

Public Document Pack

Date of meeting Tuesday, 7th November, 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

PLEASE NOTE EARLIER START TIME

Planning Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included on the agenda.
- 3 **MINUTES OF PREVIOUS MEETING(S)** (Pages 5 - 12)
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND BOUND BY RYECROFT, RYEBANK, MERRIAL STREET, CORPORATION STREET & LIVERPOOL ROAD. HDD (NEWCASTLE-UNDER-LYME) LIMITED. 17/00637/FUL** (Pages 13 - 36)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MADELEY HEATH DEVELOPMENTAL LIMITED. 17/00514/OUT** (Pages 37 - 50)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - 2 - 4 MARSH PARADE, NEWCASTLE UNDER LYME. WESTLANDS ESTATES LIMITED (GAVIN DONLON). 17/00722/FUL** (Pages 51 - 58)
- 7 **APPLICATION FOR MINOR DEVELOPMENT- AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END. GREATREX, BRAMPTON HOMES LTD . 17/00673/FUL** (Pages 59 - 68)

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| 8 | APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF HIGH LANE, ALSAGERS BANK. MS CAROLYN HASSALL. 17/00670/FUL | (Pages 69 - 76) |
| 9 | APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT RED ROOFS, HIGH LANE, ALSAGERS BANK. ROBERT LYTHGOE. 17/00782/FUL | (Pages 77 - 84) |
| 10 | GOVERNMENT CONSULTATION ON "PLANNING THE RIGHT HOMES IN THE RIGHT PLACES" | (Pages 85 - 86) |
| 11 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -17 CURZON STREET, BASFORD. 17/18002/HBG | (Pages 87 - 88) |
| 12 | APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - LOWER STONEY LOW FARMHOUSE, MADELEY. 17/18003/HBG | (Pages 89 - 90) |
| 13 | TREE PRESERVATION ORDER - AWS ELECTRONICS, CROFT ROAD INDUSTRIAL ESTATE, NEWCASTLE. TPO 184 | (Pages 91 - 94) |
| 14 | TREE PRESERVATION ORDER - 12 STATION ROAD, MADELEY. TPO 185 | (Pages 95 - 98) |
| 15 | 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.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY FOLLOWING THE FIRE EXIT SIGNS. PLEASE **DO NOT** USE THE LIFTS.

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PLANNING COMMITTEE

Tuesday, 10th October, 2017
Time of Commencement: 6.30 pm

Present:- Councillor Bert Proctor – in the Chair

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

Officers Nick Bromley, Geoff Durham, Rachel Killeen, Elaine Moulton, Peter Stepien and Darren Walters

Apologies Councillor(s) Heesom

1. **APOLOGIES**

Apologies were received from Councillor Heesom.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the meeting held on 12 September, 2017 be agreed as a correct record.

4. **APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF WEST AVENUE, WEST OF CHURCH STREET AND CONGLETON ROAD AND NORTH OF LINLEY ROAD, WEST AVENUE. TAYLOR WIMPEY NORTH MIDLANDS. 17/00553/FUL**

Councillor Robinson spoke on this application.

An additional condition (iv) was proposed by Councillor J Williams and seconded by Councillor Spence.

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

- (i) The variation of condition 2 to reflect the revised drawings.
- (ii) Submission of precise details of the footpath link including surfacing, width and any gating.
- (iii) Provision of footpath link within 1 month of the date of the Permission.

- (iv) Removal of the remaining concrete fence post tops.
- (v) Any other conditions of 14/00562/REM that continue to apply to the development.

5. **APPLICATION FOR MAJOR DEVELOPMENT - LAND TO NORTH OF BRADWELL HOSPITAL, TALKE ROAD, BRADWELL. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL. 17/00515/DEEM4**

An amendment to condition (iv) – to remove the word ‘broadly’ was proposed by Councillor Fear and seconded by Councillor Tagg.

Resolved: (A) That, subject to the applicant entering into planning obligations by the 11th November 2017 securing 25% Affordable Housing onsite and financial contributions of £5,579 (index linked) per dwelling on the site towards the maintenance and improvement of public open space at Bradwell Dingle, £198,558 (index linked) towards primary education places at Sun Primary Academy (formerly Bradwell Primary), or such amounts as reflect the eventual development, and a residential travel plan monitoring fee,

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) Any reserved matters application to comply with the Design and Access Statement.
- (v) Reserved matters application to include a detailed surface water drainage scheme (SuDS).
- (vi) Grampian condition to secure a direct pedestrian link from the application site to the adjoining Sun Primary Academy (at school opening and closing times).
- (vii) Full details of the access arrangements.
- (viii) Implementation of an offsite Traffic Regulation Order.
- (ix) Submission and Approval of a Residential Travel Plan.
- (x) Submission and approval of a Construction Vehicle Management Plan.
- (xi) Reserved matters application to include access arrangements/ improvements to the site for cyclists travelling from the south.
- (xii) Design measures to control internal noise levels.
- (xiii) Submission and approval of a Construction Environmental Management Plan.
- (xiv) Construction Hours.
- (xv) Drainage Details – foul and surface water.
- (xvi) Reserved matters application to include replacement tree planting for any trees lost.

(xvii) Submission and approval of a tree protection plan and Arboricultural Method Statement.

(B) that, should the obligations 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 the development would fail to secure an acceptable provision of public open space, appropriate provision for required education facilities, residential travel plan 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.

6. APPLICATION FOR MAJOR DEVELOPMENT - CORNER OF HEATHCOTE STREET AND KINNERSLEY STREET, KIDSGROVE. HAMILTON HOUSE HOMES LTD. 17/00552/FUL

Resolved: (A) That subject to the applicant first entering into a Section 106 agreement by 14th November 2017 to secure a review mechanism of the scheme's ability to make a policy compliant financial contribution of £78,106 (index linked) towards the provision towards public open space, if the development is not substantially commenced within 15 months from the date of the decision, and the payment of such a contribution if found financially viable, the application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of Development.
- (ii) Approved Plans.
- (iii) Materials.
- (iv) Gabion wall details.
- (v) Tree retention and protection.
- (vi) Full landscaping details.
- (vii) Future protection of trees in the south east corner to further protect privacy levels.
- (viii) Alignment of proposed services.
- (ix) Submission and approval of noise report. Mitigation measures.
- (x) Design Measures to Secure Noise Levels.
- (xi) Construction hours.
- (xii) Contaminated land treatment.
- (xiii) Construction Vehicle Management Plan (CVMP).
- (xiv) Visibility splays.
- (xv) Surfacing details for access road and parking.
- (xvi) The access and access road being completed prior to occupation.
- (xvii) The existing access permanently closed and footway reinstated.
- (xviii) Waste collection and storage arrangements.
- (xix) Surface water discharge mitigation details.
- (xx) Foul drainage.
- (xxi) Proposed coal mining precautionary measures.

