5.0 Car parking and highway safety

5.1 The access to the site would be taken off Sandford Street and is fundamentally the same access arrangements as the previously approved scheme. The comments of the Highway Authority have been sought and they have requested further information regarding the turning area which has now been submitted. As discussed the access point and road remains as per the previous permission and whilst further views of the HA have been sought on the additional information received the conditions secured on previous permission are reasonable - the existing access being made redundant being closed and reinstated to footway, surfacing details, drainage, the access road being completed prior to occupation, and visibility splays being secured.

5.2 NLP policy T16 states that development which provides significantly less parking than the maximum specified levels will not be permitted if this would create or aggravate a local on-street parking or traffic problem. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In March 2015 the Secretary of State gave a statement on maximum parking standards indicating that the government is keen to ensure that there is adequate parking provision both in new residential developments and around town centres and high streets. LPAs have also been encouraged not to set maximum limits on the amount of parking either.

5.3 The parking standards identified in the Local Plan indicates that for a three bedroom dwelling a maximum of two off street car parking spaces should be provided and in this instance the scheme achieves this requirement.

6.0 Planning obligation considerations

6.1 The previous planning permission for 19 dwellings, approved under 07/00620/OUT & 08/00800/REM, secured a minimum of 20% on site affordable housing and a financial contribution of £18,000 towards open space enhancement/ improvements. An education contribution was not requested by the County Council or sought by the LPA at the time because the schools in the catchment area had sufficient capacity to accommodate any extra pupils from the development.

6.2 A policy compliant scheme would require 25% on site affordable housing for a development of 15 or more dwellings.

6.3 Whilst the proposal is for 14 dwellings, which is under the 15 dwelling threshold, the previous permission for 19 dwellings demonstrates that the application site could accommodate 15 or more dwellings (in that such a scheme obtained planning permission). The 19 dwelling scheme was a high density development and whilst a material commencement of the development was undertaken the site has remained undeveloped. The applicant indicates that the reason for the amended design is

that a scheme for 19 dwellings would not be capable of being delivered in this location within a realistic time period. In their experience (of delivering housing on other sites in Stoke on Trent successfully) a scheme for 14 dwellings, of the design standard proposed, could be delivered in 12 months.

6.4 Your officers have no evidence to dispute the position and indeed the fact that the 19 house permission has not progressed over nearly a 10 year period is testimony in itself. It would not appear that the numbers of dwellings is being artificially reduced to below 15, but rather that the developer is presenting a proposal that is more aligned with market requirements and to seek affordable housing for this smaller development appears to your officers in this case to be unreasonable, even though there is a consent for a 19 house development.

6.5 The open space contribution secured by the Section 106 agreement entered into prior to the grant of the previous permission was paid in full on commencement of that development.

6.6 The required level of developer contributions increased with the adoption of the North Staffordshire Green Space Strategy soon after the 2007 decision.. The Landscape Development Section has sought a POS contribution of £2,943 per dwelling towards off site improvement and maintenance which for 14 dwellings amounts to £41,202. This is an additional £23,202 on top of the £18,000 already paid by the previous developer which they recognise should be allowed for.

6.7 The LDS have indicated that the POS money will be spent at Chesterton Memorial Park or Crackley Recreation Ground. Seeking this additional payment would reflect the change in circumstances (the increased contribution required per dwelling from developers), whilst at the same time recognising that some payment has been received. Such sum could be secured by a planning obligation

6.8 The Education Authority are requesting a financial contribution of £33,244 because the development is likely to increase demand on Chesterton Community High School and this school is now projected to be full for the foreseeable future. This is a material change in circumstances since the previous decision and appropriate to take into account, and such sum could be secured via a planning obligation.

6.9 Your Officer is satisfied that such obligations would comply with both Regulation 122 and 123 of the CIL Regulations, Regulation 123 stipulates that a planning obligation may not constitute a reason for granting planning permission if it provides funding in respect of a specific infrastructure project or a type of infrastructure and, if five or more obligations providing funding for that project or type of infrastructure have already been entered into since 6 April 2010. Whilst contributions have been requested for Chesterton High School only two have been secured since April 2010. No contributions have been secured for Chesterton Memorial Park but one has previously been secured for Crackley Recreation Ground.

6.10 Since the submission of the application and the request from the Education Authority for a financial contribution the applicant has advised that the scheme would be financially unviable with a policy compliant education contribution, let alone also a public open space contribution.

6.11 Paragraph 173 of the NPPF states that: 'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.' It also states at paragraph 205 that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

6.12 The District Valuer's advice has been obtained by the Authority and that advice has concluded that the development is financially unviable with any level of financial contribution towards education places. Whilst the DVS were not informed of the request from the LDS for a further POS contribution of £23,202 it is evident that if this contribution is requested then the scheme would be even more financially unviable.

6.13 Members will also recall a report that came before the 28th March Planning Committee for an application to discharge or lift the planning obligations entered into on outline planning permission (10/00480/FUL) for the erection of 16 terraced dwellings on Sandford Street, Chesterton. That application was approved on the basis that with such obligations the scheme would not be financially viable. The financial viability of schemes in this area seems to be an issue preventing the delivery of housing in this part of the Borough. The benefits both to the Borough as a whole (in terms of housing delivery) and to the regeneration of Chesterton in particular are proper material planning considerations, although it is recognised that in the case of funding additional school places to meet additional demand a failure to obtain contributions will if often repeated cause difficulties for the Education Authority. .

6.14 The application will still need to be the subject of a planning obligation which would secure a financial viability reappraisal mechanism, should a substantial commencement of the development not occur within 12 months of the date of any decision on the application, and then payment of an appropriate contribution towards education places and POS, if the development were to be found capable of financially supporting a contribution. If the reappraisal mechanism is triggered and the DVS (at that time) concludes that the scheme can support a certain level of contributions that is still less than policy would require, the obligation must direct how such financial value is to be apportioned. There are two approaches that need to be considered. The first is to 'top-slice' both the education and public open space contributions that are required (i.e. reduce both by the same proportion) or alternatively to seek in full one of the contributions (i.e. to 'ringfence' it) and allow the other contribution to be more substantially reduced or indeed not provided at all. In several cases the Committee have agreed to ringfence education contributions, on the basis of the view that the provision of education facilities where new housing development is proposed is of overriding importance. This is considered the preference in this instance. The fact that some POS money has already been received in relation to this site (and spent) is relevant to this decision. This is the approach that is recommended.

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 SP3	Spatial Principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas

Other material considerations include:

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG) (2014)

Community Infrastructure Levy Regulations (2010) as amended and related statutory guidance

Supplementary Planning Guidance/Documents

Developer contributions SPD (September 2007)

Affordable Housing SPD (2009)

Space Around Dwellings SPG (SAD) (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016

Relevant Planning History

Outline planning permission was granted in 2008 under reference 07/00620/OUT for a mixed use development including new clubhouse, dwellings and commercial unit on a wider site including the current one. A subsequent reserved matters application (ref 08/00800/REM) was permitted later in 2008 for the residential development element only which was for 19 dwellings. A material commencement of the development occurred and this permission is still extant.

Views of Consultees

The **Education Authority** states that the proposed development falls within the catchments of Chesterton Primary School and Chesterton Community High School. The development is scheduled to provide 14 dwellings and a development of this size could add 3 Primary School aged pupils and 2 High School aged pupils. Chesterton Primary School is projected to have sufficient space to accommodate the likely demand from pupils generated by the development. However, Chesterton Community High School is projected to be full for the foreseeable future. Therefore an Education Contribution for 2 High School places (2 x £16,622 = £33,244.00) is sought.

The **Highway Authority** seek a swept path analysis for the Refuse Collection Vehicle at the turning area shown on drawing number 100-01B and confirmation that the access road is proposed to be adopted or not.

The **Environmental Health Division** raises no objections subject to the submission and approval of an acoustic report, design measures to secure appropriate noise levels, construction hours and contaminated land treatment.

The **Landscape Development Section** express concerns about the large expanse of hard surfacing between the proposed property frontages with no provision for soft landscaping to alleviate the resultant empty space and shrub/tree planting are submitted to address this. The proposed acoustic fencing on the boundary with Rosevale Road should be carried out in accordance with BS5837:2012 to protect the existing trees in the road verge and prevent damage to them. A contribution by the developer for capital development/improvement of off site green space of £1,791 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years is sought. Total contribution £2,943 per dwelling.

Housing Strategy Section advises that as this is for 14 units, the policy would not be activated – unless, it is deemed from a development control viewpoint that the land is being underdeveloped with the purposes of circumventing the requirement in the Affordable Housing SPD.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** has no objection to the principle of development nor the diversion of the footpath. There should be plenty of natural surveillance within the development with properties facing each other and the parking overlooked from the respective properties and those opposite. Access to the private rear of the properties should be restricted by the placement of (lockable?) gating either at or as close to the front of the building line as possible. A number of design measures for boundary walls and fencing, along with planting to prevent crime and anti-social behaviour. The applicant is advised that from the viewpoint of Staffordshire Police and undoubtedly for the long-term benefit of the future residents, it would be highly desirable for the properties to meet the minimum physical security standards contained within the Secured by Design Homes 2016 document.

The **Waste Management Section** advises that the preferable solution would have been for the turning head to be beyond the new properties, but that isn't going to happen. They express concerns that the turning area will be used as a supplementary parking area, which seems quite a likely issue. Comments were also invited from the **Greater Chesterton Locality Action Partnership** and in the absence of any comments from them by the due date it must be assumed that they have no observations to make upon the application.

Representations

No letters of representation 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/17/00417/FUL>

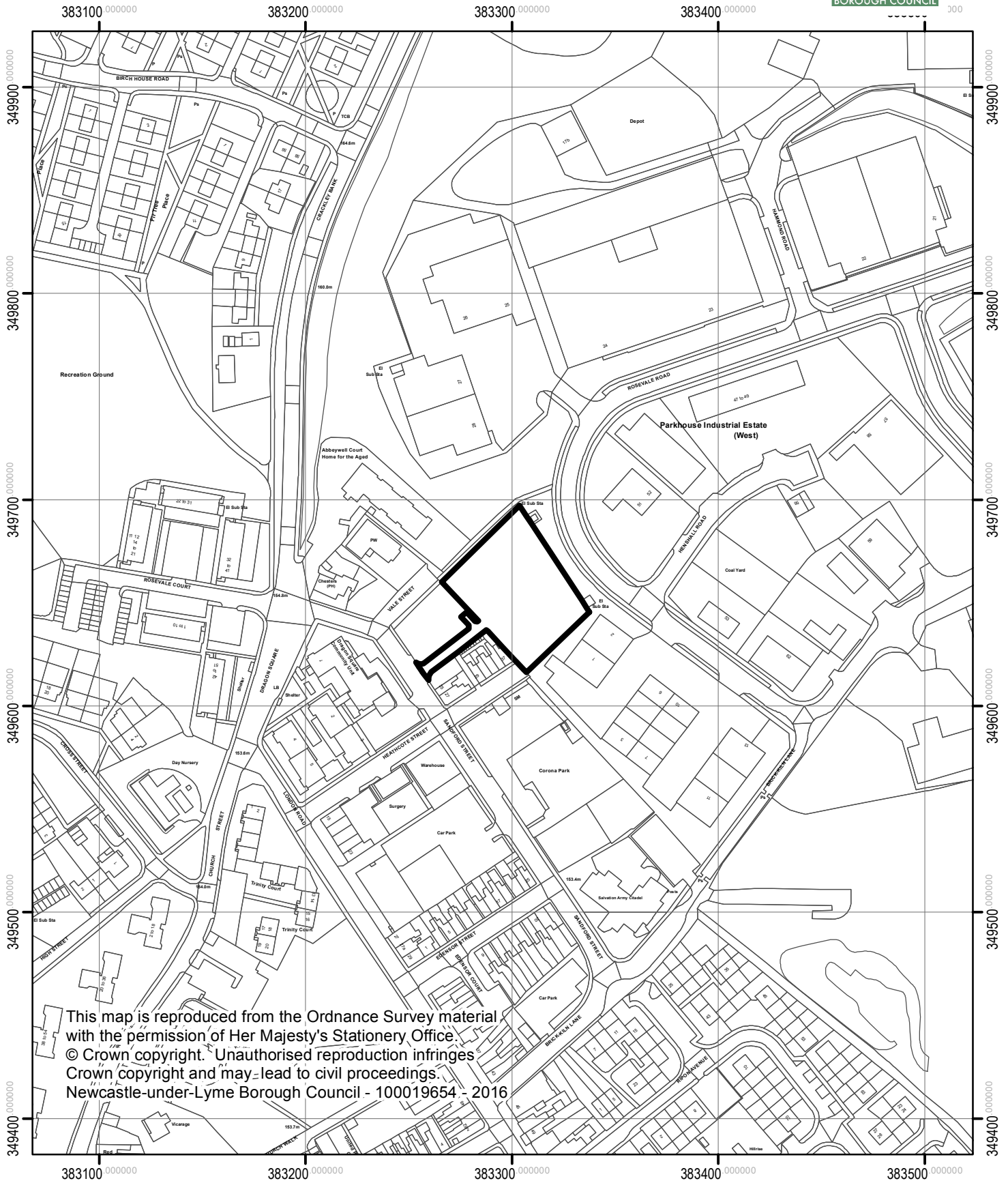
Background Papers

Planning File
Development Plan

Date report prepared

01 August 2017

17/00417/FUL
Former Ex-Servicemens Club
Heathcote Street



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HAZELEY PADDOCKS, KEELE ROAD, MADELEY HEATH
MS SOPHIE THORLEY

17/00434/FUL

The Application is for full planning permission for a replacement stable block and new manege or horse exercise area. The existing access would be utilised off Keele Road which serves the application site and a neighbouring residential dwelling.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and an Area of Landscape Restoration (policy N21), as indicated on the Local Development Framework Proposals Map.

The 8 week determination period expired on the 18th July 2016 but the applicant has agreed to an extension of the statutory period to the 18th August 2017.

RECOMMENDATION

Permit, subject to conditions covering the following:-

1. Commencement of development within 3 years
2. Development in accordance with the submitted plans
3. External Materials
4. Submission and approval of manege surfacing
5. Non-commercial use only
6. Prior approval of means of storing and disposing of stable wastes
7. Only one trailer/ horse box kept on site
8. No jumps or similar features/ structures
9. No external lighting unless agreed prior to installation Visibility Splays shown on revised drawing and kept free from obstruction
10. Access, parking and turning areas provided prior to occupation
11. Prior approval for proposals for the treatment of the roadside hedgerow and a soft landscaping scheme
12. Erection of bat and bird boxes

Reason for Recommendation

The proposed manege is considered to represent appropriate development within the Green Belt. The stable building by virtue of its size and the fact that an existing stable has been converted to a residential development (which could have been brought back into use as stables) would result in harm to the openness of the Green Belt and is also inappropriate development in the Green Belt. However, it is considered that the applicant has provided a case to demonstrate that the benefits of the scheme which would support outdoor sport and recreation in the Green Belt a. This amounts to very special circumstances that would outweigh the harm to the openness of the Green Belt in this instance which would justify approval of planning permission subject to the imposition of the above conditions.

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

Pre application discussions were undertaken between the applicant and the LPA and this has resulted in a number of supporting documents and plans being submitted with the planning application

KEY ISSUES

Full planning permission is sought for a stable block and new ménage at the site that has historically been used for equestrian uses.

The application follows the grant of planning permission (17/00073/FUL) for the conversion of another stable block building on the site to a dwelling. That permission has yet to be implemented.

The site lies within the open countryside which is designated as being within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The main issues for consideration in this application are;

- Is the proposal appropriate development within the Green Belt?
- Design and impact on the character and quality of the landscape,
- Residential amenity issues,
- Highway matters, and
- Should it be concluded that the development is inappropriate in Green Belt terms do the required very special circumstances exist?

Is the proposal appropriate development within the Green Belt?

Paragraph 79 of the NPPF indicates 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.”

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

Paragraph 89 of the NPPF indicates the types of development involving the construction of new buildings that are not inappropriate in the Green Belt. Paragraph 90 sets out that “certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”. The identified exceptions include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; and engineering operations are not to be regarded as inappropriate provided, again, they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Stables are recognised as appropriate facilities for outdoor sport and outdoor recreation within the Green Belt provided that they preserve the openness of the Green Belt.

In this instance the proposed stable would be for personal use for the applicant and her daughter who competes in dressage events nationally. The proposed building would have 3 stables, a laundry, w/c, a feed/ tack room and a horse wash room.

The site has an existing stable building that received planning permission for its conversion to a small two bedroom residential dwelling in April of this year. Members may recall that this application came before the Planning Committee on the 28th March.

The applicant indicates that the existing brick built stable (to be converted to a dwelling) would not meet the current standards for stabling horses. However, the previous application established that appropriate works could be carried out to enable it to be converted to a residential dwelling. It is likely that works could be carried out to meet the standards for stabling horses also.

There is also an existing field shelter that would be removed from the site which the proposed stable would replace. The existing shelter (timber stable) has a volume of approximately 77 cubic metres and the proposed stable has a volume of 269 cubic metres. Therefore the proposed structure would have a significantly greater volume.

It is considered that whilst stables for horses can be an appropriate use within the Green Belt the applicant could have converted the existing stable into appropriate stables and whilst some extension works may have been required the overall impact on the openness of the Green Belt would have been much less than the current proposals. Therefore it is appropriate to conclude the proposed

stable would result in harm to the openness of the Green Belt, and thus the stable building here proposed is inappropriate development in the Green Belt.

In terms of the proposed manege this is an appropriate form of development in Green Belt terms. The engineering works required to construct the manege would not be harmful to the openness of the Green Belt, which would include a 1.4 metre high post and rail fence around the perimeter. No lighting is proposed.

Design and impact on the character and quality of the landscape

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 lies within an area of Landscape Restoration (Policy N21) as indicated by the Local Development Framework Proposals Map. This policy seeks development that will help to restore the character and improve the quality of the landscape.

The proposed stable would be constructed using rendered block work with a slate roof and timber doors and windows. This would be in keeping with other buildings in the locality and represents an acceptable design for this location.

Despite the size of the proposed building minimal views would be obtainable from any main vantage points and it has been sited within the site so as to be viewed within the context of existing buildings.

In terms of the manege this would be of a standard design and also not be viewed from the wider area. It would have an acceptable appearance.

In consideration of the above, the proposals are considered to represent acceptable designs that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

Residential amenity issues

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

The proposed stables and manege would be for personal use for the applicant and her daughter. No floodlighting is proposed and this can be restricted by condition, as can the personal use of the site. This is considered necessary due to the proximity of the proposals to neighbouring residential properties and the location within the countryside whereby there is a very limited amount of artificial lighting currently, although there is street lighting does along this part of Keele Road.

The Environmental Health Division has raised no objections subject to the conditions advised above.

The proposals are considered to comply with the guidance and requirements of the NPPF and no significant harm would be caused to local amenity levels.

The impact on highway safety

The existing access currently has poor visibility and access improvements were secured by condition as part of the recent permission for the conversion of the existing stable to a dwelling.

The Highway Authority has raised no objections subject to conditions which secure the visibility splays and the parking and turning area. A condition which restricts the development to personal use is also requested. Subject to these conditions it is considered that the proposal would provide improved access arrangements to an acceptable level bearing in mind the use of the access to serve two dwellings and the development referred to in this current application.

A condition which secures the relocation of the hedgerow outside of the bird nesting season and the details of the relocation are also advised. These conditions were imposed on the previous decision for the residential conversion.

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

The NPPF indicates 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.

As discussed the proposed stable, by virtue of its size and the fact that an existing stable has been converted to a residential development (which could have been brought back into use as stables) would result in harm to the openness of the Green Belt.

The applicant has submitted a case for very special circumstances (VSC) which primarily relates to the proposed equestrian uses being for personal use for the applicant and her daughter who competes in dressage events nationally. The VSC case indicates that the applicant needs to train daily and exercise the horses to keep them in peak condition and competition ready. The benefits besides training and the ability to train at any time during the day and weekend is the safety and wellbeing aspect of the horses, security of the site and equipment. Therefore there was a need to have living accommodation alongside the proposed stables. They advise that competing at a national level for equestrians is difficult because other sports do not rely on an animal, which has to be in top condition and trained daily. Furthermore they indicate that there are no washing facilities for the horses at the stables or washing of equipment either. When competing at a national level there are standards of turn-out which have to be complied with for both horse and rider. Domestic washing machines are not big enough to hold equine rugs and equipment due to weight therefore a commercial washing machine will be purchased for use. Feed requires correct storage and being free from mice and vermin, this is incorporated in the stable block. This is preferred than lots of smaller sheds within the site which would be more intrusive to neighbours and the surroundings.