(xxii) Intrusive coal mining site investigations and remedial works implementation.

(B) That should the obligation 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 public open space; or if he considers it appropriate to extend the time period within which the obligation referred to above can be secured.

7. APPLICATION FOR MAJOR DEVELOPMENT - VARIATION OF CONDITION - THE HAWTHORNS, KEELE VILLAGE. KEELE SEDDON LTD. 17/00646/FUL

Resolved: That subject to the applicant entering into a planning obligation that preserves the Council's position in respect of obligations secured prior to the grant of permission 15/01004/FUL, the variation of conditions 4, 20 and 22 of 15/01004/FUL be permitted so that they read as follows:

4. No dwelling shall be occupied until the access serving that dwelling has been provided in accordance with Drawing No. 0377-01.

20. In accordance with the Phase I and Phase II Site Investigations, a further investigation and risk assessment post demolition shall be submitted and approved by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the remainder of the development. The report of the findings shall include:

- a. A survey of the extent, scale and nature of any contamination;
- b. An assessment of the potential risks to:
 - (i) Human health;
 - (ii) Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - (iii) Adjoining land;
 - (iv) Ground and surface waters;
 - (v) Ecological systems; and,
 - (vi) Archaeological sites.
- c. An appraisal of remedial options and proposal of the preferred option(s).

This work shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22. The remediation scheme shall be carried out in accordance with the approved details. Following completion of the remediation measures a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timetable of works agreed as part of Condition 21.

And subject to the imposition of all other conditions attached to planning permission 15/01004/FUL that remain relevant at this time.

8. APPLICATION FOR MAJOR DEVELOPMENT - LAND AT CHEMICAL LANE, TUNSTALL, STOKE-ON-TRENT. LAND RECOVERY LTD. STOKE ON TRENT CITY COUNCIL. 348/243

Resolved: That the City Council be informed that the Borough Council has no objections to the proposed development subject to the City Council assessing the impact of air quality and noise on the residential amenity of a residential caravan on Copp Lane, which lies to the south east of the most westerly Tunstall Bypass roundabout on the site (sometimes known as Chatterley Gateway) and controlling lighting through a condition of any permission in accordance with the recommendations of the Borough Council's Environmental Health Division.

9. APPLICATION FOR MINOR DEVELOPMENT - PLOT 37 BIRCH TREE LANE, WHITMORE. MR S MASON. 17/00445/FUL

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

- (i) Time limit.
- (ii) Submission of materials.
- (iii) In accordance with the approved plans.
- (iv) Contaminated land investigation and risk assessment to be submitted.
- (v) Tree protection in accordance with BS5837:2012 and submitted drawing.
- (vi) Development in accordance with P.359.13.05 and information provided in the Arboricultural Impact Assessment.
- (vii) Prior approval of landscaping proposals.
- (viii) Prior approval of tree and landscape management plan to address issues concerning the long term future of the woodland & replacement planting.
- (ix) Arboricultural site monitoring schedule.
- (x) Implement recommendations within the Phase 1 Extended Habitat Survey received with the application.
- (xi) Prior approval and implementation of sewage plant equipment on site.
- (xii) No levels alterations to be undertaken outside the development zone.
- (xiii) Schedule of works to retained trees.

10. APPLICATION FOR MINOR DEVELOPMENT - CARTREF, RYE HILLS, AUDLEY. MR & MRS COTTERILL. 17/00503/FUL

Resolved: (A) That subject to the applicant entering into a Section 106

obligation by 21st November 2017 to secure a public open space contribution of £5,579 towards improvements to Station Road, Miles Green Play Area,

the application be permitted subject to the undermentioned conditions:

- (i) Time limit.
- (ii) Approved plans.
- (iii) Completion of dwelling approved under Ref. 14/00322/FUL prior to commencement of development.
- (iv) Landscaping scheme.
- (v) Contaminated land.
- (vi) Visibility splays.
- (vii) Provision of access and parking area.
- (viii) Surfacing of access drive.
- (ix) Materials.
- (x) Boundary treatments.

- (B) That, should the planning obligation as referred to at (A) 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 a matter being secured the development would fail to secure the provision of improvements to a play area or, if he considers it appropriate, to extend the period of time within which such an obligation can be secured.

11. APPLICATION FOR MINOR DEVELOPMENT - JOLLIES FIELD PLAYING FIELD TO THE NORTH OF NEWCASTLE STREET, SILVERDALE. IBSTOCK BRICK LTD. 17/00550/FUL

An additional condition (iii) was proposed by Councillor Spence and seconded by Councillor J Williams.

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

- (i) Standard Time limit for commencement of development.
- (ii) Approved plans.
- (iii) Prior approval of details of the fence/gates.

Observation to be passed to the relevant officers of the Council about the concerns of Planning Committee relating to the worsening problems with dog excrement on play areas and the risk to human health that it poses.

12. APPLICATION FOR MINOR DEVELOPMENT - OLD WOOD,, BETLEY HALL GARDENS, BETLEY. MR D MANSFIELD. 17/00652/FUL

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

- (i) Standard time limit.

- (ii) Approved plans.
- (iii) Materials as indicated on application form unless otherwise agreed.
- (iv) Replacement trees.
- (v) Tree protection.
- (vi) Arboricultural method statement.

13. APPLICATION FOR OTHER DEVELOPMENT - LAND BETWEEN 33-47 HIGH STREET, NEWCHAPEL. TELEFONICA UK LTD. 17/00772/TDET

Revised wording of the recommendation was proposed by Councillor Fear and seconded by Councillor Tagg.

Resolved: That the Head of Planning be given the delegated authority to determine the application having taken into consideration any additional representations received by the end of 10th October, 2017.

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

Resolved: That the report be noted.

15. OPEN ENFORCEMENT CASES

Resolved: That the report be noted.

16. APPEAL DECISION - 2 PINWOOD ROAD, ASHLEY. 16/01033/OUT

Resolved: That the report be noted.

17. APPEAL DECISION - 11 WOODSIDE, MADELEY. 17/00186/FUL

Resolved: That the report be noted.

18. URGENT BUSINESS

There was no Urgent Business.

COUNCILLOR BERT PROCTOR
Chair

Meeting concluded at 7.45 pm

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LAND BOUND BY RYECROFT, RYEBANK, MERRIAL STREET, CORPORATION STREET & LIVERPOOL ROAD
HDD (NEWCASTLE-UNDER-LYME) LIMITED

17/00637/FUL

The application is for full planning permission for demolition of existing buildings and construction of a mixed use development comprising the following

- Student accommodation for 513 students within 164 units comprising 90 self-contained studios and 423 en-suite rooms (in 74 clusters of 4, 5, 6, 8 and 9) with shared lounge/kitchen areas.
- A block of four retail units (Use Class A1) providing a total of 3,839m² of gross external floor area and an additional 3,455m² mezzanine floor area distributed across the 4 units.
- Eight further units for food and drink, non-residential institutional, and leisure uses (Use Classes A3/A4/A5/D1/D2), and financial and professional services (Use Class A2). Five of these units are to be in the lower and upper ground floors of the student accommodation building and the remainder are in a separate block. These units provide a total of 2,604 m² of ground floor area and an additional 626 m² mezzanine floor area distributed across 2 units
- A car park providing 197 car parking spaces.

Access to the car park and one of two service yards as proposed is off the westbound carriageway of Ryecroft (A52), part of the Town Centre Ring Road. The second service yard is accessed off Liverpool Road

The site lies within the Urban area of Newcastle as designated on the Local Development Framework Proposals Map. It adjoins the Newcastle Town Centre Conservation Area. The Newcastle Town Centre Supplementary Planning Document identifies the site as lying within the Northern Quarter and the Primary Shopping Area, and adjoining the Town Centre Historic Core.

The 13 week period for the determination of this application expires on the 26th October, however the applicant has agreed to extend the determination period until 7th December.

RECOMMENDATIONS

A) Subject to the applicant entering into planning obligations by 8th January 2018 to secure the following:-

- 1. A financial contribution of £542,797 to public realm improvements in Corporation Street with the remainder to be spent on the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens;**
- 2. £2,245 towards travel plan monitoring;**
- 3. A sum yet to be determined for the ongoing maintenance of the Real Time Passenger Information system for bus services;**
- 4. A sum yet to be determined towards improvements to the cycle route from Newcastle town centre to Keele University;**
- 5. A sum yet to be determined towards a Real Time Town Centre Car Parking Capacity Information System;**
- 6. A financial contribution of £50,000 to be used to fund Resident Parking Zones in the event that it has been demonstrated (through surveys secured by condition) that the development has resulted in on street parking problems; and**
- 7. A financial contribution of £20,000 to be used to review and provide/amend traffic regulation orders on roads adjoining the site.**

Permit, subject to conditions relating to the following matters:-

- i. Commencement time limit**
- ii. Development to be carried out in accordance with the approved plans and supporting documents, unless otherwise required by condition.**
- iii. Submission and approval of a phasing plan**
- iv. External facing and surfacing materials.**
- v. Depth of the reveals of windows and other apertures**
- vi. Location and appearance of plant if not as shown on approved plans (unless located within a building)**
- vii. Directional signage to the Town Centre**
- viii. Report of unexpected contamination**
- ix. Construction hours to be restricted (other than internal fit out) to between the hours of 7am and 6pm Monday to Friday, 7am to 1pm Saturday and not at any time of Sundays or Bank Holidays**
- x. Construction environmental and highway management plan**
- xi. Noise from plant and mechanical ventilation,**
- xii. Restriction on noise levels in habitable rooms from plant and mechanical ventilation,**
- xiii. Ventilation provision to habitable spaces**
- xiv. Glazing specification**
- xv. Control of shopping trollies**
- xvi. External lighting**
- xvii. Noise mitigation measures, supported by a noise assessment, regarding delivery and waste collection**
- xviii. Control of food odours**
- xix. Restriction on noise from entertainment**
- xx. Air quality assessment from CHP.**
- xxi. Occupation of living accommodation by students only**
- xxii. Cycle parking in accordance with approved details**
- xxiii. Travel plan**
- xxiv. Car park and servicing to be provided prior to commercial units being first brought into use.**
- xxv. No servicing of the commercial units to be carried out from the car park.**
- xxvi. Management of the car park**
- xxvii. Waste management strategy**
- xxviii. Landscaping to include replacement tree planting on Corporation Street and on the opposite side of Merrial Street to the application site.**

- xxix. **Civic Offices Building recording survey**
xxx. **Security measures for the development such as CCTV, measures to prevent forced entry into buildings and hostile vehicle mitigation.**

B) Should the above planning 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 public open space needs of the development would not be met, the development would fail to ensure it achieves sustainable development outcomes, the public realm improvements required to secure an appropriate context for the development and provide attractive pedestrian links into the Historic Core would not be secured, and the development would not provide car parking information to the detriment of the vitality and viability of the town centre; or, if he considers it appropriate, to extend the period of time within which the obligations can be secured.

Reason for Recommendations

The site is located in a highly sustainable location within Newcastle town centre. The benefits of the scheme include the provision of student accommodation and floorspace for main town centre uses within an appropriate location making use of previously developed land. The introduction of student accommodation and modern commercial floorspace in this location should also benefit the town centre, making it a more vibrant place.