The NPPF does support access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities (para 73).

Your Officer accepts that the proposed stable has an acceptable appearance and by virtue of the stables being adjacent to the recently approved living accommodation that would reduce the vehicle movements from the site. As such it could be considered to be a more sustainable form of development than where stables are provided remotely from a dwelling. The proposal would facilitate outdoor sport and recreation in the Green Belt, as supported by the NPPF.

It is accepted that the proposals would have a greater impact than the existing buildings on the openness of the Green Belt but it is considered that the benefits would outweigh the harm to the openness of the Green Belt.

Equestrian uses do not benefit from permitted development rights, as set out in the General Permitted Development Order 2015, so there is no fallback scheme to consider here.

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

APPENDIX

Policies and proposals in the 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 CSP4: Natural Assets

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

Policy S3: Development in the Green Belt
Policy N3: Development and Nature Conservation – Protection and Enhancement Measures
Policy N12: Development and the Protection of Trees
Policy N17: Landscape Character - General Considerations
Policy N21: Area of Landscape Restoration
Policy T16: Development – General Parking Requirements

Other Material Considerations

Relevant National Policy Guidance:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)
[Planning Practice Guidance \(PPG\) \(2014\)](#)

Other Guidance

[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](#)

Relevant Planning History

17/00073/FUL Conversion of Barn to Create Single Family Dwelling Permit

Consultation Responses

Madeley Parish Council raises no objections

The **Highways Authority** raises no objections subject to conditions which secure appropriate visibility splays, the provision of access, parking and turning areas prior to occupation and the development being for personal use only.

The **Environmental Health Division** has no objections to the application subject to conditions which secure no external lighting and the development being for personal use only.

Representations

No representations received.

Applicants/agents submission

The requisite plans and application forms were submitted. A supporting statement and VSC, transport statement and ecological appraisal report has been submitted to support the application which seeks to justify the development proposed. These documents can be viewed on the Councils website;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00434/FUL>

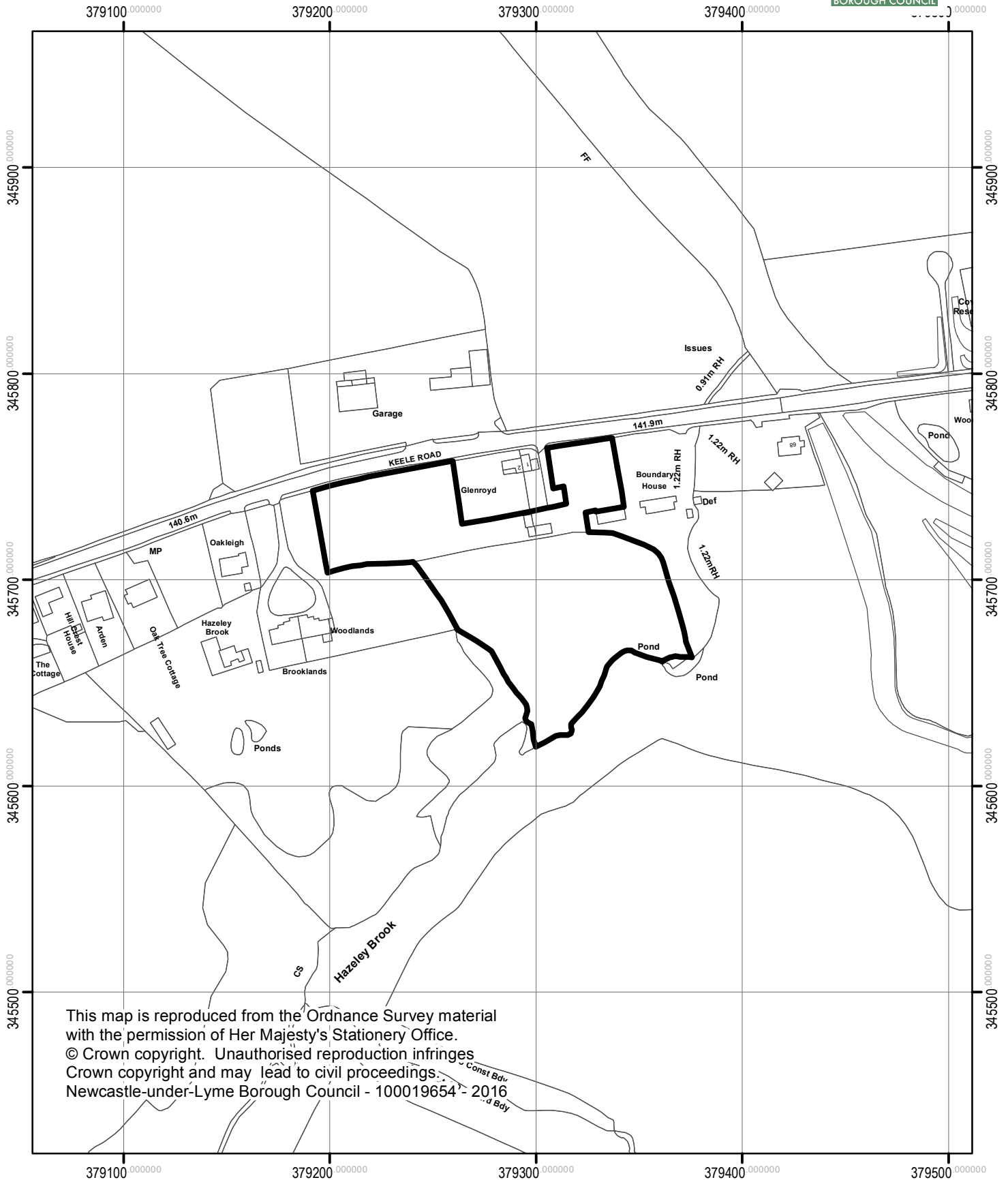
Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

01 August 2017

17/00434/FUL
Hazeley Paddocks, Keele Road
Madeley Heath



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8 BARFORD ROAD, NEWCASTLE
MR A MOSS

17/00483/FUL

The application is for the demolition of the existing bungalow on this site and the construction of 3 detached dormer bungalows. The site measures 0.2 hectares.

The application site is presently garden land which lies within the Urban Neighbourhood Area of Newcastle as specified on the Local Development Framework Proposals Map. Immediately to the south of the site is an area of Green Belt land which is not intruded upon by the proposal.

The application has been called in to Committee by three Councillors due to public concerns about the development which include the impact to the local area.

The 8 week period for the determination of this application expires on the 7th August 2017 but the applicant has agreed an extension of time to the statutory period to the 18th August 2017.

RECOMMENDATION

Subject to consideration of the awaited comments of the Landscape Development Section PERMIT subject to the following conditions:-

- 1. Time limit/plans.**
- 2. Materials.**
- 3. Approval of all boundary treatments.**
- 4. Approval of landscaping provision including tree planting.**
- 5. Tree protection measures where appropriate.**
- 6. Prior approval of any site level changes.**
- 7. Prior approval and impetration of a noise assessment with any mitigation measures necessary.**
- 8. Construction hours be restricted to between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.**
- 9. Approval and implementation of a Construction Management Plan.**
- 10. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.**
- 11. The integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.**

Reason for Recommendation

The development site albeit consisting of garden land is in a sustainable location for new housing. The impact on the form and character of the area is acceptable taking into account wider landscape impacts. There are some attractive mature trees around the periphery of the site at least one of which will be affected, as are some other trees within the site... The ground levels make it difficult for attractive mature boundary trees to be retained but the applicant is submitting that they can be retained in the tree impact information now submitted. The views of the Landscape Development Section are awaited on that information. The impact to neighbouring living conditions would not be significantly eroded subject to the use of appropriately worded planning conditions. There are no highway safety issues which weigh against the proposal.

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

Tree impact concerns have led to additional information being requested from the applicant. The development is considered to be sustainable and permission should therefore be granted.

Key Issues

Two 3 bedroomed and one 4 bedroomed dormer bungalows are proposed on the site which is divided into plots 1-3 as shown on the submitted plans.

- The dwelling shown on Plot 1, that at the head of proposed new access drive, has a footprint of 17.4 by 15 metres, and 9.9 metres in maximum height owing to changes in ground levels.
- The dwelling shown on Plot 2 has a footprint of 9.6 by 12 metres, and 7.2 metres in maximum roof ridge height.
- The dwelling shown on Plot 3 has a footprint of 8 by 12 metres, and 7.2 metres in maximum roof ridge height.

The key issues are:

1. Is the principle of residential development in this location acceptable?
2. Is the design of the proposal and the impact upon the character and appearance of the area acceptable?
3. Is the impact to surrounding trees acceptable?
4. Would the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development be adequate?
5. Is the impact on highway safety acceptable?
6. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

1. Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?

Local planning policy seeks to provide new housing development within existing urban development boundaries on previously developed land. The site under consideration is presently garden land and therefore does not constitute previously developed land according to the NPPF.

Saved Local Plan policy H1 supports new housing in the urban area of Newcastle and Kidsgrove with policy ASP5 of the Core Spatial Strategy (CSS) – the most up-to-date and relevant part of the development plan - setting a requirement for at least 4,800 net additional dwellings in the urban area of Newcastle-under-Lyme by 2026 and a target of at least 1,000 dwellings within Newcastle Urban South and East (within which the site lies).

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

The site does not meet the NPPF definition of previously developed land. The site is within the urban area in relatively close proximity to various facilities in Clayton and beyond in Newcastle town centre and its associated shops, public transport links, leisure facilities and entertainment facilities. The site is also in close proximity to schools, open space and employment opportunities. Therefore, it is considered that the site provides a highly sustainable location for additional residential development.

Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing within the Development Plan cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47). Paragraph 14 details that at the heart of the Framework is a presumption in favour of sustainable development and that this means, unless material considerations indicate otherwise, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework at a whole, or specific policies indicate development should be restricted.

Local Planning Authorities (LPA), by reason of the National Planning Policy Framework (Framework), are required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements (in the Borough's case as set out within the Core Spatial Strategy) with an additional buffer of 5% to ensure choice and competition in the market for land. Where, as in the Borough, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%. The Council, is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%).

On the basis of all of the above, it is considered that the principle of residential development in this sustainable location should be supported unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

2. Is the design of the proposal, with particular regard to the impact upon the character and appearance of the area acceptable?

Core Strategy Policy CSP1 lists the broad criteria for the assessment of new development . It also requires a positive contribution to an area's identity and heritage through the use of appropriate vernacular materials. The Urban Design Supplementary Planning Document gives additional detailed design advice to supplement Policy CSP1.

The site is at the top end of a cul de sac on the edge of the urban area, backing onto open countryside which lies within the Green Belt. The site slopes downwards towards Stockwood Road where properties are at a much lower level, and to the boundary with the open countryside as well. The plot, along with the other two at the head of the cul de sac, is significantly larger than other plots on Barford Road being a corner plot. The three proposed properties would be lie parallel to the Barford Road/Stockwood Road boundary and would have significantly shorter rear gardens than some, but not all properties, in this area. Although the 3 dwellings proposed would be a clear break from the existing form and character of the properties along Barford Road, they are discretely positioned at the corner of the head of the cul de sac and the view taken is that there would be no material visual harm arising from the development..

Concerns have been raised in relation to the wider landscape impact of the proposal. Particularly with respect to public views from Bunny Hill (a local recreational walking area) which is to the south of the application site. Considering that perspective the development will be seen in the context of other urban residential development and therefore the additional two dwellings proposed (discounting the one already on the site) will not appear inappropriate from wider views.

Subject to controls over external facing materials and boundary treatments the impact on the character of the area is acceptable.

3. Is the impact to surrounding trees acceptable?

There are visually significant mature trees located towards the periphery site. They are not protected, but saved Local Plan Policy N12 still needs to be addressed. The Landscape Development Section (LDS) have requested that survey information is first submitted by the

applicant to assess the quality and value of the trees and properly gauge the impact of the development. A Tree impact assessment has now been provided by the applicant which confirms both some direct losses (of 4 trees three being of low quality and one of moderate quality) and works within the Root Protection Area of another. An update will be given as to what the LDS formal comments are in response to that.

4. Is the impact of the development on the living conditions for neighbouring residents and the living conditions of future occupants of the development acceptable?

Supplementary Planning Guidance (SPG) Space about Dwellings provides guidance on the assessment of proposals on matters such as light, privacy and outlook.

In terms of separation distances between the proposed dwellings and existing properties the proposed dwellings are significantly closer to the intervening boundary than those (on Stockwood Road) are on other side and they are aligned parallel rather than oblique to that boundary. However there is around 35 metres between the dwelling shown on plot 2 and number 61 Stockwood Road (the closest of the houses on Stockwood Road) which exceeds the minimum recommended distance of 24 metres referred to in the SPG taking into account ground level differences changes where an additional 3 metres separation is recommended as being appropriate in addition to the 21 metre standard.

With respect to No.s 7 and 9 Barford Road either side of the application site the scheme has been designed so that there is no significant impact to the principal windows of those dwellings. The layout applied for complies with privacy and outlook standards achieved through the position of the driveway and orientation of the dwellings proposed.

Taking into account surrounding properties the proposal is in accordance with the terms of the SPG.

The Environmental Health Division have advised that a noise assessment and any mitigation measures will need to be incorporated into the development to ensure suitable noise levels are achieved for habitable areas and external space (having regard to the noise of traffic on the M6). The use of a planning condition requiring those details could overcome that particular concern. They have also advised that any use of piling for foundations should be subject to a vibration assessment with any mitigation measures necessary to protect neighbouring residents.

5. Is the use of the access and parking provision proposed acceptable in highway safety terms?

The NPPF indicates that development should only be prevented or refused on transport grounds where the impact of development is severe.

The dwellings on plots 2 and 3 each have 2 car parking spaces. Plot 1 has 4 parking spaces when including the integral garage.

The Highway Authority has no objections to the vehicle access parking and turning arrangement applied for subject to conditions. Overall it is considered, in line with the Highway Authority advice there is no significant detriment to highway safety arising from the proposal.

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

As the Council is currently unable to demonstrate a five-year supply of housing land, the provisions of the NPPF are engaged and the presumption in favour of sustainable development therefore applies, as set out above.

There are several factors that do weigh in favour of the development. The proposal would make a contribution toward boosting housing land supply within the Borough in the context of

an identified shortfall. Some limited economic benefits would arise during construction and as a consequence of the occupation of the dwellings. In relation to negative impacts it is anticipated that at least one boundary tree of moderate amenity value on the site may require removal given likely ground level changes to accommodate the dwellings, although the advice of the Landscape Development Section is still awaited. However overall it is not considered that this particular adverse impact outweighs the benefits of granting planning permission.

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 SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change

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

Policy H1	Residential development: sustainable location and protection of the countryside
Policy T16	Development – General parking requirements
Policy T18	Development servicing requirements
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N12	Development and the Protection of Trees
Policy N17	Landscape Character – General Considerations

Other Material Considerations

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

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

Supplementary Planning Documents/Guidance

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

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

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

Relevant Planning History

58/03962/APP	Housing development	Allowed	1959
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Views of Consultees

The **Highway Authority** has no objections on highways grounds subject to conditions relating to the following:-

1. Approval and implementation of a Construction Management Plan.
2. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.
3. Integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.

Severn Trent have been consulted but no comments have been provided by the due date of the 24th July so it is assumed they have no objections to the development.

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

1. Construction and demolition hours being restricted to between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.
2. Prior approval design measures, supported by an appropriate noise assessment, to achieve appropriate internal and external noise levels.
3. Prior notice of any piling activity which will also be subject to a vibration assessment and mitigation measures for surrounding occupiers.

The **Landscape Development Section** have requested that a Tree Survey/Arboricultural impact assessment is first submitted prior to being able to provide comment.

Representations

11 letters of representation have been received, including a letter from **Mr Paul Farrelly MP** objecting to the proposal on the following grounds:-

- Overlooking/ privacy detriment to neighbours (including the occupiers of 61 Stockwood Road).
- Mature trees in the area provide drainage solutions and if they are removed it would cause a flooding problem.
- Tree loss would be damaging to wildlife and biodiversity.
- It's inappropriate to increase the housing density within Barford Road due to form and character concerns.
- There are landslip/ land stability concerns if the site is developed.
- Surface water and foul drainage details are absent and may be difficult to achieve on the site given the levels.
- The plans are not clear, lack dimensions and accuracy.
- Light levels will be diminished for neighbours.
- Emergency vehicles need adequate turning room.
- Trees on the site are valuable and should be protected by order.
- There is insufficient separation with neighbouring properties.
- There will be an adverse impact to the character of the area including from long distance views from Bunny Hill.
- Application reference NNB00804 (Housing development of 3 sites in the 1950's) was refused which is important to acknowledge.
- Noise and dust created will be detrimental to neighbours.
- The dwelling shown on Plot 1 is too big.

Applicant/agent's submission

Application forms and indicative plans have been submitted along with a Tree Impact Report. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00483/FUL>

Background Papers

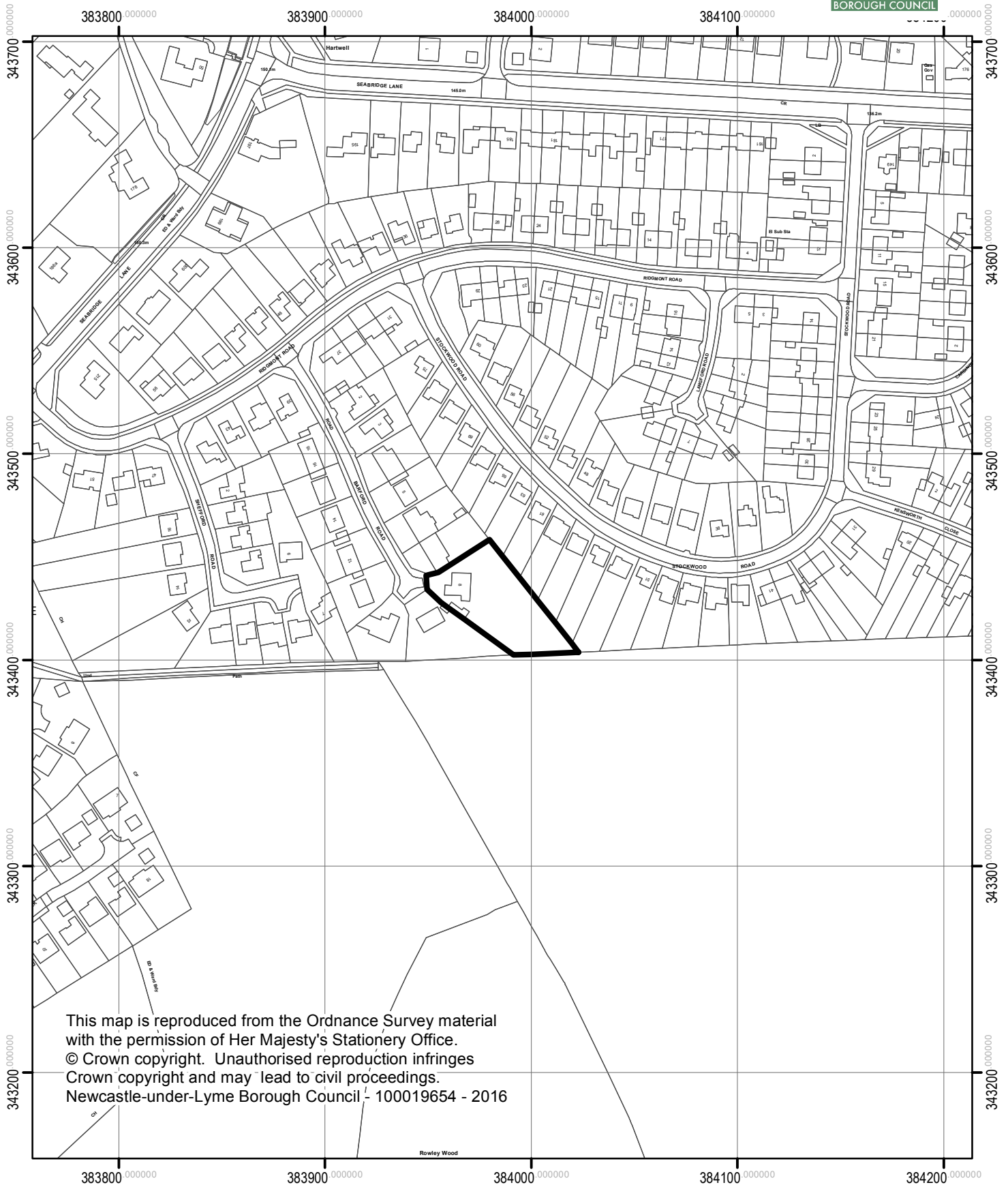
Planning File.
Planning Documents referred to.