Given that the existing Civic Offices building is not statutorily Listed, and is not on the Council's Register of Locally Important Buildings and Structures, it is not considered that an objection could be sustained to the loss of the building. Although it is considered that the development would have some adverse impact on the skyline of the town centre in long distance views across the valley of the Lyme Brook, the landmark Listed Buildings of St. Giles' Church would remain prominent and distinctive when seen on the skyline. The development would be of an acceptable scale and massing that would preserve the character and appearance of the Conservation Area and would have no adverse impact on the setting of Listed Buildings. The statutory requirement to pay special attention to such matters is considered to be met. Acceptable residential amenity would be provided for the occupiers of the building and given the highly sustainable location of the proposed development, it is not considered that the lack of parking within the application site would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

Subject to suitable conditions and planning obligations as indicated above, it is not considered that there are any adverse impacts of the development that would significantly and demonstrably outweigh the benefits and accordingly permission should be granted.

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

Officers have worked with the applicant to address all issues and the application is now 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 main issues for consideration in the determination of this application are accordingly:-

- Is the proposal acceptable in terms of its impact on the form and character of the adjacent Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?
- Is the development in other respects acceptable in its appearance?
- Is the principle of the proposed development on the site acceptable?
- Are acceptable residential amenity levels achieved?
- Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

- What, if any, planning obligations are necessary to make the development policy compliant?

2.0 Is the proposal acceptable in terms of its impact on the form and character of the adjacent Conservation Area and nearby Listed Buildings both in relation to the loss of the existing building, and the proposed development itself?

2.1 There are a number of matters that are pertinent to this key issue and to ensure that the issue is properly addressed this section will be subdivided setting out the policy context and other considerations first before addressing the impact of the proposal on nearby Listed Buildings and the impact upon the character of the adjacent Conservation Area, including the loss of the existing Civic Offices building.

Policy context in the assessment of the development's impact on the adjacent Conservation Area and setting of Listed structures/buildings

2.2 Policy CSP1 of the Core Spatial Strategy (CSS) indicates 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. Amongst other things new development should be based on an understanding and respect for Newcastle and Stoke-on-Trent's built, natural and social heritage and contribute positively to an area's identity and heritage.

2.3 Policy CSP2 of the CSS indicates that the Councils will seek to preserve and enhance the character and appearance of the historic heritage of the City and the Borough including buildings, monuments, sites and areas of special archaeological, architectural and historic interest.

2.4 Policy ASP4 of the CSS sets out the Newcastle Town Centre Spatial Policy and indicates the following, amongst other things:-

- The Town Centre's unique market town character and ambience will be enhanced through directing public investment and developer contributions towards enhancing the attractiveness and viability of the Open Market and the Town Centre's award winning public realm and open spaces. A greater mix and intensity of Town Centre uses will be encouraged to create a stronger gateway to the Town Centre from the north and north west and to capitalise on natural features such as the Lyme Brook, so long as the main function of the primary shopping area is maintained and enhanced.
- All development within the Town Centre will work with the topography and be required to meet the high quality design standards set out in supplementary planning documents and in keeping with the Town Centre's distinctive market town character, and will enhance the vitality and viability of the Town Centre by contributing towards the existing vibrant mix of retail, nightlife, leisure, employment and residential uses. New development will recognise the importance of landmark sites and work to improve connections to and within the Town Centre and particularly the need to overcome the severance created by the ring road.

2.5 Saved policy B5 of the Newcastle Local Plan (NLP) indicates that the Council will resist development proposals that would adversely affect the setting of a Listed Building. Saved NLP policy B10 indicates that planning permission will be granted only if the development will preserve or enhance the character or appearance of a Conservation Area, and in particular that important views, into and out of the (Conservation) Area are protected.

2.6 Saved NLP policy B15 indicates that trees and landscape features which contribute to character and appearance and are part of the setting of a Conservation Area will be retained.

2.7 These policies are all consistent with the National Planning Policy Framework (NPPF) and in accordance with paragraph 215 the weight to be given to them should reflect this.

2.8 The NPPF at paragraph 131 states that in determining planning applications, the Local Planning Authority should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

2.9 At paragraph 132 the NPPF states that when considering the impact of a proposed development on the 'significance' of a designated heritage asset (such as a Conservation Area or Listed Building), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. 'Significance' can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Within the glossary of the NPPF 'significance' is described as "*the value of a heritage asset to this and future generation because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. 'Significance' derives not only from a heritage asset's physical present but also from its setting*".

2.10 In NPPF paragraph 133 it is indicated that where a proposed development would lead to 'substantial harm' or total loss of 'significance' of a designated heritage, local planning authorities should refuse consent, unless it can be demonstrated that the 'substantial harm' or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

2.11 Paragraph 134 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the 'significance' of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

2.12 At paragraph 136 the NPPF states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

2.13 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their 'significance'. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the 'significance' of the asset should be treated favourably.

Other material considerations in the assessment of the development's impact on the adjacent Conservation Area and setting of Listed structures/Buildings

2.14 The [Newcastle-under-Lyme Town Centre Conservation Area Appraisal](#) identifies seven Character Areas. The site is adjacent to Character Area 2 (St Giles' Church, Church Street, Bridge Street and part of High Street), and to Character Area 5 (20th century municipal growth, Merrial Street), both are assessed as being positive character areas. St Giles' Church is identified as the key focal building in Character Area 2. The street trees on Merrial Street are identified as a key positive in Character Area 5 as is the only Listed Building within that area, the Conservative Club. The Appraisal identifies the following to be amongst the most important issues for the Newcastle Town Centre Conservation Area:-

- New development on the edges of the Conservation Area should be appropriately scaled and detailed.
- Pressure for new development, particularly housing or offices on backland sites
- The protection of historic plots and historic boundaries from new development
- Scale and form of development needs to reflect historic precedent
- The protection of the town's economic vitality and the encouragement of appropriate new businesses.

2.15 The Newcastle Town Centre Supplementary Planning Document (TCSPD) places the site in the Northern Quarter indicating this is a very mixed zone which has been defined in recognition of its shared potential for significant redevelopment. Opportunities could involve extensive parcels of land and opportunities should be taken to reproduce similar patterns of "permeability" even in large

redevelopment sites. Redevelopment opportunities could lead to a greater mix and intensity of use. It is important to break through the barrier of the ring road, however any redevelopment on the site would need to take account of its connectivity to the rest of the Primary Shopping Area.

2.16 The TCSPD goes on to identify elements of good design. It indicates the development should be designed to respect and where possible enhance its surroundings and contribute positively to the character of the Town Centre helping to improve its image and identity, having particular regard to the prevailing layout, urban grain, landscape, density and mix of uses, scale and height, massing, appearance and materials. New development should follow one of 3 design approaches; reflecting the best of the historical; contrasting with the traditional; or interpreting the traditional in terms of a contemporary design. Whichever approach is selected the key factor is the creation of well-mannered buildings that enhance their setting and that are well resolved in terms of their own architecture.

2.17 The TCSPD advises that innovation, and creativity may generate new buildings that look very different to those that have been developed within the Town Centre over its history but can still be supported, particularly where the design is driven by improved environmental performance and where such development will act as an exemplar of good architecture and design. But it is essential that the development respects its setting. Development must incorporate materials that are relevant and/or complementary to the surrounding area, are durable and appropriate for their purpose. Traditionally based brick, render and stone are recommended, with the addition of terracotta, timber and glazing used sensitively and in context.

2.18 The TCSPD indicates that it is important to create or maintain active frontages and that doors, and even windows, add to the interest of the streetscape. The TCSPD further advises that the historic core is sensitive and runs the risk of being undermined by buildings that are too high or too low.

2.19 This site, excluding the Civic Offices, is identified as a key development site in the TCSPD. It indicates that this site provides an opportunity to add to the retail offer and to create a vibrant, interesting place through mixed development and added permeability. It indicates that a key to any design is the creation of visual interest from the ring road rather than allowing a development that turns its back to the road or merely presents a sea of car parking. It states, however, that it is also essential that activities within the site are linked to the rest of the Primary Shopping Area. Development here must not be a separate destination divorced from the rest of the town. It indicates that there is the potential for up to 5 storeys on the frontage to Ryecroft, but not continuous.

2.20 The Urban Design Supplementary Planning Document (UDSPD) has a section that addresses Newcastle town centre. It identifies that the town centre has a distinctive pattern of relatively narrow plots throughout the historic streets. Buildings generally date from the Georgian period and more recent development, which follow a characteristic pattern of simple, regular and formal facades and vertically proportioned openings.

2.21 The UDSPD sets out design guidance for the town centre which includes the need to diversify town centre activity by creating a network of streets and blocks of development similar in scale to the existing town centre and integrate the scale of car parking into the settlement form. The scale of development should be generally in the range of 3-4 storeys, to create an urban scale, with up to six storeys to address the ring road in landmark or gateway locations. It identifies the need to retain and enhance its distinctive character by using contemporary design to respond to the ordering principles of the historic townscape (e.g. of rhythm, symmetry, etc.) rather than copying historic buildings.

2.22 In considering the historic environment more generally policy HE3 of the UDSPD indicates that new development in or adjoining Conservation Areas should demonstrate how it will contribute to the character or appearance with reference to the Conservation Area Appraisal and Management Plan for each area.

2.23 Policy PR7 of the UDSPD states that new development must contribute to the quality and success of streets, public space and green space.

Assessment of the development's impact on the setting of Listed structures/Buildings

2.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving a Listed Building or its setting or features of special architectural or historic interest which it possesses.

2.25 There are a number of Listed Buildings within the Conservation Area and in proximity of the application site. This section of the report identifies those near to the application site the setting of which may be affected by the proposed development. The impact on the setting and thus the 'significance' of some of the identified Listed Buildings will be undertaken below.

2.26 The submitted Heritage Statement (HS) also considers further Listed buildings and other non-designated heritage assets that are included on the Register of Locally Important Buildings and Structures that lie within the Town Centre over and above the Listed Buildings identified below. It is not considered, however that they will be adversely affected by the development.

St Giles' Church (Grade II)*

2.27 The building has historic and architectural 'significance'. It is located on a mound with a tall tower, measuring about 26m, and as such has a strong presence within the centre of Newcastle with the tower standing taller than almost all of the surrounding buildings making it visible in views from within the Newcastle Town Centre Conservation Area and in longer distance views as well across the valley of the Lyme Brook. In some of these views it appears on the skyline, in silhouette – in others that is not the case.

2.28 The submission considers that the application site, and the Civic Offices currently within the site, are neutral features in the Church's setting and neither enhance, nor detract from its 'significance'. This is accepted. More open views of the Church tower have been created by the demolition of the former Sainsbury's store and multi-storey car park that was, until relatively recently, on the application site.

2.29 The proposed development, which is described in more detail below, includes a block which presents itself to Merrial Street and to the proposed car park to the rear. The block is 4 storeys in height on the Merrial Street elevation, which becomes 5 storeys along the east (Ryebank) and west (Corporation Street) elevations as the ground levels change. The building then steps up to 8 storeys on the remainder of the east and west elevations and for part of the north, Ryecroft facing elevation. The height of the building then steps up again to 10 storeys for a section of the north Ryecroft facing elevation. The maximum height of the building is 33m.

2.30 The application is supported by a number of what are termed verified views of the development from within the Town Centre and two views from outside of the Town Centre from the Holborn and from a longer distance at the bottom of Keele Bank. The views demonstrate that in the majority of cases the proposed development will not be seen in views of the Church and therefore will not visually compete with the Church thereby impacting upon its setting. The proposed new buildings will, however, restrict some of the more recently-formed views of the Church tower from the terraced streets to the north of the ring road. The proposed building will also be visible from Keele Bank and in this view it can be seen that the tallest element of the building will marginally exceed the height of the Church tower. The tallest element of the building has, however, been located in a position on this block where it would be furthest away from the Church tower, in such views. Whilst the lighter colour of the proposed building will draw the eye from this distance, it is considered that the tall, dark Church Tower will remain a prominent feature in this view.

2.31 There are locations from outside of the town centre where the Church Tower can be seen silhouetted in the skyline above other tall buildings, such as from Lower Street at the access to the Lidl/Travel Lodge car park and from the entrance to the Cemetery off Lymewood Grove where no existing tall buildings are seen in views of the Church Tower. Whilst there are no submitted verified views from these locations it can still be anticipated that the taller element of the proposed development will be seen in such views also silhouetted in the skyline.