Date Report Prepared

26th July 2017.

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17/00483/FUL
8 Barford Road



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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LAND BETWEEN 33 - 47 HIGH STREET, NEWCHAPEL
TELEFONICA UK LTD AND CTIL

17/00548/TDET

The proposal is for the installation of a 15 metre monopole with three antennas, one 0.6m diameter dish pole mounted above the headframe, three equipment cabinets and one meter cabinet all contained within a 7m x 5.5m compound enclosed by a 1.8m high palisade fence on two sides and an existing block wall and timber fence to the other two sides.

The application site lies within the Urban Area of Kidsgrove as defined on the Local Development Framework Proposals Map, adjacent to the Green Belt.

The application has been called in to Committee by two Councillors due to public concerns about the development which they consider to be an unnecessary and unwelcome addition which will be detrimental to the area and not in-keeping with the existing environment.

Unless a decision on this application is communicated to the developer by the 22nd August 2017 the development will be able to proceed as proposed.

RECOMMENDATIONS

- (a) That **prior approval is required**, and
- (b) That such prior approval is **refused** for the following reason;

The proposed development by virtue of its siting, design and undue prominence would have an unacceptable adverse impact on the street scene and visual amenity of the area which would be contrary to Policy CSP1 of the Core Spatial Strategy, Policy T19 of the Local Plan and the guidance and requirements of the National Planning Policy Framework.

Reason for Recommendation

Whilst it is acknowledged that the application demonstrates that there is a technical justification for the development, it is considered that, by virtue of the proposed developments siting, design and undue prominence, it would have an unacceptable adverse impact on the street scene and visual amenity of the area and the harm would not be outweighed by the technical justification. Accordingly it would be contrary to Policy CSP1 of the Core Spatial Strategy, saved Policy T19 of the Local Plan and 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

Pre application advice was not sought from the LPA prior to the application being submitted and for the reasons set out it is not considered to represent an acceptable form of development. Due to the time constraints imposed on the LPA discussions to address any concerns have not been possible.

KEY ISSUES

The proposal is for the installation of a 15 metre monopole with three antennas, one 0.6m diameter dish pole mounted above the headframe, three equipment cabinets and one meter cabinet all contained within a 7m x 5.5m compound enclosed by a 1.8m high palisade fence on two sides and existing block wall and timber fence to the other two sides.

The application site is an existing storage yard on the edge of the urban area of Newchapel in Kidsgrove. The site borders the open countryside which is designated as Green Belt and as an Area of Landscape Restoration and has a number of residential properties in the vicinity along with commercial premises.

The Council must initially decide whether prior approval is or is not required to the siting and appearance of the development and if prior approval is required go on to consider whether it should be granted.

Is prior approval is required?

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on its surroundings.

The proposal is for a new 15 metre high monopole with antennas and ancillary ground based equipment. Whilst much of the ground based equipment will not be visible the monopole with its headframe, antennas and dish, due to its size and appearance, would be clearly visible within the street scene and it is considered that prior approval is therefore required.

Should prior approval be granted?

Paragraph 42 of the NPPF details that advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. The NPPF also goes on the state that LPAs should support the expansion of electronic communications networks, including telecommunications and high speed broadband.

Saved Policy T19 of the Local Plan supports proposals for telecommunications development that do not unacceptably harm the visual quality and character of sensitive areas and locations such as the countryside and do not adversely affect the amenity of nearby properties. Such development is also supported provided that there are no other alternative suitable sites available.

The applicant's submission focuses on the technical need for the new installation in this location which they consider justifies the development. The submission indicates that two operators would share the mast and the applicant indicates that a number of other sites in the immediate vicinity have been explored and discounted for a number of reasons. The height of the proposal is the minimum required to meet the technical coverage and capacity in the area.

The introduction of a 15 metre high monopole and exposed antenna would be clearly visible within the street scene and would have a stark appearance. The proposal would be immediately adjacent to a row of bungalows to the north and would be exposed to views. The proposal would also be exposed to views from the west and whilst it would be seen within the context of the urban area and adjacent buildings it would appear as an alien feature within the context of the area. This would be harmful to the visual amenity of the area and street scene.

Whilst the NPPF supports high quality communications infrastructure and the application seeks to justify the development, including the technical need, it is considered that the siting and design of the proposal would be significantly harmful to the visual amenity of the area and it considered unacceptable and contrary to local and national planning policy.

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](#)

CSP1: Design Quality

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

Policy T19: Telecommunications Development – General Concerns
Policy T20: Telecommunications Development – Required Information

Other Material Considerations include:

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

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

Relevant Planning History

None relevant

Views of Consultees

The **Environmental Health Division** confirms that there are no objections to the application.

Kidsgrove Town Council advises that they believe that there are already monopoles in the vicinity that could be utilised via mast sharing by the applicant. Furthermore, a mast of this size and design would be completely out of character with its surroundings which are bordered by green belt land.

Representations

Twenty objections and one representation of support have been received.

The **objections**, which include a letter from Newchapel Residents Association, raise the following concerns;

- It is out of keeping with the area,
- The proposed mast would tower above all buildings in the area,
- The site is within the designated Green Belt and the proposal would damage the landscape
- Has the applicant provided evidence that mast sharing has been considered?
- A more suitable alternative site should be sought.

The letter of **support** advises that it would improve mobile phone coverage in the area and the mast will be hidden.

Applicant/agent's submission

The agent has submitted a supporting statement in relation to the above proposal which is required in order to enable the expansion of the existing network capacity.

The applicant has declared that the proposal conforms to International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

The full documents are available for inspection at the Guildhall and on the Council's website <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00548/TDET>

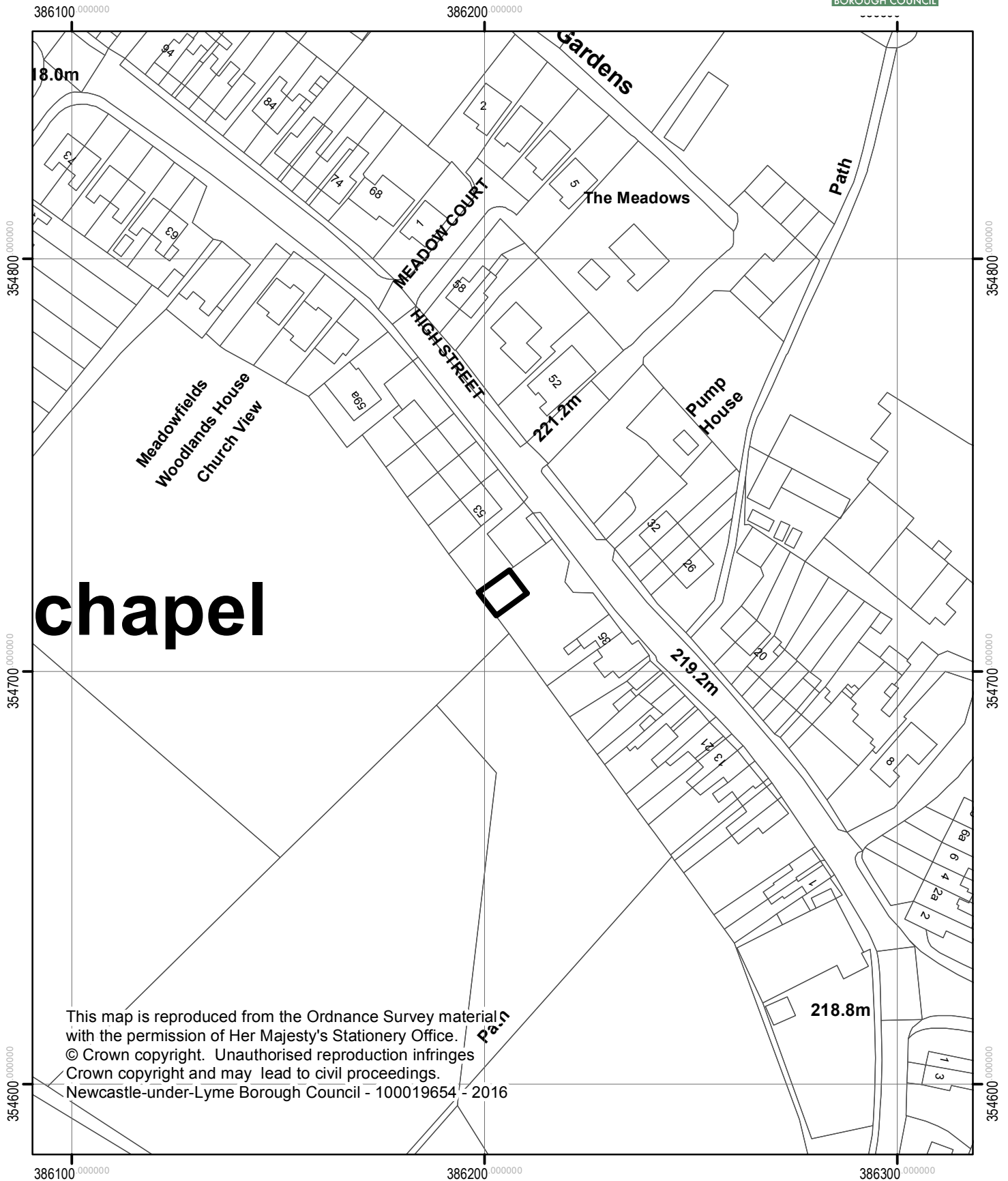
Background Papers

Planning File referred to

Planning Documents referred to

Date report prepared

02 August 2017



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REPORT TO PLANNING COMMITTEE

DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2016/2017

Purpose of the report

To provide members with an end of year report on the performance recorded for Development Management between 1st April 2016 and 31st March 2017. Figures for 2014/15 and 2015/16 are also provided, as are the targets set out within the 2016/17 Planning and Development Service Plan, and performance targets adopted for 2017/18.

Recommendations

- (a) That the report be received**
- (b) That the Head of the Planning and Development with the Development Management Team Manager seek to maintain performance of the Development Management team where satisfactory and improve the service provided where the level of performance may otherwise fall below targets adopted in the 2017/18 Planning and Development Service Plan**
- (c) That the 'Mid-Year Development Management Performance Report 2017/18' be submitted to the Committee around October 2017 reporting on performance achieved for the first half of 2017/18 in relation to these targets, including the 7 indicators considered below.**

Reasons

To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on improving performance, facilitating development and providing good service to all who use the Planning Service.

1. Background:

An extensive set of indicators is collected to monitor the performance of Development Management. These include both 'National Indicators' and those devised by this Council – 'local indicators'. These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area of the work of Development Management. The range of indicators used reflects the objective of providing a *balanced end to end* development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, approving subsequent details and delivering development. The focus in this report is on the speed of performance.. A report elsewhere on the agenda for this meeting considers the Council's appeal performance for 2016/17 – one measure of the quality of the service.

2. Matters for consideration:

There is an Appendix attached to this report:-

APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2014/15, 2015/16, and 2016/17: Contains quarterly and annual figures for the 'local' Performance Indicators applicable during 2016/17 (comparative figures for 2014/15 and 2015/16 are also shown).

The first part of this report is a commentary on the performance achieved against the performance indicator targets as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 6th December 2016 which reported on the mid-year performance figures and gave predictions on whether the targets for 2016/17 set in the 2016/17 Planning & Development Service Plan would be likely to be achieved.

The Council's Finance, Resources, and Partnerships Scrutiny Committee and subsequently Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including currently the three below which relate to the speed of determination of planning applications, and any indicators failing to meet the set targets are reported by exception.

3. The performance achieved and the targets for 2016/17:

7 indicators, all measuring speed of performance, were included in the 2016/17 Planning and Development Service Plan relating to Development Management. These are referred to in the commentaries below. Members will note that out of these 7 performance indicators, the target set by the Council has been met in 2016/17 in 5 cases, but it has not been achieved in the other 2.

In consultation with the Planning Portfolio holder there has been a review of the Service's targets and it has been agreed that in all but one of the indicators the target will remain unchanged for 2017/18. The change that has been agreed will be set out below.

INDICATOR Percentage of applications determined within the following timescales:-

- (1) % of 'Major' applications¹ determined 'in time'**
- (2) % of 'Minor' applications² determined within 8 weeks**
- (3) % of 'Other' applications³ determined within 8 weeks**
- (4) % of 'Non-major' applications⁴ determined 'in time'⁵**

The Government does not set "targets" for the speed of determination of applications. Instead it has a system of designation of poorly performing planning authorities – one of the four current criteria for designation is a threshold relating to the speed of determination of Major applications, performance below which designation is likely. Designation as a poorly performing Local Planning Authority would have significant and adverse consequences for the Council.

In November 2016 the Government announced that the threshold on Major decisions made within the statutory determination period, or such extended period as has been agreed in writing with the applicant, of 50% for the assessment period between October 2014 and September 2016 would rise to 60% in 2018 (measuring an assessment period of between October 2015 and September 2017).

For applications for Non-Major development a threshold of less than 65% of an authority's decisions made within the statutory determination period, or such extended period as has been agreed in writing with the applicant, has been set (measuring an assessment period between October 2014 to September 2016). The threshold will rise to 70% in 2018 (measuring the period between October 2015 and March 2017).

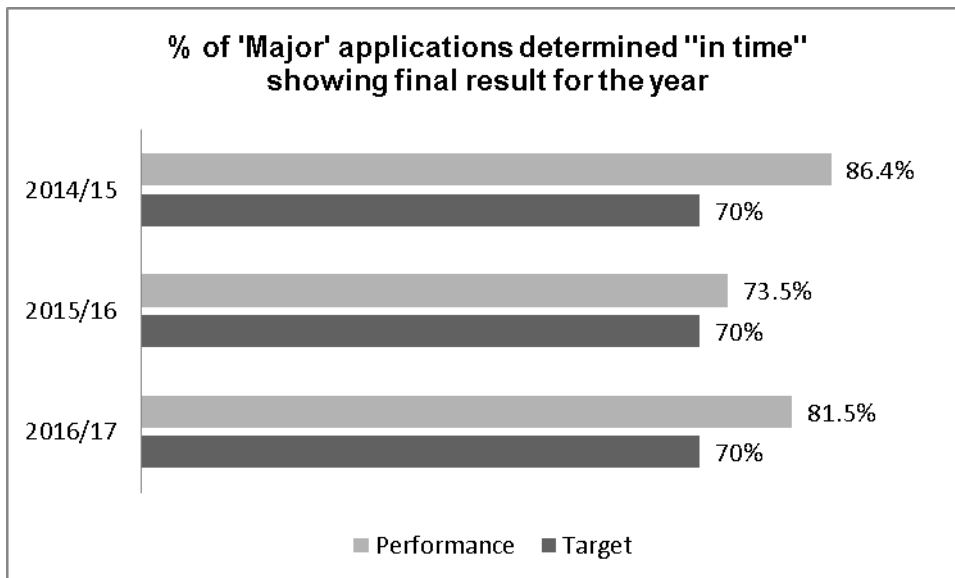
The period referred to in this report – between April 2016 and March 2017 accordingly falls within both of the above assessment periods.

Members may wish to note that with respect to Majors our performance, for the two year period ending March 2017 was 77.7%, the Council being ranked 272nd out of the 339 District Planning Authorities in England. In respect of Minors, for the same period, the performance was 88.2%, the Council being ranked 119th.

The other designation criterion measures the quality of decision making as demonstrated by appeal performance and the Council's performance in this respect is addressed in the Annual Appeals Performance.

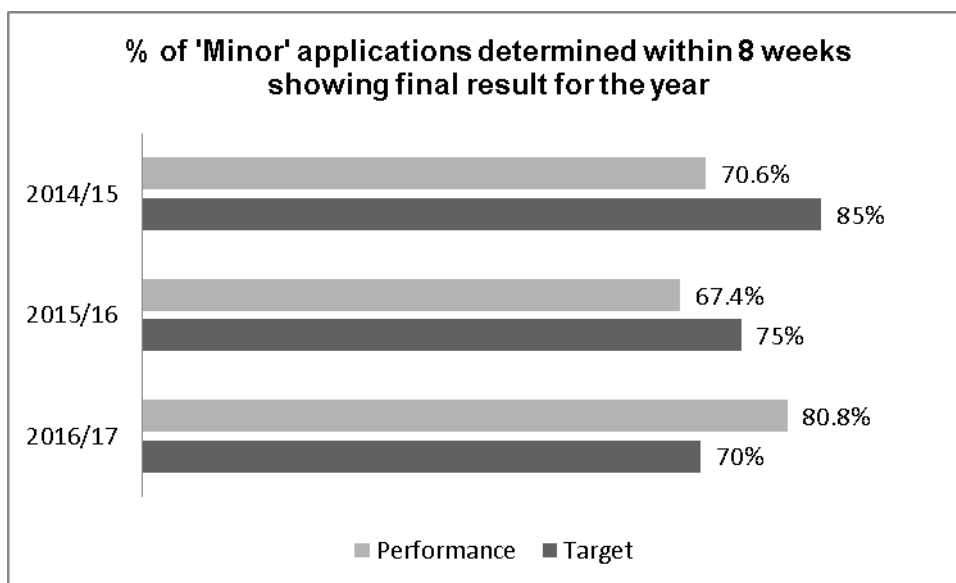
Regardless of any such targets, the Council is required to determine applications in a timely manner and in the case of each application there is a date after which an appeal can be lodged against the Council's failure to determine it. That date can be extended by agreement with an applicant, but delays in the determination of applications are sometimes quoted by various stakeholders as a symptom of a poor planning system, and the applicant's interests are not the only ones that need to be considered as well – undetermined applications and the resultant uncertainty can have a blighting effect on the proposals for adjacent properties. If an Inspector, in any subsequent appeal, was to conclude that there was not a substantive reason to justify delaying the determination of an application, or that the Council had delayed development which should clearly be permitted, then it would be likely that costs would be awarded.

(1) In dealing with 'Major' applications¹ during 2016/17 we determined 81.5% of the 27 such applications "in time"⁵ against a target of 70%. Comparison with performance in previous years is indicated below.



TARGET ACHIEVED

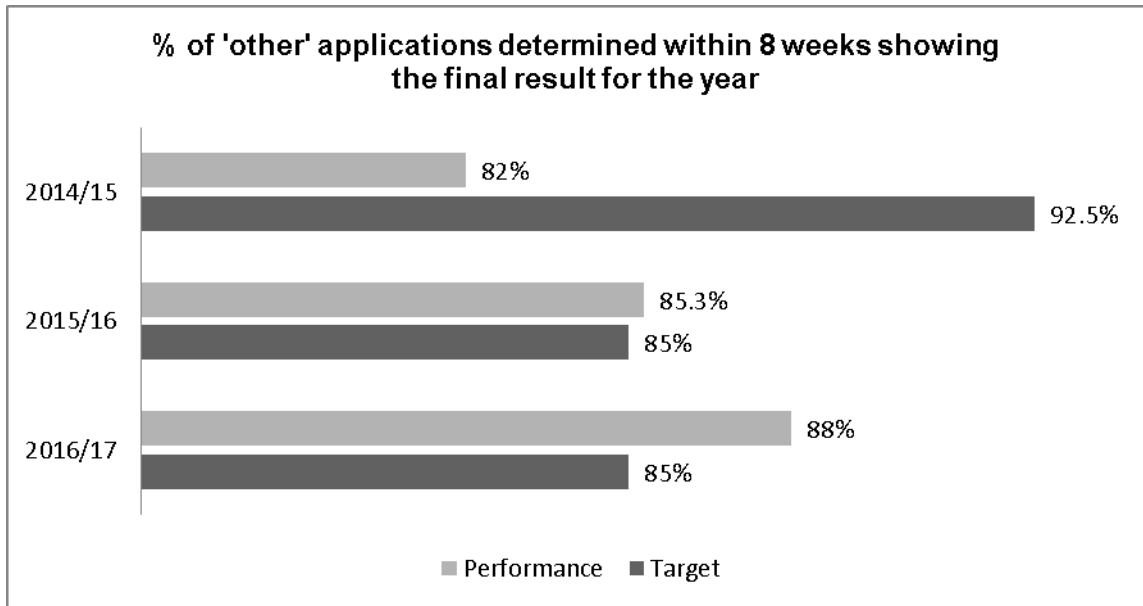
(2) During 2016/17 80.8% of the 214 'Minor' applications² were determined within 8 weeks against the 'local' target of 70%. Comparison with performance in previous years is indicated below.