2.32 Notwithstanding that the proposed building will be seen next to the Church Tower on higher ground than the Church and exceeds the height of that building, it is considered that as the Church Tower is significantly closer than the proposed building in the view from Lidl/Travel Lodge it can be anticipated that the Church Tower will not be 'overtopped' by the taller of the proposed buildings. The proposed building will, it is anticipated, be a similar height or slightly higher than Church Tower when viewed from the entrance to the Cemetery but it will be seen in very close proximity to Blackburn House and there will be a significant separation between the two buildings, so it will not be seen directly adjoining the Tower.

2.33 In consideration of the above it is concluded that the introduction of another tall building within the town centre in this position will be seen in views of the Church Tower and whilst it will compete with this landmark listed building, the tower of the listed building will remain as a prominent feature in the skyline, notwithstanding the concerns expressed by the Conservation Officer and Historic England, this will not 'substantially harm' its 'significance'.

2.34 The accordingly 'less than substantial harm' to the 'significance' of this designated heritage asset that arises from the proposal will be considered further, below.

Carlton House (Grade II)

2.35 This is the former Conservative Club on Merrial Street. The proposed student accommodation building will be visible above the roof of this building, however the immediate setting of this Listed Building, the landscaped frontage, would be unaffected. The 'less than substantial harm' to the 'significance' of this designated heritage asset that arises from the proposal will be considered further, below.

No 26 High Street (Grade II), No 17 High Street (Grade II)

2.36 The first of these buildings, Bailey's Tea Rooms, is at the junction of High Street, Merrial Street and Church Street. The second, Gravity and Stephenson Browne Estate Agents, is on the High Street/Merrial Street junction. Such buildings are sited in closer proximity to the application site than St Giles' Church, notwithstanding this, it is not considered that the proposed development will be prominent in views to and from these building and will not adversely affect their setting.

St George's Church (Grade II)*

2.37 This building is sited outside of the ring road, within the Newcastle Town Centre Conservation Area, and is of historical importance. The application site does not form part of the setting of this Listed Building but many views of the Church, such as along Ryecroft, include views of the site particularly now that the former supermarket and multi-storey car park have been demolished. The proposed development will therefore restrict some views however not in a manner which is considered to be harmful to its setting.

Ebenezer House (Grade II)

2.38 This building, originally the Ebenezer Methodist Chapel, is of historic and architectural 'significance'. It is located outside of the ring road diagonally opposite the application site. The proposed development will therefore be seen in views of this building however not in a manner which is considered to be harmful to its setting.

Demolition of the Civic Offices

2.39 The Civic Offices, built in 1967, will be demolished as part of the proposed development. It is not a Listed Building, does not fall within the Conservation Area and is not included on the Register of Locally Important Buildings and Structures. Nevertheless it should be considered to be a non-designated heritage asset and so the impact of its loss should therefore be assessed.

2.40 In response to the comments of Historic England (HE) indicating that an assessment of the 'significance' of the Civic Offices is required, an addendum to the HS has been submitted and HE

has responded concluding that its loss is disappointing given its aesthetic and historical merit, and considerable communal value.

2.41 The HS concludes that while the building is a dignified structure, it lacks the architectural interest of its more ambitious contemporaries and that it is illustrative of a general drive for modernity in public services but this is a characteristic shared with very many public buildings. Your Officer agrees with this and concludes that its 'significance' is relatively limited, noting that the Conservation Officer, the Conservation Advisory Working Party and the Staffordshire County Council Historic Environment Advisor do not object to the loss of the building.

2.42 The demolition of the Civic Offices, as proposed, will however have the greatest possible impact on its 'significance' however and in accordance with paragraph 135 of the NPPF a balanced judgement will be required having regard to the scale of the harm or loss. This balanced judgement will be undertaken below.

Assessment of the development's impact on the character and appearance of the Conservation Area

2.43 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relates to development within Conservation Areas and sets out that in the exercise, with respect to any buildings or other land in a Conservation Area, of planning functions *special attention* shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

2.44 Whilst, as indicated above, this site does not fall within the Newcastle Town Centre Conservation Area it does directly adjoin it on Merrial Street including the existing Merrial Street properties either side of the site. A link to a plan of the Conservation Area is provided [here](#). There is no doubt that the development will have an impact upon its character and appearance. Although Section 72 is not directly relevant to the consideration of this application, as the development is outside of the Conservation Area, given its close relationship to the Conservation Area it is still necessary to consider the impact of the development on its character and appearance.

2.45 Consideration has already been given to the impact arising from the demolition of the Civic Offices building. This sub-section of the report will therefore consider the impact of the proposed development on the character and appearance of the adjoining Conservation Area.

2.46 The largest building that is proposed adjoins Merrial Street and Corporation Street and faces towards Ryecroft. It is to contain student accommodation and in addition there are commercial units on the lower ground floor facing Ryecroft and on Corporation Street. This building, which has a large central courtyard, is sited approximately on the footprint of the Civic Offices in a position that is further forward than the current building, separated from the Merrial Street carriageway by a wide pavement some of which would be oversailed by the upper floors of the building supported by brick piers. Large areas of the elevations of this building are to be clad in brick with elements of metallic standing seam cladding, the tallest element of the building being entirely clad in this material.

2.47 The main entrance to the student accommodation is to be provided from Merrial Street, with a small commercial unit on the Merrial Street/Corporation Street corner and glazing along its entire frontage, turning the corner onto Corporation Street. As such it is considered the development achieves an active frontage where it adjoins the Conservation Area on Merrial Street.

2.48 The building will be more prominent in views and seen above the roofs of the existing properties on Merrial Street, compared to the Civic Offices, however, this is not considered to result in a building that is overly dominant in appearance when compared to the majority of buildings on Merrial Street. It is considered that the proposal will preserve the character of Merrial Street which is partially within the Conservation Area.

2.49 The taller sections of this building will also be visible in other views from within the Conservation Area, such as from Liverpool Road along Hickman Street (which is between Liverpool Road and Corporation Street), and from the far side of Nelson Place above the roofs of buildings on the Ironmarket appearing a similar height to the cupola on top of the former Police Station on Merrial Street. These views are not adversely affected by the introduction of the proposed development.