TARGET ACHIEVED

Performance on Minor applications² significantly achieved the target which meant that the target for this type of application was met for the first time in five years.

(3) During 2016/16 88% of the 374 'Other' applications³ were determined within 8 weeks. The target was 85%. Comparison with performance in previous years is indicated below.



TARGET ACHIEVED

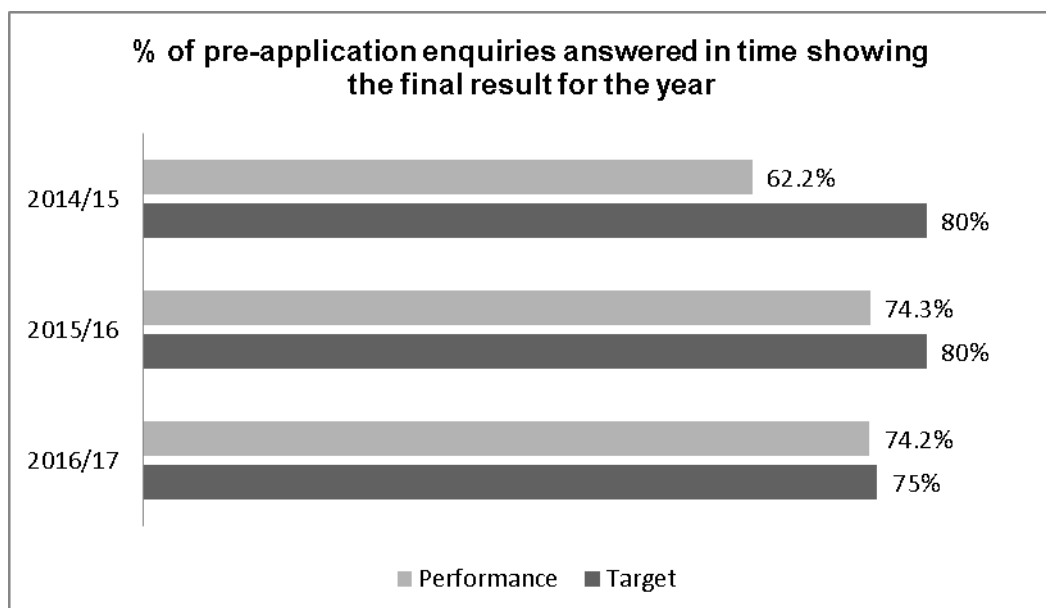
(4) During 2016/17 92.7% of the 496 'non-major' applications⁴ determined 'in-time'⁵. As this indicator was introduced for the first time in the year 2016/17 there is no comparison information with regard to performance in previous years. The 'local' target for this indicator for the year 2016/17 was 80%. It has been agreed that for the year 2017/18 the target will increase to 85%, bearing in mind raising by the Government of the designation threshold referred to above

TARGET ACHIEVED

In conclusion all of the four targets relating to speed of determination of applications were met. This is commendable performance

(5) INDICATOR - Percentage of pre-application enquiries answered 'in time'

During 2016/17 74.2% of pre-application enquiries were answered 'in time'. The target was 75%. Comparison with performance in previous years is indicated below.



TARGET NOT ACHIEVED

This indicator allows for more time for enquiries concerning the more significant proposals, and so more accurately reflects the differing demands which various pre-application enquiries involve. For 'Major' pre-application enquiries the target response time is 35 calendar days, for 'Minor' pre-application enquiries the target response time is 21 calendar days, and for 'Other' pre-application enquiries the target response time is 14 calendar days. The decision as to when an enquiry has been answered can however sometimes be quite subjective, and clarification continues to be provided to officers on this aspect.

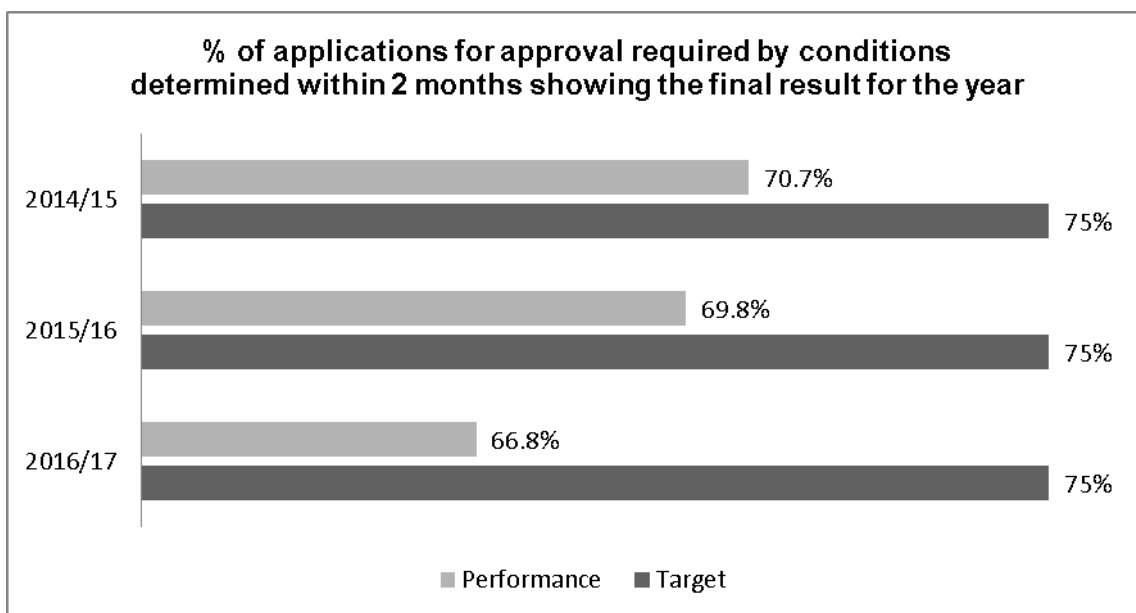
To give Members some idea of volume the Service received some 596 such enquiries in 2016/17, of which 30 were 'Major' pre-application enquiries; 175 were 'Minor' pre-application enquiries; and 394 were 'Other' pre-application enquiries. The comparative figures for 2015/16 when a similar performance was achieved was 611 of which 33 were 'Major' pre-application enquiries; 184 were 'Minor' pre-application enquiries; and 394 were 'Other' pre-application enquiries.

Members are reminded that since 1st April 2017 all pre-application enquiries including those by householders are subject to the payment of a fee.

The performance level achieved in 2016/17 was below the 75% target but only by 0.8%.

(6) INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months

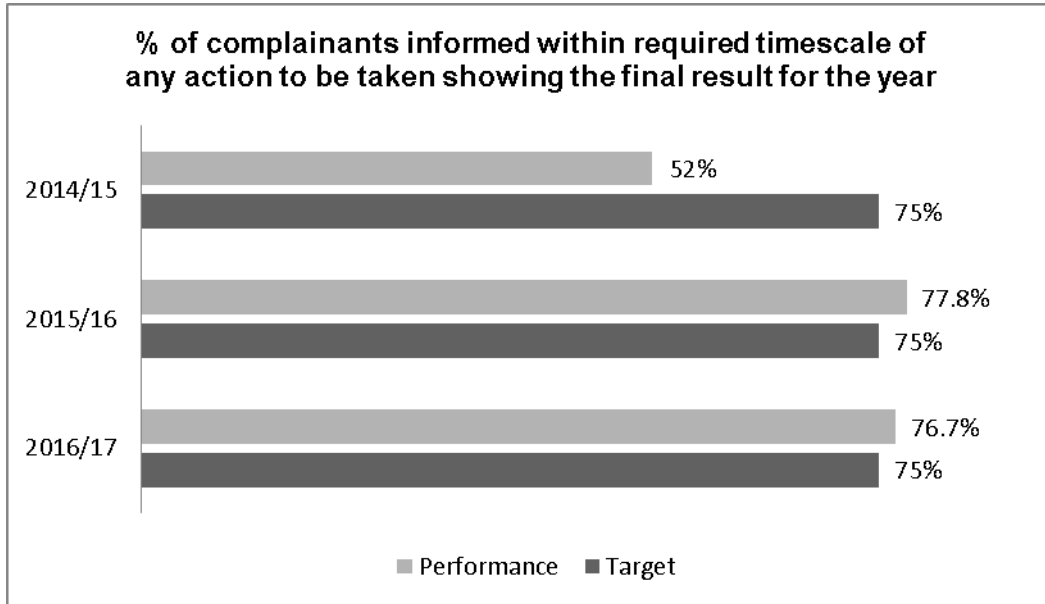
During 2016/17 66.8% of conditions applications (306 out of 458) were determined within 2 months against a target of 75%. Comparison with performance in previous years is indicated below.



TARGET NOT ACHIEVED

(7) INDICATOR - Percentage of complainants informed within the required timescales of any action to be taken about alleged breaches of planning control.

Performance in 2016/17 was 76.7% compared the 'local' target of 75%. Comparison with previous years' performance is indicated below.



TARGET ACHIEVED

There was a slight increase in the number of new complaints received in 2016/17 (219) compared with the number in 2015/16 (212).

Date report prepared : 31st July 2017

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

² 'Minor' applications are those for developments which do not meet the criteria for 'Major' development nor the definitions of Change of Use or Householder Development.

³ 'Other' applications relate to those for applications for Change of Use, Householder Developments, Advertisements, Listed Building Consents, Conservation Area Consents and various applications for Certificates of Lawfulness, etc.

⁴ 'Non-major' means all 'minor' development and also householder development and development involving a change of use which fall within the 'other' development category.

⁵ 'In-time' means determined within an extended period of time beyond the normal 8 week target period that has been agreed, in writing, by the applicant.

REPORT TO THE PLANNING COMMITTEE 15TH AUGUST 2017

ANNUAL REPORT ON PLANNING AND RELATED APPEALS 1ST APRIL 2016 – 31ST MARCH 2017

Introduction

1. Appeal decisions are reported upon receipt to the Planning Committee, as are decisions on the award of costs in appeal proceedings. In addition, an annual report on planning and related appeals is produced for consideration by Members, intended to identify general issues relating to the Local Planning Authority's (LPA's) appeal performance, and to encourage an approach that reflects upon and learns from such appeals. Appeal performance is considered by the Government to be one measure of the quality of the decisions of a local planning authority.

Appeal Performance

2. Well-considered decisions on planning applications are a key part of delivering an effective planning service. People should have confidence in the quality of the development decisions being made by the Authority – that all relevant considerations are being taken into account, and that the weight being given to different considerations is reasonable in the context of national and local policies. Appeals can be made both against the refusal of permission, but also against conditions attached to permissions. There are many cases where following a refusal of an application, discussions are held with an applicant and as a result the applicant decides either to no longer pursue the proposal or to submit revised proposals. In this way difficulties can be more effectively, quickly and cheaply resolved. Your officers would always seek to encourage such discussions. As advised in the National Planning Practice Guidance (2014), appeals should only be made when all else has failed.
3. An applicant has in most cases up to 6 months to lodge an appeal (from receipt of the decision notice), and given the time some appeals take to be determined, there is often a significant period of time between the LPA's original decision and the appeal decision. For householder applications, the time limit to appeal is 12 weeks and the time period for submitting an appeal where the same or substantially the same development is subject to an Enforcement Notice is just 28 days.
4. Appeals can also be made within a specified time against Enforcement Notices on various specific grounds. If an appeal is lodged the Notice does not come into effect until the appeal has been determined. If no appeal is lodged the Notice comes into effect.
5. During the 12-month period from April 2016 to March 2017, 24 appeals against decisions by the Borough Council as the LPA were determined. A list of the appeal decisions is attached as Appendix 1. 20 were decided in the previous year 2015/16.
6. The Government has a system by which it designates underperforming authorities. The measure used for assessing the quality of decisions is the percentage of decisions on applications that have been overturned at appeal, once nine months have elapsed following the end of the assessment period. The threshold for designation for both "major" and "non-major" development, above which a local planning authority is eligible for designation as an underperforming authority, is 10 per cent of an authority's total number of decisions on applications made during the assessment period being overturned at appeal. The latest information available at a national level relates to decisions made by the Borough Council in the 24 months ending in December 2014 which was reported to Members in the Annual Appeals Report for 1 April 2015 to 31st March 2016, that came before the Planning Committee at its meeting on the 21st June 2016.

7. No more up-to-date information is currently available. Local authorities' performance on the quality of their decisions will not be assessed in 2017 but DCLG currently intends to release new data on 10th August 2017, which it is hoped to advise the Committee of. The next round of designation decisions will be made in the first Quarter of 2018, will be based upon the 10% threshold (with respect to the appeal measure), and will take into account those applications which were decided by LPAs in the two year assessment period that ended in March 2017. Decisions by the LPA being made now will not therefore be taken into account until the designations are decided in 2019 and 2020.
8. Turning now to the appeal decisions received this year, in 2016/17, of the 24 appeals that were determined, 67% were dismissed and 33% were allowed. If an appeal is allowed it is in effect "lost" by the Council, although an appeal dismissal can sometimes be on a "technicality". If an appeal is allowed, that is a judgement, normally by the Inspector appointed by the Secretary of State to determine the appeal, that the Council's case has been found wanting. The latest national figure for appeals allowed in January to March 2017 is 33%.
9. The Council performed better last year (2015/16) when only 25% of appeals were allowed, but there has been a sustained improvement from the 3 years prior to that with 53% of appeals allowed in 2014/15, 35% of appeals allowed in 2013/14 and 69% allowed in 2012/13. Performance has varied quite considerably therefore but given the relatively low number of appeal decisions received each year, just one or two decisions can make a significant difference in the figures.
10. Given that the number of decisions received in the last year has been so low, the cumulative figure for the last 3 years has been assessed. During the 3 year period of April 2014 to March 2017, a total of 63 appeal decisions have been received. Of those 63 decisions 37% were allowed – a figure which is above the national one of 33% referred to above.
11. Table 1 below, looks at the different development types of the appeals decided in 2016/17. All planning and related applications, and appeals, are categorised by development type. For dwellings, a Major development is where the number of dwellings to be constructed is 10 or more. Where the number of dwellings to be constructed is not known, any residential development with a site area of more than 0.5 hectares is categorised as a Major development. For all other uses a Major development is one where the floorspace to be built is 1000 square metres or more, or where the site area is 1 hectare or more. Applications for Minor development are those which are not for Major development although within the "Other" category are domestic extensions, changes of use, advertisements, listed building consent applications and similar.

Table 1

Development Types	Number Allowed	% Allowed	Number Dismissed	% Dismissed
"Major" Appeals	2	67%	1	33%
"Minor" Appeals	5	29%	12	71%
"Other" Appeals	1	33%	3	67%
Total appeals	8	33%	16	67%

12. In recent years there has been a decrease in the number of householder appeals and an increase in the number of appeals against "Minor" dwelling proposals. Last year (2015/16) 65% of the appeals determined related to Minor dwellings proposals and this year 67% of the appeals determined related to Minor dwellings proposals. This is not surprising given the uncertainty created by the 5 year housing land supply position and the fact that the development plan cannot accordingly be relied upon at present to provide clear direction.

13. Whilst it can be difficult to learn any particular lessons given the varied nature of appeals, there have been a number of appeal decisions during the last 12 months that have considered the sustainability or otherwise of sites in the Rural Areas of the Borough for residential development. It is considered appropriate therefore to reflect upon the picture that has begun to emerge from appeal decisions where the location of sites weighs significantly for or against the proposed development. Table 2 below sets out those appeal decisions and a plan will be displayed at the meeting showing the locations involved.

Table 2

Application Ref. no.	Proposed development & Site location	Appeal decision	Did location weigh in favour or against the proposal?
15/00821/OUT	9 dwellings at Rowney Farm, Loggerheads	Dismissed	Against
15/00540/OUT	Single dwelling on land rear of the Steps, Doctor's Bank, Ashley	Allowed	In favour (within the Ashley village envelope)
15/00934/OUT	Two dwellings at Charnsford House, Charnsford Lane, Ashley	Dismissed	Against
16/00140/FUL	Single dwelling on land off Eldertree Lane, Ashley	Dismissed.	Against
16/00129/FUL	Dwelling at The Lodge, Station Road, Onneley	Dismissed	Against
16/00312/FUL	Dwelling on land adjacent 133, Smithy Lane, Knighton	Allowed	In favour (logical infill within built form of Knighton)
16/00343/OUT	Dwellings at Highdown, Eldertree Lane, Ashley	Dismissed	Against
16/00460/OUT	Two dwellings at former warehouse and land opposite Maerfield Gate Farm, Stone Road, Blackbrook	Dismissed	Against
16/00644/FUL	Dwelling on land adj. 186, Lovers Lane, Hook Gate	Dismissed	Against
15/00015/OUT	Up to 128 dwellings at Tadgedale Quarry, Mucklestone Road, Loggerheads	Allowed	In favour (accessible to range of services)

14. In dismissing 7 out of the 10 cases listed above and supporting the LPAs judgement as to the sustainability of the sites, it was considered that their isolated location where future occupants of the dwellings would be likely to be reliant on the private car in order to access everyday goods and services, weighed significantly against the proposals. It was concluded that the adverse impacts significantly and demonstrably outweighed the benefits, including the contribution made to housing supply. Members should note that the LPA's judgement on these matters has in the main been supported when tested at appeal.

15. In relation to the appeals at Doctor's Bank, Ashley and Smithy Lane, Knighton, weight was given to the location of the sites within the existing built form and within the Village Envelope in the case of Ashley. In these cases, although the moderately negative impact of the likely use of the private motor car was acknowledged, it was considered that when assessing the economic, social and environmental dimensions as set out in the National Planning Policy Framework, the proposals represented sustainable development. In the case of Tadgedale Quarry, the Inspector considered that whilst there would be heavy reliance by future occupants on car use for daily commuting trips, the site would be

sufficiently accessible to a range of services and that overall, the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits.

16. Table 3 below, indicates the percentage of appeals allowed and dismissed according to whether the application was determined by your officers under delegated powers or by the Planning Committee.

Table 3

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Delegated	5	25%	15	75%
Committee	3	75%	1	25%

17. During the period April 2016 to March 2017 a greater proportion of applications determined by Committee have been allowed on appeal (75%) than those determined by officers under delegated powers (25%). However it is recognised that given the very limited numbers of applications determined by Committee which have then gone to appeal, it is not possible to draw any firm conclusions.

18. With respect to Committee decisions, Table 4 below provides information on the officer recommendation in these cases.

Table 4

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	1	50	1	50
Committee decisions in line with Officer recommendation	2	100	0	0

18. These four decisions were;

- Red Gates, Haddon Lane, Chapel Chorlton – recommended for refusal, refused and appeal allowed
- Hamptons Metal Merchants and land adjoining, Keele Rd, Newcastle – recommended for refusal, refused and appeal allowed
- Site of Jubilee Baths, Nelson Place, Newcastle – recommended for approval, refused and appeal dismissed but only on the grounds that no S106 Agreement was in place to secure measures to control on-street parking, the appellant having failed to submit their S106 agreement to the Planning Inspectorate in time (an example of an appeal being dismissed on a “technicality” rather than on the substantive grounds referred to by the Planning Authority).
- Tadgedale Quarry, Mucklestone Road, Loggerheads – recommended for approval, refused and appeal allowed

As above, the numbers are so few that it would be inappropriate to draw any wider conclusions, other than to note the high proportion of appeals against such decisions which were allowed, regardless of the recommendation

19. Given that the numbers are so low, the cumulative figures for the last 3 years have been assessed. Table 5 below shows the figures for the 3 year period of April 2014 to March 2017.