2.50 Views into the Conservation Area from the terraced streets to the north beyond the ring road will be obstructed by the development. The existing Civic Offices Buildings already does block such views to some extent and the view of the roofs of buildings in the Conservation Area is only currently possible following the demolition of the supermarket and multi-storey car park and as such has been short lived.

2.51 The proposal includes a 'New Street' to the west of the proposed student accommodation building, which is a wide pedestrian route which, subject to appropriate treatment of the levels and activity along it, will draw people from the site towards Merrial Street, Fogg Street and the Ironmarket beyond. Currently there is no easy and attractive route into the historic core of the town centre from the residential areas to the north of the town centre and the introduction of the 'New Street' and public realm improvements to Corporation Street, discussed below, will therefore encourage people into the historic core of the town centre, forming the Conservation Area, thereby increasing its vibrancy. It is not considered, therefore, that the impact on the views of the Town Centre Conservation Area from the residential area north of the ring road will be harmful as the aspirations of the TCSPD will be met albeit that the development exceeds the scale that was identified.

Conclusions

2.52 It has been identified that the proposed development will lead to 'less than substantial harm' to the 'significance' of the St Giles' and St George's Churches, designated heritage assets, and in accordance with paragraph 134 of the NPPF this harm should be weighed against the public benefits of the proposal.

2.53 In addition the proposal will result in 'less than substantial harm' by virtue of the loss of the Civic Offices, a non-designated heritage asset.

2.54 The cleared parts of the site which previously contained the supermarket and multi-storey car park are partly vacant and underutilised, partly used for parking but overall are unattractive and given it is highly visible from the ring road are detrimental to the attractiveness of the town centre as a destination for shopping etc. Whilst these parts of the site are not particularly visible from the Conservation Area it can still be said that the current site's appearance is harmful to the Conservation Area's character and appearance. The redevelopment of the site will therefore be beneficial particularly when it is borne in mind that no harm to the character and appearance of the Conservation Area has been identified by virtue of the design, scale and appearance of the proposed development. The increase in the vibrancy of the Primary Shopping Frontages within the Historic Core as a result of the development will enhance that character.

2.55 The proposal delivers a mixed-use development that will significantly enhance the town centre retail and leisure offer providing the ability to attract new commercial uses into the Town Centre which cannot, at this time, be accommodated in the existing town centre units. The improved pedestrian linkages that arise from this development from the residential areas to the north and the town centre are also of public benefit.

2.56 The provision of town centre accommodation for 500 students will improve the health of the town centre and will assist with the delivery of the Keele University Growth Strategy.

2.57 Economic benefits also arise from this development, as identified within the submission, including the creation of 479 (full time equivalent) jobs not including temporary construction jobs and indirect jobs. These are of benefit to the public.

2.58 When the benefits of the development are weighed against the 'less than substantial harm' that has been identified, it is concluded that such harm as has been identified above to heritage assets does not justify refusal of the application.

3.0 Is the development in other respects acceptable in its appearance?

3.1 The largest building, the student accommodation block, is described above. In addition to that building, two large footprint commercial buildings are proposed to the east and west boundaries of the

site, flanking the proposed car park which is accessed and visible from Ryecroft. These buildings are significantly lower in height than the student accommodation building being designed to provide ground floor commercial floorspace with the opportunity to provide additional mezzanine floorspace within some of the proposed units. The predominant facing materials for these units are those that are to be incorporated into the student accommodation building.

3.2 The nature of the proposal and the site has resulted in the commercial building to the west of the car park presenting elevations to Ryecroft, Liverpool Road, and Corporation Street with limited glazing. There is glazing at the corners of the building, however, so the 'blank' sections of such elevations will be not prominent in views along Ryecroft or along Corporation Street from Merrial Street. The design also seeks to break up such elevations with large sections of vertical solar shading fins on Corporation Street, a covered staircase on Liverpool Road, signage and a planting bed adjoining the Liverpool Road pavement. The service yard that is on the Liverpool Road side of the building is contained behind a wall, partially screened by that planting bed.

3.3 The proposed commercial building to the east of the car park is smaller but similarly designed. It does, however, include a curved corner to the car park/Ryecroft and includes large elements of glazing on the Ryecroft elevation providing a high degree of visual interest. It is to be serviced from a yard that is accessed from Ryecroft via the existing Ryebank (where access to the Civic Offices car park is currently achieved) and will extend close to Merrial Street to the backs of the adjoining Merrial Street buildings, however it will be hidden behind a wall and will not be visually prominent in views.

3.4 Whilst the car park is totally visible from Ryecroft it is flanked by the commercial units with the tallest building as its backdrop and as such the development does not turn its back to the road or just present a sea of car parking and as such it accords with the TCSPD in this regard. The high visibility of these retail units will, it is anticipated, attract shoppers into the town centre who will then be able to access the rest of the Primary Shopping Area down 'New Street' and Corporation Street.

3.5 The development has twice undergone independent design review prior to the submission of the application. An earlier proposal was revised in response to changes in the property and investment market, and sought to reflect upon the comments of the Review Panel on that scheme. The Review Panel were supportive of the location of the tallest element of the building on the highest part of the site in the current scheme as they considered it would reinforce the identity of the town centre. They did consider that its architectural treatment was somewhat 'safe' and missed an opportunity to create a more distinctive element on the street. Some concern was expressed about the form, impact and layout of the retail units which they considered visually and physically turned its back on the town centre and is that of an edge of town Retail Park.

3.6 The concerns of the Review Panel with regard to the retail units are noted but it is also noted that the Town Centre SPD indicates that a key to any design of the development on this site is the creation of visual interest from the ring road rather than allowing a development that turns its back to the road. The development is on the edge of the centre and does face out towards Ryecroft in accordance with the SPD aspiration. In addition there is a commercial unit within the student accommodation building fronting onto Corporation Street and this together with the provision of the 'New Street', which the Review Panel welcomed, helps to integrate the development into the town centre and avoids the commercial elements totally 'turning its back' on the town centre although some questions were raised by the Panel regarding the limited amount of active frontage along that route. Whilst the scheme does not include commercial units on the Merrial Street frontage it will nevertheless create an active frontage given that is where the main entrance to the student accommodation is proposed.