Table 5

Decision Type	Number allowed	% Allowed	Number dismissed	% Dismissed
Committee decisions contrary to Officer Recommendation	2	33.3	4	66.6
Committee decisions in line with Officer recommendation	7	70	3	30

20. The numbers involved are relatively low even for a 3 year period, but the above Table shows that for decisions by the Committee made in line with Officer recommendation, the Council was not particularly successful at appeal, whilst where the decisions were contrary to recommendation a higher proportion of the appeal were dismissed. .
21. However the decisions of the Planning Committee will tend to be both about the more significant developments (to the Borough), and those which are more likely to be determined by hearing or public inquiry with the additional associated costs of such procedures. In the last 12 month period, 2 out of the 4 appeals against decisions of the Planning Committee involved the holding of a public local inquiry. The employment of appropriate legal representation and witnesses to defend the Council's position involved both considerable cost and also substantive time by the officers involved in such inquiries. Both of those appeals were allowed.

Awards of Costs

22. Of particular importance in terms of the Local Planning Authority learning lessons from appeal performance, are those appeals that have resulted in an award of costs against the Council. In planning appeals the parties normally meet their own expenses and costs are only awarded when what is termed "unreasonable" behaviour is held to have occurred and the affected party has incurred additional costs in the appeal proceedings. The availability of costs awards is intended to bring a greater sense of discipline to all parties involved. Table 6 below indicates the one appeal decided between April 2016 and March 2017, where a costs claims was made against the Borough Council, whilst Table 7 shows where a costs claim was made by the Borough Council.

Table 6

App No.	Address	Appeal Decision	Costs application against the LPA
15/00015/OUT	Tadgedale Quarry, Mucklestone Road, Loggerheads	Appeal Allowed	Refused

Table 7

App No.	Address	Appeal Decision	Costs application against the appellant
16/00629/FUL	Old Telephone Exchange, Blore Road, Hales	Appeal Dismissed	Refused

Conclusions

23. The number of appeals determined in the period April 2016 to March 2017 is relatively low. The key conclusions of this report are:-

- That it is the Council's performance now that will have a bearing on whether we are designated by the government as an underperforming authority in the future
- The Council's decisions are generally being supported by the Planning inspectorate, but we have lost some major appeals
- Although our judgements about what is or what is not a sustainable location for residential development are being challenged increasingly they are generally being supported
- Decisions made by the Committee are much more likely to be overturned on appeal than those decided by officers
- That said judged by appeal performance the Committee when they have gone against officer recommendation have not always been found to be wrong to have done so – each case needs to be considered individually
- In no cases in 2016/17 were costs awarded against the Council and the Council found to have behaved unreasonably

It remains your Officer's view that there are a number of steps which should be taken to further improve upon the existing situation and these are detailed below. The Committee has previously passed a number of resolutions when considering similar reports in previous years.

Recommendations:-

1. That the above report be noted
2. That internal management procedures within the Service including the assessment of case officers' recommendations by more senior officers continue to be applied;
3. That, as previously resolved, Members of the Committee, and their substitutes, draw to Case Officers' attention any concerns that they have with an application, coming to the Committee for determination, as soon as possible having received notice of the application in the weekly list, so that potential solutions to the concerns are sought with the applicant in line with the requirements of the National Planning Policy Framework;
4. That, as previously resolved, full advantage be taken of the use of conditions in planning permissions to make developments acceptable;
5. That, as previously resolved, Members of the Committee, and their substitutes, who are disposed to move refusal of a proposal contrary to recommendation be urged to contact the Head of Planning no less than 24 hours before the Committee, with details of the reasons they are minded to give for such a refusal;
6. That, as previously resolved, when a proposal to refuse to grant planning permission is made at the Committee contrary to the officer's recommendation, advice be sought as to the most appropriate way to meet the requirement to work in a proactive and positive manner with applicants;
7. That, as previously resolved, the mover and seconder of a resolution of refusal contrary to officer recommendation be identified by the Chair and recorded in the Minutes and in the event of an appeal being lodged there be an expectation that those members will make themselves available as witnesses on behalf of the Council in the appeal proceedings should either the Head of Planning or the Head of Business Improvement, Central Services and Partnerships or their representatives deem that appropriate; and
8. That, as previously resolved a proactive approach be taken by officers to appeal handling with early holding of case conferences where appropriate, the strength of the case being continually reassessed in the light of any new evidence received, and that in the case of matters being determined by means

of public inquiries the solicitor dealing with the Inquiry takes charge of the matter.

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Appendix 1 – Appeal Decisions 1 April 2016 – 31 March 2017

Application No.	Address	Description	LPA decision date	Decision	Appeal Decision Date
15/00821/OUT	Rowney Farm, Market Drayton Road, Loggerheads	Residential development of up to 9 dwellings	16.9.15	Dismissed	28.4.16
15/00540/OUT	Land to rear of The Steps, Doctor's Bank, Ashley	Construction of a single dwellinghouse on previous garden plot	22.10.15	Allowed	9.6.16
14/00842/FUL	Monkey Tree Cottage, Heighley Lane, Knowle Bank	Retention of replacement kennels	15.7.15	Allowed	22.6.16
15/00878/FUL	Red Gates, Haddon Lane, Chapel Chorton	Erection of detached dwelling, double garage, alterations to vehicular access, formation of new driveway	18.11.15	Allowed	19.7.16
16/00170/FUL	108 Hougher Wall Road, Audley	Detached dwelling	25.4.16	Dismissed	27.7.16
15/00934/OUT	Land to west and south of Charnsford House, Charnsford Lane, The Dale, Ashley	Provision of two plots to accommodate detached dwellings	11.12.15	Dismissed	2.8.16
16/00140/FUL	Land off Eldertree Lane, Ashley	One dwelling	25.4.16	Dismissed	9.8.16
16/00129/FUL	The Lodge, Station Road, Onneley	Erection of an energy efficient single dwelling	8.4.16	Dismissed	10.8.16
15/01033/FUL	Land to rear of Grindley Cottage, Church Lane, Betley	Proposed split level dwelling	12.1.16	Dismissed	25.8.16
14/00948/OUT	Hamptons Metal Merchants and land adjoining, Keele Rd, Newcastle	Residential development of up to 138 dwellings	3.6.15	Allowed	14.9.16
16/00241/FUL	134, Chatterley Drive, Kidsgrove	Two storey side and single storey front extension	10.6.16	Dismissed	3.11.16
15/00879/FUL	Builders Yard, Park Road, Silverdale	Erection of a 3 bedroom bungalow	26.11.15	Allowed	10.11.16
16/00312/FUL	Land adjacent 133, Smithy lane, Knighton	Erection of detached dwelling	13.6.16	Allowed	10.11.16
16/00489/FUL	Lower Mill House, Furnace Lane, Madeley	Erection of extension and refurbishment to existing dwelling including the demolition of existing garage and erection of new carport	15.8.16	Dismissed	11.1.17

16/00389/FUL	114, Mow Cop Road, Mow Cop	Proposed demolition of existing dwelling and construction of replacement dwelling	20.7.16	Dismissed	12.1.17
16/00341/OUT	Land south east of Dunnocksfold House, Newcastle Road, Madeley	One detached two-storey house	21.6.16	Dismissed	20.1.17
16/00343/OUT	Highdown, Eldertree Lane, Ashley	Detached dwelling	30.6.16	Dismissed	27.1.17
16/00460/OUT	Former warehouse and land opposite Maerfield Gate Farm, Stone Road, Blackbrook	Erection of two detached dwellings and garages and formation of new vehicular access	29.7.16	Dismissed	1.2.17
16/00640/COU	Hazelwood Barn, Balterley Green Road, Balterley	Change of use of ancillary land to domestic curtilage with changes to previously approved boundary treatments	16.9.16	Allowed	1.2.17
16/00629/FUL	Old GPO Exchange, Blore Road, Hales	Conversion and alteration of existing disused telephone exchange into single dwelling	16.9.16	Dismissed	1.2.17
16/00244/FUL	Site of Jubilee Baths, Nelson Place, Newcastle	Construction of 273 room student development with associated communal area and car parking	1.6.16	Dismissed	13.2.17
16/00004/ENFNOT	Land off Hollywood Lane, near Pepper Street, Keele	Unauthorised change of use of the land from B2 to residential use including the siting of a caravan and incidental development	11.1.16	Dismissed	21.2.17
16/00644/FUL	Land adj. 186, Lovers Lane, Hook Gate	Erection of a dwelling	28.9.16	Dismissed	20.3.17
15/00015/OUT	Tadgedale Quarry, Mucklestone Road, Loggerheads	Erection of up to 128 dwellings	12.1.16	Allowed	22.3.17

Review of the List of Local Validation Requirements

Purpose of the Report

The purpose of this report is to:

- Identify amendments that are considered necessary to the List of Local Validation Requirements taking into account any changes to statutory requirements, policies in the National Planning Policy Framework and the development plan, or published guidance following the publication of the current List.
- Seek approval to undertake consultation on the revised list

Recommendation

1. **That the Committee agrees to approve the revised list of Local Validation Requirements as set out in Appendix B to this Report for public consultation purposes**
2. **That the Committee agree to receive a further report setting out recommendations on the outcome of the consultation before adoption of the revised list of Local Validation requirements is considered**

1.0 BACKGROUND

- 1.1 Since 1st October 2010 the validity of planning applications received by this Council as a Local Planning Authority (LPA) has been informed by its List of Local Validation Requirements (LLVR). The LLVR sets out what information, over and above the national requirements, is necessary to accompany planning applications. The latest LLVR (attached at Appendix A) was published, following a review and consultation exercise, on 1st October 2015. Unless the Council before 1st October 2017 reviews and publishes a new list or announces on its website that no changes are necessary, the information requirements set out in the current list will have no bearing on whether a planning application is valid after that date. In addition to being specified on an up-to-date List of LVRs information requested by the LPA for a particular planning application must now be
- Reasonable, having regard, in particular, to the nature and scale of the proposed development
 - About a matter which it is reasonable to think will be a material consideration in the determination of the application
- 1.2 Applicants can either provide the requested information, or use the procedure to resolve disputes over the information to be provided with a planning application.

2.0 THE REVIEW PROCESS

- 2.1 Guidance on the review process for LPAs is set out in the national Planning Practice Guidance (PPG). It sets out 3 steps

Step 1 – Reviewing the existing list by identifying the drivers for each item on their existing Lists of LVRs. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan, or published guidance that explains how adopted policy should be implemented.

Step 2 – Consulting on any proposed changes.

Step 3 – Finalising and publishing the revised local list – consultation responses should be taken into account when preparing the final revised list.

- 2.2 The review that has now been undertaken has only identified limited change as being necessary as there has been limited change to statutory requirements and no material change to policies. It is important to note that it remains the Government's policy on LVRs that LPAs should take a proportionate approach to the information requested in support of planning applications. LPAs should only request supporting information that is relevant, necessary and material to the application in question.
- 2.3 The main change proposed is the introduction of an information item relating to the need for a lighting assessment where proposals involve the provision of external lighting in certain locations.
- 2.4 Other changes proposed are removal of guidance in the 'where to look for further assistance' which is no longer in place, and the addition of further guidance which has been identified.
- 2.5 The proposed changes are identified on the draft revised List of LVRs attached at Appendix B. To assist in the identification of the changes, the parts of the current List of LVR that are considered should be removed are struck through by a line and amendments are highlighted in grey.
- 2.6 Further consideration is being given to the information contained within the column titled 'where to look for further assistance' to ensure that all the information referred is the most up to date guidance available and is correct.
- 2.7 The PPG indicates that where a LPA considers that changes are necessary, the proposals should be issued to the local community including applicants and agents, for consultation. No further advice is given in the PPG. In previous consultations a period of 6 weeks has been set aside for the consultation, but on the basis of the limited interest previously received other than from statutory and non-statutory consultees and agents, and practice by other authorities a consultation period of 3 weeks is considered appropriate. Staffordshire County Council has recently set aside such a period for their consultation on changes to their LLVR. The following organisations and individuals will be contacted directly by letter or e-mail.
- statutory and key non-statutory consultees, including Parish Councils
 - Agents who have submitted a planning application relating to major development since the 2015 LLVR was published

Even though participation by members of the public is not expected, on the basis of past experience, to ensure that they have at least the opportunity to respond to the consultation a notice would be placed in the Sentinel

- 2.8 At the end of the consultation, the responses received to it, if any, will be assessed and a report then submitted to the Planning Committee, who will make the final decision on whether to adopt the new List.

Date Report Prepared 26th July 2017

APPENDIX – List of Local Validation Requirements published 1st October 2015

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1 Affordable Housing Statement	<p>NPPF - paragraphs 47, 50, 54, 89, 159, 173, 174 and 177. To view click here and here</p> <p>CSS Policy CSP6. To view click here</p>	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area – developments for 10 dwellings or more or those that have a combined gross floorspace of more than 1000 square metres</p> <p>To view proposals map for the above click here</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	<p>Affordable Housing SPD. To view click here</p>
2. Agricultural Land Quality Assessment	<p>NPPF - paragraph 112. To view click here</p>	<p>Development involving agricultural land of Grades 1, 2 or 3a.</p>	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether ‘best and most versatile’ agricultural land is involved. <p>This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - Agricultural Land Classification:</p>	

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
2. Agricultural Land Quality Assessment (continued)			<p>protecting the best and most versatile agricultural land also contains useful background information.</p> <ul style="list-style-type: none"> If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 	
3 Air Quality Assessment	<p>NPPF – paragraphs 109, 120 and 124. To view click here</p> <p>CSS Policy SP1, SP3 and CSP1. To view click here</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development that may its own bring about on new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; and small to medium sized development proposed for an area already with an existing air 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p> <p>Ultimately the planning authority has to use this information to decide the</p>	<p>Planning Practice Guidance – Air Quality. To view click here</p> <p>The Newcastle Under Lyme Air Quality Management areas, Action Plan and AQS. (To be added when confirmed)</p> <p>IAQM construction dust guidance (and mitigation</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>quality problem.</p> <p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those falling under PCC registration thresholds); <p>In addition, if the following planning application is within an Air Quality Management Area the following developments also require an air quality</p>	<p>“significance” of the air quality impacts, including cumulative impacts in the locality, and thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the existing levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>guidance) – To view click here</p> <p>IAQM/EPUK Guidance on land use planning and development control: Planning for air quality here</p> <p>Chimney Height Approval Form. To view click here</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		assessment: <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4 Biodiversity survey and report	NPPF – paragraphs 109, 117, 118, 119 and 192. To view click here and here LP Policies N2, N3 & N4. To view click here	If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following: <ul style="list-style-type: none"> • All agricultural buildings particularly of traditional timber framed building (e.g. barn) or traditional farm building. • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; 	Where survey information is required, the application should be accompanied by: <ul style="list-style-type: none"> • An initial ecological assessment of the site. • Impact on the ecological condition of water courses and bodies. • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. Reports should include reference to international statutory sites subject to The Habitats Regulations (ie Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features. If a development is likely to have an	The Wildlife and Countryside Act 1981 (as amended) The Conservation (Natural Habitats etc) Regulations 1994 The Protection of Badgers Act 1992 To access the above legislation click here Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system. To view click here Planning for Biodiversity and Geological Conservation: A Guide to Good Practice. To view click here

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<ul style="list-style-type: none"> All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> mature and veteran trees that are older than 100 years; trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at chest height; <p>Proposals affecting quarries and natural cliff faces and rock outcrops with crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p> <p>Where there are no existing great crested</p>	<p>impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats and species.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following information:</p> <ul style="list-style-type: none"> Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and 	<p>Planning Practice Guidance – Natural Environment. To view click here</p> <p>The Conservation of Habitats and Species Regulations 2010. To view click here</p> <p>The UK Biodiversity Action Plan. To view click here</p> <p>The Staffordshire Biodiversity Action Plan. To view click here</p> <p>Guidance on Survey Methodology published by the Chartered Institute of Ecology and Environmental Management. To view click here</p> <p><i>Bat surveys – Good Practice Guidelines</i> Bat Conservation Trust 2nd Edition 2012. To view click here</p> <p>Natural England's <i>Experience in Bat Mitigation: Guidance for Ecologists (2013)</i>. To view click</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		<p>newt records: ponds within 500 m of Major proposals; ponds within 250 m of or Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A Major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated land.</p> <p>Proposals for wind turbines/farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p> <p>Planning applications that may affect protected sites or species, habitats or</p>	<p>schedules;</p> <ul style="list-style-type: none"> • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>For the Staffordshire Ecological Record click here</p>	<p>here</p> <p>Natural England's Bat Mitigation Guidelines 2006. To view click here</p> <p>Natural England's <i>Great crested newt mitigation guidelines</i> 2001. To view click here</p> <p>Natural England's guidance on wind turbine/farms. To view click here</p> <p>BS42020:2013 Biodiversity "Code of practice for planning and development". To purchase click here</p> <p>Defra/Natural England standing advice for protected species and sites. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
4 Biodiversity survey and report (continued)		species of principal importance, or significant geological/ geomorphological features require submission of survey and assessment information to show how the proposed development may affect these environmental assets.		
5 Coal Mining Risk Assessment	NPPF – paragraphs 120 and 121. To view click here	All applications (excluding householder) which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person. It should contain:</p> <ul style="list-style-type: none"> • Site specific coal mining information including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area. • Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development. • Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development. • Any development that involves intrusive activities which intersect, 	<p>The Coal Authority website:- www.coal.gov.uk/services/planning</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by: Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p> <p>Planning Practice Guidance – Land stability. To view click here</p>

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
5 Coal Mining Risk Assessment (continued)			disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority.	
6. Design Review	NPPF paragraphs 17, 56, 57, and 63-66. To view click here and here	All major applications Development significantly affecting Newcastle Town Centre Development in a historically or environmentally sensitive area Development with special architectural or environmental qualities.	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application..	Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here Design Council Document, Design Review – Principles and Practice (2013). To view click here Planning Practice Guidance – Design. To view click here
7 Flood Risk Assessment and Sustainable Drainage	NPPF – paragraphs 99-104 and 192. To view click here and here CSS Policy CSP3. To view click here	a) Flood Risk Assessment Planning applications on sites of 1 hectare or more in Flood Zone 1 and all proposals for new developments located in Flood Zones 2 and 3. b) Sustainable Drainage All Major applications (10 or more dwellings or 1000 sq.m. or more of new floorspace)	a) A Flood Risk Assessment must demonstrate: <ul style="list-style-type: none"> • whether any proposed development is likely to be affected by current or future flooding from any source; • that the development is safe and where possible reduces flood risk overall; • whether it will increase flood risk elsewhere; and • the measures proposed to deal with 	Planning Practice Guidance – Flood Risk and Coastal Change. To view click here The Environment Agency's Flood Maps can be viewed by clicking here The Environment Agency's new development and flood

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INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
7 Flood Risk Assessment and Sustainable Drainage (continued)			<p>these effects and risks.</p> <ul style="list-style-type: none"> designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk. Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. <p>b) Details must also accompany all Major planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>The eleven minimum requirements for the content of a FRA are set out in Planning Practice Guidance (March 2014)</p>	<p>risk standing advice. To view click here</p> <p>RSPB and WWT 'Sustainable Drainage systems – Maximising the potential for people and Wildlife'. To view click here</p> <p>The Environment Agencies Sustainable Drainage Systems (SUDS) – A Guide for Developers. To view click here</p>

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8 Heritage Asset Statement	<p>NPPF – paragraphs 128-141. To view click here</p> <p>CSS Strategic Aim 13 & Policy CSP2. To view click here</p> <p>LP Policies B2, B3, B4, B5, B6, B7, B9, B10, B11, B12, B13 & B14 To view click here</p>	<p>All development affecting heritage assets which includes;</p> <ul style="list-style-type: none"> proposals in or adjacent to a designated Conservation Area. proposals directly or indirectly affecting a statutory Listed Building (Grade I, II* or II). directly or indirectly affecting an archaeological asset or scheduled ancient monument. proposals affecting registered parks and gardens. proposals affecting buildings/structures identified on the register of locally important buildings and structures. If located within Historic Urban Character Areas 1, 2, 5, 6, 8, 11, 18 and 25 as identified in Newcastle-under-Lyme Extensive Urban Survey (2009) If located in Historic Urban Character Areas 2, 4, 6, 7, 9 and 10 of Betley as identified in the Betley Historic Character Assessment (2012) 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. The statutory list description or historic environment record. How the proposal contributes positively to the special interest, character and appearance of the heritage asset. Impact of the loss or alteration of property or feature e.g. wall, which makes a positive contribution to the special interest, character and appearance of the heritage asset. Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. Justification for demolition of all or part of the historic asset. Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. 	<p>Planning Practice Guidance – Conserving and Enhancing the Historic Environment). To view click here</p> <p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans. To view click here</p> <p>Listed Buildings in Newcastle. To view click here</p> <p>List of scheduled ancient monuments. To view click here</p> <p>Register of Locally Important Buildings and Structures in Newcastle under Lyme. To view click here</p> <p>Historic England’s website. To view click here</p> <p>Historic Environment Record. To view click here</p>

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8 Heritage Asset Statement (continued)			<ul style="list-style-type: none"> • A schedule of works for new or restored features of architectural and historic importance. • Mitigation for loss of all or part of a historic asset such as preservation by record or relocation elsewhere. <p>Where the development has the potential to impact archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> • Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. • The historic development of the site and surrounding area. • The nature and extent of the above- and below-ground remains known/ likely to be present. • The impact that the proposed development is likely to have on surviving assets. <p>In some cases the developer may need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist is advised to determine the need for and scope of any such archaeological works. As a minimum the Historic Environment Record (HER) which</p>	

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8 Heritage Asset Statement (continued)			<p>is maintained by Staffordshire Council should be consulted.</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p> <p>Early consultation with Historic England is required where an applicants' scheme has the potential to directly impact upon a Grade I and II* Listed Buildings, Scheduled Monuments or their settings; Grade I and II* Registered Parks and Registered Battlefields. In the case of Grade I and II* Registered Parks the applicant should also consult with the Garden History Society at the earliest opportunity.</p>	
9 Land Contamination Assessment – Preliminary Risk Assessment	NPPF – paragraphs 109 and 120-122. To view click here and here	All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of	Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.	The Environment Agency's guidance on land contamination. To view click here DoE Industry Profiles. To view click here

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9 Land Contamination Assessment – Preliminary Risk Assessment (continued).	LP Policies E4, E5, E11, and H9. To view click here	<p>the development site, coal seams under the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>Contact the Environmental Health Division for further advice.</p>	<p>The minimum requirement to enable validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To view click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire. To view click here</p> <p>Newcastle Borough Council's Contaminated Land Strategy. To view click here</p> <p>Newcastle Borough Council's contaminated land web pages. To view click here</p> <p>Planning Practice Guidance – Land affected by contamination. To view click here</p>
10 Landscape/ Visual Impact Assessment	NPPF – paragraphs 58, 59 and 109 To view click here and here	<p>Applications involving Major development in the rural area.</p> <p>To view interactive proposals map click here</p>	<p>Having regard to the 'Planning for Landscape Change', the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. 	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-</p>

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10 Landscape/ Visual Impact Assessment (continued).	<p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4. To view click here</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21& N22. To view click here</p>		<ul style="list-style-type: none"> • a description of how the proposal will pay due regard to and integrate with the existing landscape. • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>on-Trent Urban Design Guidance SPD. To view click here</p> <p>Best practice. To view click here</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (3rd Edition consultation draft): Guidelines for Landscape and Visual Impact Assessment. here</p> <p>Landscape Institute Advice Note 01/11 'Photography and Photomontage in Landscape Visual Impact Assessment'. To view click here</p> <p>Planning Practice Guidance – Natural Environment. To view click here</p>
11 Landscape Master Plan	NPPF – paragraphs 58 and 59 To view click here	<p>Applications involving Major development.</p> <p>Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area. To view interactive proposals map click</p>	Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement.	<p>Planning for Landscape Change SPG. To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-</p>

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11 Landscape Master Plan (continued)	<p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4. To view click here</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21 & N22. To view click here</p>	<p>here</p>	<p>Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.</p>	<p>on-Trent Urban Design Guidance SPD. To view click here</p>
12 Noise and Vibration Assessment	<p>NPPF – paragraph 123. To view click here</p> <p>CSS Policy SP3. To view click here</p>	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p> <p>All applications that introduce or expose</p>	<p>Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council's Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.</p> <p>Guidance, procedures, recommendations</p>	<p>Noise Policy Statement for England (March 2010). To view click here</p> <p>WHO 'Guidelines for Community Noise Exposure (For external recreational areas and night time LAMax levels). To view click here</p>

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12 Noise and Vibration Assessment (continued).		noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.	<p>and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>BS 4142: 1997 “Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.” To view click here</p> <p>BS8233: 1999 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To view click here</p> <p>BS5228 – 1:2009 – Noise and vibration control on construction and open sites. Noise. To view click here</p> <p>BS5228-2:2009 Noise and vibration control on construction and open sites. Vibration. To view click here</p> <p>BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To view click here</p> <p>Planning Practice Guidance – Noise. To view click here</p>

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13 Open Space Assessment	<p>NPPF – paragraphs 73, 74 and 77. To view click here</p> <p>CS Policy CSP5. To view click here</p> <p>LP Policy C4. To view click here</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more dwellings.</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p>	<p>Assessing Needs and Opportunities: A Companion Guide to PPG17. To view click here</p> <p>Sport England’s “Active Places” and “Active Places Power”. To access click here</p> <p>North Staffordshire Green Space Audit and Green Space Strategy To view the above click here</p> <p>Planning Practice Guidance – Open space, sports and recreation facilities, public rights of way and local green space. To view click here</p>

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14 Parking Provision Details	<p>NPPF – paragraphs 32, 35, 39 and 40. To view click here</p> <p>LP Policies H4 & T16. To view click here</p>	<p>On outline applications where layout is not reserved for subsequent approval.</p> <p>All other applications involving parking provision.</p>	<p>For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be used for parking is to be identified and the level of parking provision shall be specified.</p> <p>In all other cases details of the parking layout and access must be providing on the site/block plan.</p>	<p>Car parking: What works where originally published by English Partnerships (now Homes and Communities Agency). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p> <p>Design Council's Building for Life 12 – Section 10 Car Parking. To view click here</p> <p>The Chartered Institution of Highways & Transportation and Institute of Highways Engineers Guidance Note: Residential Parking. To view click here</p> <p>University of Huddersfield – Impact of Design and Layout of Car Parking on Crime and Anti-social Behaviour. To view click here</p>

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15 Photographs/ Photomontages and/or Computer Generated Images and 3D models	<p>NPPF paragraphs 17, 56, 57, 64, and 128. To view click here</p> <p>CS Strategic Aim 16 & Policies ASP4, ASP6 & CSP1. To view click here</p>	<p>Photographs/photomontages are required as follows;</p> <ul style="list-style-type: none"> • for or all Major development • All development affecting an above ground heritage asset <p>Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity of the site justify it.</p>	<p>Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene anaid good design.</p>	<p>By Design: Urban Design in the Planning System - Towards Better Practice (May 2000). To view click here</p> <p>Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here</p> <p>Landscape Institute Advice Note 01/11 'Photography and Photomontage in Landscape Visual Impact Assessment'. To view click here</p>
16. Statement of Agricultural Need	<p>NPPF – paragraphs 28, 112 and 120. To view click here and here</p>	<p>All new agricultural workers dwellings.</p>	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece 	

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16 Statement of Agricultural Need (continued)			<p>of land).</p> <ul style="list-style-type: none"> • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, and whether this is on a full or part time basis and their only source of income. • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. 	
17 Statement of Community Involvement	<p>NPPF – paragraphs 188 and 189. To view click here</p> <p>LPA's Statement of Community</p>	All Major applications, major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken	

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17 Statement of Community Involvement (continued)	Involvement. To view click here		into account in the formulation of development proposals.	
18 Structural Survey	LP Policies H9 & E12. To view click here	<p>Development involving the reuse of rural buildings</p> <p>All applications for the demolition of listed buildings and unlisted buildings within the Conservation Area</p>	<p>The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate the conversion.</p> <p>Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate;</p> <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. 	

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18 Structural Survey (continued)			A marketing report where the demolition of a designated asset is proposed on economic grounds.	
19. Tele-communications Developments – supplementary Information	<p>NPPF – paragraphs 45 and 46. To view click here</p> <p>LP Policy T20. To view click here</p>	All applications.	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. • Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when operational.</p>	Code of Practice on Mobile Network Development (2002). To view click here
20 Town Centre Uses – Evidence to accompany applications	NPPF – paragraphs 23-27. To view click here	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	<p>A sequential assessment for all applications for main town centre uses..</p> <p>An impact assessment for any application for retail, leisure and office development</p>	Planning Practice Guidance – Ensuring the vitality of town centres. To view click here

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20 Town Centre Uses – Evidence to accompany applications (continued)	<p>CS Policy ASP5. To view click here</p> <p>LP Policy R12. To view click here</p>		which is over 2,500sqm. Of floorspace or any threshold that is set in the Development Plan.	
21 Transport Assessment (referred to as number 22 in the report)	NPPF – paragraph 32. To view click here	All applications likely to generate significant traffic movements.	<p>The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.</p> <p>Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all</p>	<p>Guidance on Transport Assessment, published by the Department for Transport (March 2007) – to view click here</p> <p>Manual for Streets. To view click here</p> <p>Manual for Streets 2 (not available electronically)</p> <p>Planning Practice Guidance – Travel plans, transport assessments and statements in decision-taking. To view click here</p>

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21 Transport Assessment (continued)			other roads) at an early stage in the design process.	
22 Travel Plan	NPPF – paragraph 36. To view click here	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	DfT The Essential Guide to Travel Planning (March 2008) To view click here DfT Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (2000). To view click here Planning Practice Guidance – Travel plans, transport assessments and statements in decision-taking. To view click here
23 Tree Survey/ Arboricultural Implications Assessment	NPPF – paragraph 118. To view click here LP Policies N12, N14 & B15. To view click here	Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site Any site within a Conservation Area where there are trees either on or overhanging the application site Any site where there are trees within the	All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule. A schedule to the survey must include: <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species 	BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations. To view click here

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23 Tree Survey/ Arboricultural Implications Assessment (continued)		application site, or on land adjacent to it that could influence or be affected by the development (including street trees).	<ul style="list-style-type: none"> • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.</p>	
24 Ventilation/ Extraction and Flues	NPPF – paragraphs 109, 120, 123 and 124. To view click here	Where ventilation or extraction equipment is to be installed, including proposals for the sale or preparation of cooked food, and commercial premises requiring dust and/or odour extraction, cooling or air handling.	The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include:	Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). To view click here

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24 Ventilation/ Extraction and Flues (continued)			<ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc) and the position on the building. • The noise levels generated by the fan in decibels (dB) at the specified distance (ie 1.0m/3.0m/ etc) • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. • Locations, design and appearance of external flues. • Arrangements to reduce odours to an acceptable level to safeguard existing amenity. 	Newcastle-under-Lyme Local Plan 2011 and Stoke-on-Trent Urban Design Guidance SPD. To view click here
25 Site Waste Management Plan (SWMP) for non-waste related development	<p>National Planning Policy for Waste. To view click here</p> <p>SSJWLP Policies 1.2 and 4.1 To view click here</p>	All applications involving major development.	<p>Major development proposals should:</p> <p>i. Use /Address waste as a resource;</p> <p>ii. Minimise waste as far as possible;</p> <p>iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;</p> <p>iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its</p>	<p>Site Waste Management Plans Regulations 2008. To view click here</p> <p>Site Waste Management Plans: guidance for construction contractors and clients. To view click here</p> <p>Waste Management and Recycling Planning Practice Guidance Note. To view click here</p>

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25 Site Waste Management Plan (SWMP) for non-waste related development (continued)			<p>constituent material;</p> <p>v. Maximise on-site management of construction, demolition and excavation waste arising during construction;</p> <p>vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,</p> <p>vii. Be supported by a site waste management plan.</p> <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you click here and https://www.smartwaste.co.uk/swmp/login.jsp)</p>	<p>Planning Practice Guidance – Waste. To view click here</p>

List of Abbreviations

AADT - annual average daily traffic
AQMA – Air Quality Management Areas
BRE – Building Research Establishment
CSS - Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
Defra - Department for Environment, Food and Rural Affairs
EIA – Environmental Impact Assessment
DfT – Department for Transport
HGV – Heavy Goods Vehicle
LP - Newcastle-under-Lyme Local Plan 2011
NPPF – National Planning Policy Framework (March 2012)
RSPB – Royal Society for the Protection of Birds
SPD – Supplementary Planning Document
SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026

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SWMP – Site Waste Management Plan
TA – Transport Assessment
WHO – World Health Organisation
WWT – World Wildlife Trust

APPENDIX B – Revised draft list of local validation requirements (with new text highlighted in grey)

INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
1 Affordable Housing Statement	NPPF - paragraphs 47,50,54, 89, 159,173,174 and 177 CSS Policy CSP6.	<p>Urban area - developments of 15 or more dwellings as designated in the CSS.</p> <p>Rural area— developments for 10 dwellings or more or those that have a combined gross floorspace of more than 1000 square metres</p> <p>Rural area – developments other than those of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)</p> <p>Proposals map to identify urban and rural area.</p> <p>Where the proposal is for affordable housing on a “rural exceptions site.”</p>	<ul style="list-style-type: none"> • Details of the numbers of residential units; • the mix of units with nos. of habitable rooms and/or bedrooms; • floor space of habitable areas; • if different levels or types of affordability or tenure are proposed for different units this should be fully explained; • details of any RSL acting as partners in the development 	Affordable House SPD
2 Agricultural Land Quality Assessment	NPPF - paragraph 112 .	Development involving agricultural land of Grades 1, 2 or 3a.	<p>The Assessment should consider the following issues:-</p> <ul style="list-style-type: none"> • The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. <p>This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification</p>	

Commented [GB1]: Question – given the wording of CSP6 with respect to rural areas, would we actually need an affordable housing statement in the case of an application for less than 5 dwellings, even if the floor area was more than 1,000 sq.m ??

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2 Agricultural Land Quality Assessment (continued)			<p>information see www.magic.gov.uk.</p> <ul style="list-style-type: none"> Natural England Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land also contains useful background information. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites 	
3 Air Quality Assessment	<p>NPPF – paragraphs 109,120, 122 and 124</p> <p>CSS Policy SP1, SP3 and CSP1.</p>	<p>There are three types of development of relevance:</p> <ul style="list-style-type: none"> major development¹ that may on its own bring about a new or increased air quality problems; specific types of development where impact should be understood in case they bring about an air quality problem; 	<p>A demonstration of the likely changes in air quality or exposure to air pollutants, as a result of a proposed development (including preparation, construction, and demolition phase). Where possible these changes will be quantified, although in some instances a qualitative assessment may be sufficient (in consultation with the Environmental Protection team).</p>	<p>Planning Practice Guidance – Air Quality and Natural Environment - Biodiversity and ecosystems</p> <p>The EU Air Quality Directive 2008</p> <p>Air Quality Management Areas</p>

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INFORMATION ITEM	POLICY DRIVER	TYPES OF APPLICATIONS AND GEOGRAPHIC LOCATION(S) THAT REQUIRE THIS INFORMATION	WHAT INFORMATION IS REQUIRED	WHERE TO LOOK FOR FURTHER ASSISTANCE
3 Air Quality Assessment (continued)		<p>and</p> <ul style="list-style-type: none"> - small to medium sized development proposed for an area already with an existing air quality problem. <p>These three types are described below.</p> <p>All planning applications which involve development within the Borough (should provide the relevant information by way of an Air Quality assessment):</p> <ul style="list-style-type: none"> • Large residential development. (>100 dwellings or 10K square metres floor space) • Major commercial development (e.g. superstore, commercial development). • Industrial development requiring PPC registration. • Schools and hospitals. <p>The following types of planning applications also require an assessment of air quality, following consultation with the Environmental Protection team:</p> <ul style="list-style-type: none"> • Proposals that include biomass boilers or CHP plant (there is no established criterion for the size of plant that might require assessment. Reference should be made to the Environmental Protection UK's guidance on biomass); • Smaller industrial process (those 	<p>Ultimately the planning authority has to use this information to decide the “significance” of the air quality impacts, including cumulative impacts in the locality, and thereby the priority given to air quality concerns in determining the application. The assessment therefore needs to provide sufficient information to allow this decision to be made.</p> <p>The proposed assessment methodology should be agreed with the LPA. If a quantitative approach is taken then this will be either a screening or detailed assessment. The basis of the assessment should be to compare the air quality following completion of the development with that expected at that time without the development.</p> <p>Applications within the AQMA will need to consider air quality, both in terms of any increase in levels and in terms of the effect of the existing levels of air quality on the residents or users of the development itself.</p> <p>A development, particularly one within the AQMA, could be designed to mitigate the impact on, and from, air quality.</p>	<p>explained by Defra</p> <p>The Newcastle Under Lyme Air Quality Management Areas, Action Plan and AQS</p> <p>IAQM construction dust guidance (and mitigation guidance)</p> <p>IAQM/EPUK Guidance on land use planning and development control: Planning for Air quality</p> <p>Chimney Height Approval Form Chimney Height Approval Form</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>

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3 Air Quality Assessment (continued)		<p>falling under PCC registration thresholds);</p> <p>In addition, if the following planning application is within an Air Quality Management Area the following developments also require an air quality assessment:</p> <ul style="list-style-type: none"> • Small and medium sized residential development (1-99 dwellings and 0 - 10K square metres floor space); • Schools, hospitals and care homes. 		
4 Biodiversity survey and report	<p>NPPF – paragraphs 109, 177, 118, 119 and 192. To view click and</p> <p>LP Policies N2, N3 & N4. To view click</p>	<p>If the application includes the modification, conversion, demolition of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> • All agricultural buildings (e.g. farmhouses and barns) particularly of traditional timber framed building (e.g. barn) or traditional farm building brick and stone construction; • All buildings with weather boarding, hanging tiles or soffit boxes that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space. • Pre-1960 detached buildings and structures within 200m of woodland and/or water; 	<p>Where survey information is required, the application should be accompanied by:</p> <ul style="list-style-type: none"> • An initial ecological assessment of the site. • Impact on the ecological condition of water courses and bodies. • Full ecological report including likely impact of the proposal and mitigation measures, if required as a result of the initial assessment. <p>Reports should include reference to international statutory sites subject to The Habitats Regulations (i.e. Special Protection Areas (SPAs), Special Area of Conservation (SACs) and Ramsar sites; Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs); Local Nature Reserves (LNRs) and local</p>	<p>The Wildlife and Countryside Act 1981 (as amended)</p> <p>The Conservation (Natural Habitats etc.) Regulations 1994</p> <p>Protection of Badgers Act</p> <p>To access the above legislation click here</p> <p>Circular 06/2005 The Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.</p> <p>Planning for Biodiversity and Geological Conservation: A Guide to Good Practice. To</p>

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4 Biodiversity survey and report (continued)		<ul style="list-style-type: none"> • Pre-1914 buildings within 400m of woodland and/or water; • Pre-1914 buildings with gable ends or slate roofs, regardless of location; • All caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; • All bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p> <p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p> <p>Proposals affecting:</p> <ul style="list-style-type: none"> • mature and veteran trees that are older than 100 years; • trees with obvious holes, cracks or cavities, • trees with a girth greater than 1m at chest height; <p>Proposals affecting quarries and natural cliff faces and rock outcrops with</p>	<p>wildlife sites; and Regionally Important Geological Sites (RIGS); legally protected species; biodiversity habitats and species; geological and geomorphological features.</p> <p>If a development is likely to have an impact on an internationally or nationally designated area (Natura 2000 site, Site of Special Scientific Interest) the application should be supported by a report identifying the interest features of the site that may be affected. A full assessment of the likely effects of the development, and avoidance and or mitigation measures if applicable should be included. It is advisable for applicants to seek advice on the scope of the assessment from Natural England prior to the submission of the application in these circumstances.</p> <p>Assessment/survey information will normally be required on developments that are likely to affect protected species, locally designated sites and priority habitats and species.</p> <p>All surveys should be carried out at an appropriate time of year, employ methods that are suited to the local circumstances and be compliant with published guidance and best practice. It is essential this work is undertaken by a reputable, experienced and suitably licensed ecological consultant. Surveys should aim to identify the following</p>	<p>view click here</p> <p>Planning Practice Guidance – Natural Environment.</p> <p>The Conservation of Habitats and Species Regulations 2010</p> <p>The UK Biodiversity Action Plan</p> <p>The Staffordshire Biodiversity Action Plan</p> <p>Guidance on Survey Methodology published by the Chartered Institute of Ecology and Environmental Management. To view click</p> <p>Bat Surveys Good Practice Guidelines. Bat Conservation Trust 2nd Edition 2012 3rd Edition 2016.</p> <p>Natural England's Experience in Bat Mitigation: Guidance for Ecologists (2013)</p> <p>Natural England's Bat Mitigation Guidelines 2006</p> <p>Natural England's Great Crested Newt Mitigation Guidelines 2001</p>

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4 Biodiversity survey and report (continued)		<p>crevices, caves or other fissures.</p> <p>Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present</p> <p>Where there are no existing great crested newt records: ponds within 500 m of Major development¹ proposals; ponds within 250 m of or Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A major development¹ proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare)</p> <p>Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.</p> <p>Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.</p> <p>Proposals affecting arable, pasture, semi-natural habitats and uncultivated</p>	<p>information:</p> <ul style="list-style-type: none"> • Description of the proposal – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules; • Surveys – thorough and robust survey of the development site and any other areas likely to be affected by the proposals; • Impact assessment – clear assessment of the likely impacts of the proposal; • Mitigation strategy – to clarify how the likely impact will be addressed. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities and be feasible and deliverable. <p>Biodiversity Opportunity Mapping is encouraged to inform landscape-scale assessment and planning for ecological connectivity.</p> <p>Staffordshire Ecological Record</p>	<p>Natural England's Guidance on Wind turbine/farms</p> <p>BS42020:2013 Biodiversity "Code of practice for planning and development". To purchase click here</p> <p>Defra/Natural England standing advice for protected species and sites</p> <p>Natural Environment and Rural Communities Act 2010</p> <p>UK Post-2010 Biodiversity Framework</p> <p>Defra's The natural choice: securing the value of nature</p> <p>The EU Water Framework Directive 2000</p> <p>Joint Nature Conservation Committee advice re the Water Framework Directive</p>

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4 Biodiversity survey and report (continued)		<p>land.</p> <p>Proposals for wind turbines/farms turbines and farms.</p> <p>Proposals involving previously undeveloped, or long abandoned sites of over ¼ hectares and sites within designated areas (such as Sites of Biological Importance).</p> <p>Planning applications that may affect protected sites or species, habitats or species of principal importance, or significant geological/ geomorphological features require submission of survey and assessment information to show how the proposed development may affect these environmental assets.</p>		
5 Coal Mining Risk Assessment	NPPF – 120 and 121	All applications for planning permission (excluding householder) which fall within Coal Mining Referral Areas as defined by The Coal Authority and held by the Local Planning Authority.	<p>A Coal Mining Risk Assessment (CMRA) should be prepared by a suitably qualified and competent person. It should contain:</p> <ul style="list-style-type: none"> • Site specific coal mining information including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area. 	<p>Coal Authority guidance</p> <p>The Coal Authority Planning and Local Authority Liaison Department can be contacted by: Telephone: 01623 637119 (direct) Email: planningconsultation@coal.gov.uk</p>

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5 Coal Mining Risk Assessment (continued)			<ul style="list-style-type: none"> • Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development. • Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development. • Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority. <p>follow the Guidance for Developments provided by the Coal Authority and in particular:</p> <ul style="list-style-type: none"> • Present a desk-based review of all information on coal mining issues which are relevant to the application site • Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues • Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influence the proposed development • Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet 	<p>Planning Practice Guidance – Land Stability</p>

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5 Coal Mining Risk Assessment (continued)			the requirements of national planning policy with regard to development on unstable land.	
6. Design Review	NPPF paragraphs 17, 56, 57, and 63-66. To view click here and here	All major development applications Development significantly affecting Newcastle Town Centre Development in a historically or environmentally sensitive area Development with special architectural or environmental qualities.	Full response of an independent design review panel and any further review that has been undertaken. A written statement setting out how the comments received during the design review process have been addressed within the submitted planning application.	Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD Design Council Document, Design Review –Principles and Practice (2013) Planning Practice Guidance – Design
7 Flood Risk Assessment and Sustainable Drainage	NPPF – paragraphs 99-104 and 192 . CSS Policy CSP3.	a) Flood Risk Assessment Planning applications on sites of 1 hectare or more in Flood Zone 1 and all proposals for new developments located in Flood Zones 2 and 3. b) Sustainable Drainage All Major applications (10 or more dwellings or 1000 sq.m. or more of new floorspace) A site-specific Flood Risk Assessment (FRA) is required for: <ul style="list-style-type: none"> All proposals of 1 hectare or greater in Flood Zone 1; 	a) A Flood Risk Assessment must demonstrate: <ul style="list-style-type: none"> whether any proposed development is likely to be affected by current or future flooding from any source; that the development is safe and where possible reduces flood risk overall; whether it will increase flood risk elsewhere; and the measures proposed to deal with these effects and risks. designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood 	Planning Practice Guidance – Flood Risk and Coastal Change The Environment Agency's Flood Maps The Environment Agency's new development and flood risk standing advice RSPB and WWT Sustainable Drainage Systems – Maximising the Potential for People and Wildlife

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7 Flood Risk Assessment and Sustainable Drainage (continued)		<ul style="list-style-type: none"> All proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and Where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. <p>A Sustainable Drainage Scheme/ Strategy is required for all major development¹.</p>	<p>resilience measures; and identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.</p> <ul style="list-style-type: none"> Sequential and Exception tests may be required for all development in Flood Zones 2 and 3 other than changes of use. <p>b) Details must also accompany all major development¹ planning applications setting out how Sustainable Urban Drainage Systems (SUDS) are proposed to be incorporated in the scheme and should clearly demonstrate that the scheme is consistent with the relevant planning policies; in addition to details of how the SUDS will be maintained and protected in the long term.</p> <p>The eleven minimum requirements for the content of a FRA are set out in Planning Practice Guidance (March 2014)</p>	<p>The Environment Agencies Sustainable Drainage Systems (SUDS) – A Guide for Developers</p> <p>Guidance on Flood Risk Assessment for Planning Applications</p> <p>Flood Zones - Definitions</p> <p>The Floods and Water Management Act 2010 – established the Sustainable Drainage Systems Approving Bodies.</p> <p>Staffordshire County Council's Flood Risk Management Team ('the Lead Local Flood Authority' (LLFA) – Information for Planners including the SuDS Handbook and Appendices (including Appendix A – Surface Water Drainage Proforma and Appendix C – Hydraulic Model Parameters). To view click</p> <p>The Lead Local Flood Authority Local Flood Risk Management Strategy</p>

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7 Flood Risk Assessment and Sustainable Drainage (continued)				
8 Heritage Asset Statement	<p>NPPF – paragraphs 128-141</p> <p>CSS Strategic Aim 13 & Policy CSP2.</p> <p>LP Policies B2, B3, B4, B5, B6, B7, B9, B10, B11, B12, B13 & B14</p>	<p>All developments affecting that have the potential to directly impact on a designated heritage asset (or the setting) which includes;</p> <ul style="list-style-type: none"> • proposals in or adjacent to a designated Conservation Area. • proposals directly or indirectly affecting a statutory Listed Building (Grade I, II* or II). • directly or indirectly affecting an archaeological asset or scheduled ancient monument. • proposals affecting registered parks and gardens. • proposals affecting buildings/structures identified on the register of locally important buildings and structures. • If located within Historic Urban Character Areas 1, 2, 5, 6, 8, 11, 18 and 25 as identified in Newcastle-under-Lyme Extensive Urban Survey (2009) • If located in Historic Urban Character Areas 2, 4, 6, 7, 9 and 10 of Betley as identified in the Betley Historic 	<p>The statement should provide/evaluate the following:-</p> <ul style="list-style-type: none"> • A description of the significance of the heritage asset/s affected and the contribution of its setting to the significance. • The statutory list description or historic environment record. • How the proposal contributes positively to the special interest, character and appearance of the heritage asset. • Impact of the loss or alteration of property or feature e.g. wall, which makes a positive contribution to the special interest, character and appearance of the heritage asset. • Impact of any proposed new buildings on the special interest, character and appearance of the heritage asset. • Justification for demolition of all or part of the historic asset. • Justification for the scale, massing, siting, layout, design and choice of materials, and impact of these on the special interest, character and appearance of the heritage asset. 	<p>Planning Practice Guidance – Conserving and Enhancing the Historic Environment</p> <p>Conservation Area boundaries and completed Conservation Area Appraisals and Management Plans</p> <p>Listed Buildings in Newcastle.</p> <p>List of scheduled ancient monuments</p> <p>Register of Locally Important Buildings and Structures in Newcastle-under-Lyme</p> <p>Historic England’s website</p> <p>Staffordshire’s Historic Environment Record</p> <p>Ancient Monuments and Archaeological Areas Act 1979</p>

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8 Heritage Asset Statement (continued)		Character Assessment (2012)	<ul style="list-style-type: none"> Justification for the proposed use and impact on the special interest, character and appearance of the heritage asset in terms of anticipated levels of traffic, parking and other activity that would result. A schedule of works for new or restored features of architectural and historic importance. Mitigation for loss of all or part of a historic asset such as preservation by record or relocation elsewhere. Where applications are within or adjacent to a conservation area an assessment of the impact of the development on the character and appearance of the area and an assessment of the views into and out of the conservation area. <p>Where the development has the potential to impact archaeological remains as a minimum a desk based assessment should be provided summarising the following;</p> <ul style="list-style-type: none"> Justification for development affecting a Scheduled Ancient Monument or other archaeological remains of potential national importance. The historic development of the site and surrounding area. The nature and extent of the above- and below-ground remains known/ likely to be present. The impact that the proposed 	<p>The Hedgerow Regulations 1997</p> <p>The Hedgerow Regulations 1997: A Guide to the Law and Good Practice</p> <p>Staffordshire County Council's advice on Historic Buildings and Archaeology</p> <p>The Heritage Gateway</p> <p>Historic England's guide to the range of information required by them</p> <p>Historic England's guide to the range of information required by them</p> <p>Historic England's Making Changes to Heritage Assets (2016)</p> <p>The Chartered Institute for Archaeologists (CIfA) regulations, standards and guidelines regulations, standards and guidelines including the standards and guidance for Historic Environment Desk-Based Assessment Historic Environment Desk-</p>

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8 Heritage Asset Statement (continued)			<p>development is likely to have on surviving assets.</p> <p>In some cases the developer may need to submit a proposed written scheme of investigation. Early consultation with Staffordshire County Council Historic Archaeologist, Historic England as well as the Borough Council's Conservation Officer is advised to determine the need for and scope of any such archaeological works. As a minimum the Historic Environment Record (HER) which is maintained by Staffordshire Council should be consulted. The County Council can produce a Historic Environment Appraisal Certificate which provides a summary of the historic environment interests, following a review of the HER and sets out recommendations.</p> <p>Where a Character Appraisal or Conservation Area Document has been prepared for the Conservation Area, applicants will be expected to have regard to this when evaluating the impact of a proposal on the area.</p> <p>The above information can be included within the design and access statement when this is required.</p> <p>Early consultation with Historic England is required where an applicants' scheme has the potential to directly impact upon a</p>	<p>based Assessment (December 2014 - updated January 2017)</p>

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8 Heritage Asset Statement (continued)			Grade I and II* Listed Buildings, Scheduled Monuments or their settings; Grade I and II* Registered Parks and Registered Battlefields. In the case of Grade I and II* Registered Parks the applicant should also consult with the Garden History Society at the earliest opportunity.	
9 Land Contamination Assessment – Preliminary Risk Assessment	<p>NPPF – paragraphs 109 and 120-122</p> <p>LP Policies E4, E5, E11, and H9.</p>	<p>All applications (excluding householder developments) where land contamination can reasonably be expected to be found on or adjacent to the development site (e.g. activities for which DOE industry profiles have been developed, active or closed landfill sites within 250 metres of the development site, areas of infilled land, petrol stations, industrial land, waste sites, transport depots and yards, cleared sites, agricultural to residential conversions).</p> <p>To discuss this in further detail contact the Environmental Protection Team 01782 742590/ envprotection@newcastle-staffs.gov.uk</p>	<p>Where contamination is known or suspected to be present, or the proposed development is particularly sensitive, the applicant should provide sufficient information to determine whether the proposed development can proceed.</p> <p>The minimum requirement to enable validation of a planning application is a land contamination assessment that includes:</p> <ul style="list-style-type: none"> ➤ A desk study ➤ A site reconnaissance (walk over) ➤ A preliminary risk assessment that identifies the sources, pathways and receptors, including a conceptual site model. <p>Where the land contamination assessment identifies the potential for contamination to be present, a site investigation may be required to confirm the site conditions.</p> <p>Where contamination poses an unacceptable risk, developers will need to</p>	<p>The Environment Agency's Guidance on Land Contamination</p> <p>DoE Industry Profiles. To view click here BS 10175:2011 Investigation of potentially contaminated sites. Code of practice. To view click here To purchase click here</p> <p>A Guide for the Redevelopment of Land Affected by Contamination in Staffordshire</p> <p>Newcastle Borough Council's Contaminated Land Strategy</p> <p>Newcastle Borough Council's contaminated land web pages</p> <p>Planning Practice Guidance – Land affected by contamination</p>

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9 Land Contamination Assessment – Preliminary Risk Assessment (continued).			<p>demonstrate that those risks will be successfully addressed via remediation.</p> <p>Remediation works will require verification to confirm their success.</p>	<p>The EU Water Framework Directive 2000</p> <p>Environment Protection Act 1990:Part 2A contaminated Land Statutory Guidance</p>
10 Landscape/ Visual Impact Assessment	<p>NPPF – paragraphs 58, 59 and 109</p> <p>CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4.</p> <p>LP Policies N14, N16, N17, N18, N19, N20, N21& N22.</p>	<p>Applications involving major development¹ in the rural area.</p> <p>Proposals map to identify urban and rural area.</p>	<p>Having regard to the ‘Planning for Landscape Change’, the following should be provided:</p> <ul style="list-style-type: none"> • an analysis of the existing landscape form and features, including the wider setting as appropriate. • a description of how the proposal will pay due regard to and integrate with the existing landscape. • A description of landscape improvement measures associated with the development. • drawings showing as appropriate, contours, spot heights and sections, vegetation cover and other features. • photos together with a plan showing locations and directions taken from. <p>Assessments should be based on good practice guidelines</p>	<p>Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p> <p>Landscape and Visual Impact Assessment Best Practice</p> <p>Landscape Institute and Institute of Environmental Management and Assessment (3rd Edition consultation draft): Guidelines for Landscape and Visual Impact Assessment. To purchase click here</p> <p>Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment</p> <p>Landscape Institute’s Visual</p>

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10 Landscape/ Visual Impact Assessment (continued).				Representation of development proposals Technical Guidance Note 02/17 Planning Practice Guidance – Natural Environment
11 Landscape Master Plan	NPPF – paragraphs 58 , 59 CSS Strategic Aim 13 & Policies ASP6, CSP1 & CSP4. LP Policies N14, N16, N17, N18, N19, N20, N21 & N22.	Applications involving major development ¹ Applications (other than for householder development) in or adjacent to the Green Heritage Network and in the rural area. Proposals map to identify Green Heritage Network and rural areas.	Development proposals meeting the criteria in the previous column will be required to be supported by a Landscape Masterplan which must be fully integrated with proposals for ecological enhancement. Schemes should include landscaping zones and schedule of likely species and proposals for the long term management and maintenance of such areas. Where contamination is found developers will need to demonstrate in the Land Contamination Assessment that unacceptable risk from it will be successfully addressed through remediation without undue environmental impact during and following development.	Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD
12 Lighting Assessment	NPPF – paragraph 56 , 57 , 58 , 64 and 125	Proposals that involve the provision of any external lighting that are: <ul style="list-style-type: none"> • in the vicinity of residential property, a public highway, a listed building or a conservation area, sensitive wildlife habitats • within the open countryside 	The following information is required to demonstrate that the <ul style="list-style-type: none"> • Layout plan • Light spillage • Hours of illumination • Light levels • Column heights 	Planning Practice Guidance – light pollution and design DCLG archived guidance Lighting in the Countryside – towards good practice www.abacuslighting.com/ for

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12 Lighting Assessment (continued)			<ul style="list-style-type: none"> • Specification and colour of fixture and fittings • Means of shielding 	<p>general advice about sports pitch lighting</p> <p>BS EN 12193:2007 "Light and Lighting. Sports Lighting". To purchase click here</p> <p>Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light (2012)</p> <p>Royal Commission on Environment Pollution report Artificial light in the Environment</p>
13 Noise and Vibration Assessment	NPPF – paragraph 123 CSS Policy SP3.	<p>All applications involving wind turbines.</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive development(s),</p> <p>All applications likely to have an impact on noise and/or vibration-sensitive locations.</p> <p>All applications that introduce or expose noise and/or vibration-sensitive development(s) into areas and locations where noise and/or vibration is likely to have an adverse impact.</p>	<p>Applicants are advised to seek specialist expertise and to discuss their proposals in the first instance with the Borough Council's Environmental Health Division on 01782 742571 at an early stage in the design and planning process to establish whether a Noise and Vibration Appraisal is required to be submitted alongside the planning application.</p> <p>Guidance, procedures, recommendations and information to assist in the completion of a suitable noise and/or vibration survey and assessment may be found in the policies and guidance set out in the</p>	<p>Noise Policy Statement for England (March 2010)</p> <p>WHO Guidelines for Community Exposure (For external recreation and night time LAMax levels)</p> <p>WHO Night Noise Guidelines for Europe 2009</p> <p>BS 4142: 1997 2014 "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas." To view click here To purchase click here</p>

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13 Noise and Vibration Assessment (continued).			<p>adjacent column. Additional technical information in support of proposed noise surveys will be available from the Environmental Health Division.</p> <p>Change of use applications which propose noise sensitive uses adjacent to sources of noise or for uses that would in themselves be a noise source adjacent to noise sensitive uses such as houses, hospitals and schools should include sound insulation and associated ventilation arrangements/measures in a supporting statement.</p>	<p>BS8233: 1999 2014 Sound Insulation and Noise Reduction for Buildings: Code of Practice. To view click here To purchase click here</p> <p>BS5228 – 1:2009 +A1:2014– Noise and vibration control on construction and open sites. Noise. To purchase click here</p> <p>BS5228-2:2009 = A1:2014 Noise and vibration control on construction and open sites. Vibration. To view click here To purchase click here</p> <p>BS6472-1:2008 Guide to the evaluation of human exposure to vibration in buildings. Vibration sources other than blasting. To purchase click here</p> <p>Planning Practice Guidance – Noise</p>
14 Open Space Assessment	<p>NPPF – paragraphs 73, 74 and 77</p> <p>CSS Policy</p>	<p>Any development affecting existing areas of open space, sport/recreational facilities.</p> <p>Any development involving 10 or more</p>	<p>If the development affects existing areas of open space or sport/recreational facilities and the Council has not got a robust and up-to-date assessment it must be demonstrated through an independent</p>	<p>Assessing Needs and Opportunities: A Companion Guide to PPG17. To view click</p>

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14 Open Space Assessment (continued)	CSP5. LP Policy C4.	dwellings.	<p>assessment that the land or buildings are surplus to local requirements.</p> <p>Plans must be provided showing any areas of existing or proposed open space within or adjoining the application site and any access links, equipment, facilities, landscaping to be provided on open space areas.</p> <p>Where open space facilities are proposed to be provided on-site or in-kind you must define them in the application and provide a statement to accompany the planning application setting out:</p> <ul style="list-style-type: none"> • A maintenance specification for the works • how the facility will be initially installed and subsequently maintained to the submitted specification for at least 10 years <p>Where open space facilities cannot be provided entirely on-site or can only be provided on-site in part, you will be expected to make a financial contribution through a Planning Obligation.</p>	<p>here</p> <p>Sport England's Active Places and Active Places Power</p> <p>Sport England's planning for sport – aims and objectives</p> <p>Sport England's role in assessing and commenting on planning applications</p> <p>Sport England's playing fields policy</p> <p>North Staffordshire's Green Space Audit and Green Space Strategy (2009)</p> <p>Green Infrastructure and Open Space Strategies (2017)</p> <p>Planning Practice Guidance – Open space, sports and recreation facilities, public rights of way and local green space</p>
15 Parking Provision Details	NPPF – paragraphs 32 , 35 , 39 and 40	On outline applications where layout is not reserved for subsequent approval.	For outline applications when providing the mandatorily required information on use, the area or zone within the site that is to be	Car parking: What works where originally published by English Partnerships (now Homes and

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15 Parking Provision Details (continued)	LP Policies H4 & T16.	All other applications involving parking provision.	used for parking is to be identified and the level of parking provision shall be specified. In all other cases details of the parking layout and access must be providing on the site/block plan.	Communities Agency). Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD Design Council's Building for Life 12 – Section 10 Car Parking The Chartered Institution of Highways & Transportation and Institute of Highways Engineers Guidance Note: Residential Parking University of Huddersfield – Impact of Design and Layout of Car Parking on Crime and Anti-social Behaviour
16 Photographs/ Photomontages and/or Computer Generated Images and 3D models	NPPF paragraphs 17 , 56 , 57 , 64 and 128 CSS Strategic Aim 16 & Policies ASP4, ASP6 & CSP1.	Photographs/photomontages are required as follows; <ul style="list-style-type: none"> • for or all major development¹ • All development affecting an above ground heritage asset Computer generated images and 3D models will only be required in exceptional circumstances where the scale of the development or the sensitivity of the site justify it.	Sufficient detail of the wider site context to demonstrate an understanding of the place and local circumstances within which the proposed development is to be located and which can help to show how large developments, or developments in sensitive locations, can be satisfactorily integrated within the street scene anaid good design.	By Design: Urban Design in the Planning System – Towards Better Practice (May 2000) . To view click here Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD Landscape Institute Advice Note 01/11 Photography and Photomontage in Landscape Visual Assessment

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17 Site Waste Management Plan (SWMP) for non-waste related development	National Planning Policy for Waste SSJWLP Policies 1.2 and 4.1 To view click here	All applications involving major development ¹	Major development proposals should: <ol style="list-style-type: none"> i. Use /Address waste as a resource; ii. Minimise waste as far as possible; iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition; iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material; v. Maximise on-site management of construction, demolition and excavation waste arising during construction; vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and, vii. Be supported by a site waste management plan. <p>Applicants are encouraged to use the waste auditing and benchmarking tools/SWMP templates developed by BRE and WRAP (examples of free templates provided if you click here and at https://www.smartwaste.co.uk/swmp/login.jsp)</p>	BRE Waste management tools and training and SMARTWASTE Site Waste Management Plans Regulations 2008 Site Waste Management Plans: Guidance for construction contractors and Clients. Newcastle-under-Lyme Borough Council's Waste Management and Recycling Planning Practice Guidance Note approved in 2003 and last updated in February 2016 Planning Practice Guidance – Waste

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18 Statement of Agricultural Need	NPPF – paragraphs 28 and 112 and 120	All new agricultural workers dwellings.	<p>An application should be accompanied by a statement demonstrating the need for the dwelling. The statement should include the following information:-</p> <ul style="list-style-type: none"> • Size of agricultural holding on which the building is to be erected. • Details of any additional rented land, these details should include the basis on which the land is rented (i.e. how long it has been rented for, including start and end contract dates and what type of contract there is for each piece of land). • Details of other buildings used, including those on the rented land (details should include the floor space of the building and what each part of the building is currently used for). • Details of the number of animals kept at the site (where relevant). • Details of those employed at the site, and whether this is on a full or part time basis and their only source of income. • Details of how long the unit and agricultural activity have been established for. • Demonstration of the length of time that the agricultural business has been established, that it is currently financially sound and has been profit for at least ` year. • The need cannot be meant by another existing dwelling on the unit, or any other existing accommodation in the area 	

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18 Statement of Agricultural Need (continued)			which is suitable and available for occupation by the workers concerned.	
19 Statement of Community Involvement	NPPF – paragraphs 188 and 189 LPA's Statement of Community Involvement	All major development ¹ , major change of use application	A statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted statement of community involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.	
20 Structural Survey	LP Policies H9 & E12.	Development involving the reuse of rural buildings All applications for the demolition of listed buildings and unlisted buildings within the Conservation Area	The statement should include full details of the structural integrity of all elements of the building to be converted or demolished and outline any repairs or demolition works necessary to facilitate the conversion. Where the application will lead to substantial harm to or total loss of significance the statement should seek to demonstrate; <ul style="list-style-type: none"> • The substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss. • The nature of the heritage asset prevents all reasonable use of the site; and • No viable use of the heritage asset itself 	

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20 Structural Survey (continued)			<p>can be found in the medium term that will enable its conservation; and</p> <ul style="list-style-type: none"> • Conservation through grant-funding or some form of charitable or public ownership is not possible; and • The harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. <p>A marketing report where the demolition of a designated asset is proposed on economic grounds.</p>	
21 Tele-communications Developments – supplementary Information	<p>NPPF – paragraphs 45 and 46</p> <p>LP Policy T20.</p>	<p>All applications involving telecommunications developments</p>	<p>Statement including:</p> <ul style="list-style-type: none"> • The area of search, • details of any consultation undertaken, • details of the proposed structure, and • technical justification and information about the proposed development. • Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. <p>Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP) taking into account existing masts or base stations and the cumulative exposure arising when</p>	<p>Code of Practice on Mobile Network Development (2013)</p>

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21 Tele-communications Developments – supplementary Information (continued)			operational.	
22 Town Centre Uses – Evidence to accompany applications	NPPF – paragraphs 23-27 CSS Policy ASP5. LP Policy R12.	Main town centre uses that are not in an existing centre and not in accordance with the Development Plan other than small scale rural offices or other small scale rural development.	A sequential assessment for all applications for main town centre uses. An impact assessment for any application for retail, leisure and office development which is over 2,500sqm. Of floorspace or any threshold that is set in the Development Plan.	Planning Practice Guidance – Ensuring the vitality of town centres
23 Transport Assessment	NPPF – paragraph 32	All applications likely to generate significant traffic movements.	The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for Major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.	Guidance on Transport Assessment, published by the Department for Transport (March 2007) – to view click here DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development Staffordshire County Council's guidance on Transport Assessments and Travel Plans

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23 Transport Assessment (continued)			Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	Manual for Streets Manual for Streets 2 Planning Practice Guidance – Transport evidence bases in plan making and decision-taking.
24 Travel Plan	NPPF – paragraph 36	All applications likely to generate significant traffic movements.	Applicants are advised to seek specialist expertise and to discuss their proposals with the Highway Authority (Highways England for motorways and trunk roads/Staffordshire County Council for all other roads) at an early stage in the design process.	DfT The Essential Guide to Travel Planning (March 2008) To view click here DfT Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (2000). To view click here DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development Staffordshire County Council's guidance on Transport Assessments and Travel Plans Planning Practice Guidance – Travel plans, transport assessments in decision-taking

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25 Tree Survey/ Arboricultural Implications Assessment	NPPF – paragraph 118 LP Policies N12, N14 & B15.	<p>Any site where there are trees which are the subject of a Tree Preservation Order either on or overhanging the application site</p> <p>Any site within a Conservation Area where there are trees either on or overhanging the application site</p> <p>Any site where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees).</p>	<p>All trees to be numbered on the site plan, with details of their species, age, condition, works proposed and need for works set out on an accompanying schedule.</p> <p>A schedule to the survey must include:</p> <ul style="list-style-type: none"> • List of all trees or groups along with • A reference number • Species • Height in metres • Stem diameter in millimetres at 1.5m above ground level. • Branch spread of the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan) • Height in metres of crown clearance above ground level • Age class • Physiological condition • Preliminary management recommendations, estimated remaining contribution in years • Category Rating. <p>Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'Trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that</p>	<p>BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations. To view click here To purchase click here</p> <p>Town and Country Planning (Trees) Regulations 1999</p>

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25 Tree Survey/ Arboricultural Implications Assessment (continued)			development is suitably integrated with trees and that potential conflicts are avoided.	
26 Ventilation/ Extraction and Flues	NPPF – paragraphs 109 , 120 , 123 and 124	Where ventilation or extraction equipment is to be installed, including proposals for the sale or preparation of cooked food, and commercial premises requiring dust and/or odour extraction, cooling or air handling.	<p>The submitted plans should include details of the external appearance and written details outlining the technical specification of the proposed plant. The technical specifications shall include:</p> <ul style="list-style-type: none"> • A schematic of the proposed ducting showing the location of all components (fans, filters, silencers, etc.) and the position on the building. • The noise levels generated by the fan in decibels (dB) at the specified distance (i.e. 1.0m/3.0m/ etc.) • Details of the means of mounting the ducting to the structure including details of all anti-vibration measures proposed. • Locations, design and appearance of external flues. • Arrangements to reduce odours to an acceptable level to safeguard existing amenity. 	<p>Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005)</p> <p>Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD</p>

¹ 'Major' applications are defined as those applications where 10 or more dwellings are to be constructed (or if the number is not given, the site area is more than 0.5 hectares), and, for all other uses, where the floorspace proposed is 1,000 square metres or more or the site area is 1 hectare or more.

List of Abbreviations

AADT – annual average daily traffic
AQMA – Air Quality Management Areas
BRE – Building Research Establishment
CSS - Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026
Defra - Department for Environment, Food and Rural Affairs EIA – Environmental Impact Assessment
DfT – Department for Transport
HGV – Heavy Goods Vehicle
LP - Newcastle-under-Lyme Local Plan 2011
NPPF – National Planning Policy Framework (March 2012)
RSPB – Royal Society for the Protection of Birds
SPD – Supplementary Planning Document
SSJWP – Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010-2026
SWMP – Site Waste Management Plan
TA – Transport Assessment
WHO – World Health Organisation
WWT – World Wildlife Trust

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APPEAL BY MR AND MRS DANIEL MULLINEUX AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A SINGLE STOREY REAR EXTENSION AND FIRST FLOOR EXTENSION AT 57, BERESFORD CRESCENT, WESTLANDS, NEWCASTLE-UNDER-LYME.

<u>Application Number</u>	17/00020/FUL
<u>LPA's Decision</u>	Refused under delegated powers 13th March 2017
<u>Appeal Decision</u>	Part allowed / part dismissed
<u>Date of Appeal Decision</u>	20th June 2017

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host dwelling and the street scene.

The Inspector made the following comments:

- The appeal relates to one half of a pair of semi-detached dwellings that is elevated above Beresford Crescent.
- The proposed first floor side extension would be sited above an existing side extension and to the rear of an existing two storey side extension. The roof of this extension would be altered to tie into the main ridge of No.57.
- This would create a bulkier side extension with a larger roof form which would not respect the design, scale and form of the host dwelling. In addition, the proposal would create a discordant and dominant feature due to its increased ridge length and roof form, which would detract materially from the character of the original dwelling.
- The additional roof mass would also harm the symmetry and balance of the pair of semi-detached dwellings and given their slightly elevated position above the road, it would be prominent emphasising the detrimental effect of the extension on the integrity of the original design of the group of dwellings on this part of Beresford Crescent. Thus it would not respect the character and appearance of the street scene.
- Although the appellant has referred to examples of other extensions in the surrounding area, the Inspector considered that the presence of other extensions in the area do not outweigh the harmful effect that the proposed side extension would have on the appeal dwelling, the pair of dwellings and the street scene. In any case, each case must be determined on its own merits in the light of current planning policy.
- The proposed single storey rear extension would be acceptable and as that element is separate in nature, planning permission can be granted as part of a split decision.
- However, the proposed first floor extension conflicts with policies in the Development Plan and the Framework and the appeal in relation to this part of the proposal therefore fails.
- The appeal should be allowed in part and dismissed in part.

Your Officer's Comments

That the decision be noted.

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APPEAL BY MR AND MRS F & V HOUSLEY AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR A BUNGALOW WITH 2-BAY GARAGE AT 5, HIGH STREET, THE ROOKERY, KIDSGROVE

<u>Application Number</u>	16/00738/OUT
<u>LPA's Decision</u>	Refused under delegated powers 11th November 2016
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	9th June 2017

The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt and if inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the special circumstances necessary to justify it.

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

- Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate other than in the case of a limited number of exceptions. One of these exceptions is "limited infilling in villages".
- The appeal site is located within the settlement known as The Rookery and it forms part of the substantial garden area of No. 5 High Street which is located behind the frontage development along High Street.. The properties to the south west and north east of No. 5, which are also located behind the High Street frontage, also have extensive grounds..
- There is no definition of 'limited infilling' in the Framework but a commonly used definition is that it is small scale development within an otherwise continuous built up frontage.
- The ribbon development along High Street presents a strong and mostly continuous frontage along its north western side and behind this frontage No. 5 High Street and its neighbours on either side sit outside this pattern away from the road.
- Therefore, this site does not appear as a gap in the built up frontage. Indeed development in this location would more accurately be described as backland development rather than infill. Accordingly this proposal would not amount to "limited infilling".
- A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. A dwelling and its garage on this site would result in built development where there is presently none and inevitably lead to a loss of openness even though the site is well screened. The proposal would therefore have an adverse physical effect on the spatial as opposed to the visual openness of the Green Belt .
- The proposal would represent inappropriate development which is, by definition, harmful to the Green Belt.
- The proposal would allow the appellant's younger family to occupy the host dwelling and provide the appellants with more modestly sized accommodation and garden. Whilst such personal circumstances are not material to this decision, the addition of a unit of accommodation, which would make a limited contribution to the supply of housing in this area, does weigh moderately in favour of the proposal. That there were no highways, space about dwellings or landscaping concerns is neutral in the overall planning balance judgement
- The very special circumstances necessary to justify the development do not exist.
- It is agreed that the Council is not able to demonstrate a five year supply of housing land. As a result the relevant policies for the supply of housing should not be considered as up to date and Paragraph 14 of the Framework is engaged which advocates the presumption in favour of sustainable development. However, paragraph 14 footnote 9 of the Framework states that in these circumstances development restrictions relating to the Green Belt remain in effect. The presumption in favour of sustainable development therefore does not apply in this case.

- In conclusion, the proposal conflicts with the development plan taken as a whole and with the provisions of the Framework in relation to the protection of the Green Belt. As material considerations do not indicate that this case should be determined other than in accordance with the development plan and the Framework, the appeal is dismissed.

Your Officer's Comments

Members might wish to compare the dismissal of this appeal with that allowed, since the NPPF, at land adjacent to No.48 High Street, Rookery (14/00274/FUL). The different locations can be compared by looking at the site plans on the following

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/14/00274/FUL>

and

<http://publicaccess.newcastle-staffs.gov.uk/online-applications//plan/16/00738/OUT>

A plan showing the two sites will be displayed at the Committee meeting

Recommendation

That the decision be noted.

Confirmation of Tree Preservation Order

Trees at Land at Parkhouse Interchange, Parkhouse Road West, Chesterton

Tree Preservation Order No 181 (2017)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order

This Provisional Tree Preservation Order protects 63 individual trees at IDS International (Decorative Surfaces) at Parkhouse Interchange, Parkhouse Road West, Chesterton

The 6 month period for this Order expires on 2nd September 2017.

RECOMMENDATION

That Tree Preservation Order No 181 (2017) land at Parkhouse Interchange be confirmed as modified protecting 42 trees and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

This site has recently been redeveloped, with some tree losses accepted as a part of the redevelopment proposal. A comprehensive landscaping scheme (which included replacement tree planting) was agreed and implemented by way of a planning condition for the site.

Damage to retained trees occurred during the construction of this development, due to inadequate tree protection (which had not been installed in accordance with the approved Tree Protection Plan). This was dealt at the time of the application.

Following the completion of the scheme, some additional tree removal and pruning took place following a meeting with the site owner's representative on site. These works were completed to a good standard.

The Borough Council has since been made aware that further tree removals and harsh pruning are planned, in order to increase views of the building and signage from the highway.

In order to ensure that their longer-term visual amenity is maintained officer made the Tree Preservation Order on 3rd March 2017.

Following re-inspection of the site at a time when the trees are in leaf, it is apparent that some of the trees are not in sufficient health to warrant a permanent Tree Preservation Order, and the following 19 trees have been excluded from the confirmed order.

T3, T4, T5, T6 : Gleditsia

T9 T42 Beech

T10, T11, T12: Sorbus

T26 T45 T57 T58 Alder

T41, T43 T46 T54 : Honey locust
T59: Pear
T65: Whitebeam

It should be pointed out that the developer has an obligation to replace some of these trees by way of the landscaping condition that affects the site whereby any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size. It is our understanding that new planting was completed in spring 2013.

Your officers are of the opinion that the trees upon which the order is to be confirmed are generally young and generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their elevated and prominent position at the busy Parkhouse Roundabout.

The trees are also clearly visible from Talke Road, Parkhouse Road West and Rosevale Road, softening and screening views of the industrial unit beyond.

Representations

Following the consultation period no representations were received.

Issues

In total there are 42 trees found to be worthy of long term retention on the site.

The Tree Preservation Order will enable the trees to reach maturity without pressures for harsh pruning or felling.

The Tree Preservation Order will not prevent the owner from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees as necessary in order to safely manage them.

The trees included in this order are a significant feature in the locality; their value will increase as younger trees mature. The loss of these trees would have a detrimental effect on the visual amenity, not only of the site but also to one of the busiest main routes towards Newcastle Town Centre.

Your officer recommends that the 42 trees are permanently protected and that TPO181 (2017) be confirmed as modified.

Date report prepared

20th June 2017

Confirmation of Tree Preservation Order

Woodland off Jamage Road, to the South of Arbour Farm, Talke

Tree Preservation Order No 183 (2017)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order

This Provisional Tree Preservation Order protects an area of woodland off Jamage Road, to the South of Arbour Farm, Talke.

The 6 month period for this Order expires on 2nd September 2017.

RECOMMENDATION

That Tree Preservation Order No 183 (2017), woodland off Jamage Road, to the South of Arbour Farm, Talke, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

Your officers are of the opinion that the longer-term visual amenity of the woodland was best secured by the making of a Provisional Tree Preservation Order after concerns were raised about the future of trees on the site following the sale of the land.

The site is an area of young/early mature woodland which is presently unmanaged.

The site is bordered by farmland, the A500 and Jamage Road (which is a 'no through road' ending at its junction with the A500). The woodland is in a prominent and elevated position on a former bridge embankment.

The woodland is visible from the A500 (to the east of busy Talke junction), and from the bridge crossing the A550 on Talke Road.

The woodland is visible from the Public Right of Way (Kidsgrove 230) in positions between Talke Road and Jamage Road.

The woodland acts as a visual screen to the A500 when viewed from Oaktree Lane.

The woodland links to other existing woodland at Parrots Drumble to the east.

There is concern that trees on this site may be felled to make way for development.

It is considered that the woodland has a high amenity value and its loss would have a negative impact upon the visual amenity, not only of the site but also to the locality.

In order to protect the long-term wellbeing of the woodland it should be protected by a Tree Preservation Order.

Representations

Following the consultation period three representations were received:

Kidsgrove Town Council: Support the Tree Preservation Order, they agree that the woodland is yet to mature and that it forms a natural visual screen from the A500 when viewed from Oaktree Lane and does have a high amenity value to the area which should be preserved.

They are concerned that there may be an intension for new owners to clear the land for development and that the long term wellbeing of the woodland could be adversely affected.

A second representation in support was of the Tree Preservation Order was received from a resident who writes that he has not only watched the tree's grow and mature but the local landscape too. He explains how it is an area he used to take his children for nature walks and still does to this day with his grandchildren. He goes on to say that to fell ANY tree would be disastrous as the tree's also provide screening from the busy A500 and that to protect any future desire to develop the land by the new owners a TPO order is crucial

A third representation supporting the Tree Preservation received by from the owner of Windy Arbour Farm, stating that over the last 40 years they have watched the trees in question mature from saplings creating a natural screen from the A500 and that to fell the trees would have a detrimental effect on the area.

Issues

The making of the Order will not prevent the owners from carrying out good management of the trees nor improving or developing the site, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction.

The owner will be able to apply for permission to carry out maintenance work to the trees as necessary in order to safely manage them.

Your officer recommends that the woodland be permanently protected and that TPO183 (2017) be confirmed as made.

Date report prepared

19th May 2016