3.7 The design and choice of facing materials within the proposed development is not as 'bold' as it could be but it does take its cue to some extent from the design and appearance of the Civic Offices which is considered to have some merit. As set out above the development as proposed is not considered to be unacceptable in respect of its impact on the adjoining Conservation Area and Listed Buildings.

3.8 Overall the development 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, including hard surfacing, and the implementation of soft landscaping works.

4.0 Is the principle of the proposed development on the site acceptable?

4.1 Policy SP1 of the Core Spatial Strategy (CSS) indicates that retail and office development will be focused towards the City Centre and Newcastle Town Centre. Policy ASP4 on Newcastle Town Centre indicates that over the plan period (2006-2026) proposals will provide here for 25,000m² of additional gross comparison retail floorspace to 2021 and a further 10,000 m² to 2026 which will be appropriate in terms of the role of the Town Centre and capable of meeting needs of the Town Centre. In addition it states, amongst other things, the following:-

- Opportunities will be taken to maximise the potential for Town Centre living which will be achieved primarily as part of high density, mixed use schemes designed to contribute positively to the character, vibrancy and sustainability of the Town Centre.
- The Town Centre will continue to develop in a balanced way as a complementary service centre to the City Centre with a strong retail offer, a strengthened financial and professional sector, and as a focus for new leisure and residential opportunities, all accommodated within mixed development wherever practicable.
- A spatial framework will be formulated, identifying distinct zones both within the primary shopping area and beyond.

4.2 The Newcastle Town Centre Supplementary Planning Document (TCSPD) is the spatial framework referred to within policy ASP4 of the CSS. It highlights the need for the right level and quality of retail provision to meet the needs of shoppers and help to ensure a vibrant local economy conveniently located to maximise “footfall” and avoid unnecessary dispersion. In addition it indicates that the Ryecroft site could add to the retail offer of the town centre, and could accommodate housing.

4.3 The NPPF indicates, at paragraph 23, that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local Plans should, amongst other things:-

- Recognise town centres as the heart of their communities and pursue policies to support their viability and their vitality.
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres.
- Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites
- Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

4.4 At paragraph 24 the NPPF indicates that local planning authorities should adopt a sequential approach and require applications for ‘main town centre uses’ to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. At paragraph 26 it indicates that applications for retail, leisure and office development outside of town centres require an impact assessment if the development is of a certain scale (which in the absence of a locally set floorspace threshold is 2,500m²).

4.5 The site lies within the Primary Shopping Area which is within the Town Centre. Whilst not specifically allocated for the proposed development the policies, as set out above, fully support, and aim to encourage, the provision of the main town centre uses (retail, leisure and food and drink) and the student accommodation that are proposed. Up to 10,524m² of new commercial floorspace proposed within the development will make a significant contribution to the amount of retail floorspace that the CSS indicates should be provided within the plan period.

4.6 The additional commercial floorspace, the creation of jobs (including 479 new on-site full time equivalent jobs supported by the development of new commercial floorspace) and the introduction of students will be of significant benefit to the town centre resulting in an improvement in its vitality and viability. The aims and objectives of the CSS and the associated TCSPD will be met by this development. Overall it is concluded that the proposed development, in principle, is acceptable.

5.0 Are acceptable residential amenity levels achieved?

5.1 The area is predominantly commercial in nature and therefore external noise levels from road traffic noise, noise from external air handling plant and night time noise during the weekend are likely to affect the living conditions of the occupiers of the development, albeit that this is at present one of the quieter locations within the town centre. The application is accompanied by a Noise Impact Assessment which concludes that through the incorporation of noise mitigation into the design of the building; acceptable noise levels would be achieved within habitable areas. It is understood that the Environmental Health Division (EHD) has no objections from a noise perspective subject to conditions.

5.2 There is the potential for activities associated with the servicing of the retail units, and from any vehicle and pedestrian movements/activity at night associated with any leisure uses within the development, to generate noise disturbance to the occupiers of the student accommodation and to any other residents nearby. It is, however, considered that this could be addressed through suitable controls that can be secured by conditions of a planning permission.

5.3 Regarding air quality, the submission demonstrates that vehicle related emissions arising as a result of the development would not have an adverse impact on amenity. Within the application submission it is indicated that a combined heat and power system will be provided which has the potential to generate unacceptable emissions. Whilst no information has been provided regarding emissions or details of a chimney or other means of dispersal of the emission at this stage it is considered that subject to the inclusion of a condition to secure such information air quality can be suitably controlled.

5.4 The application site is located within the Town Centre and is not within a residential area. There are residential terraced streets to the north and given the scale of the development the application is supported by a Daylight and Sunlight Amenity Study. The study assesses the impact of the development and concludes that the daylight and sunlight levels remain within the BRE's recommended levels and that the daylight and sunlight levels to the adjacent residential windows is not unacceptably affected.

5.5 Overall it is considered that the development could provide acceptable living conditions for its occupiers and would not adversely affect the living conditions of existing residents.

6.0 Is the proposal acceptable in terms of highway safety and sustainable travel initiatives?

6.1 A car park accommodating 197 vehicles forms part of the proposed development, access to which will be directly from Ryecroft. In addition the proposal involves the formation of two service yards, one of which will be accessed via Ryebank (which is the point of access into the current Civic Offices car park) and the other from Liverpool Road. Amended plans have been received with regard to access and servicing arrangements in response to the comments of the Highway Authority and it is considered that there are no fundamental highway safety concerns arising from the proposed development.

6.2 Saved Policy T17 of the Local Plan states that development in Newcastle Town Centre within the ring road will not be permitted to provide new private parking but will be required, where appropriate, to contribute to appropriate improvements to travel to the development. The policy identifies what such improvements may include. 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.

6.3 The existing site already provides private parking associated with the Civic Offices (which is

available to the public at the weekends) and on the cleared former Sainsbury's site parking spaces some of which are occupied by permit holders during the week but otherwise are available to the public. There are currently up to a total of about 280 spaces on the entire site. The loss of public parking spaces, even though they are not currently well used, could have a detrimental impact on the Town Centre even though other public car parks would remain in and around the ring road. It should also be noted modern retailers, and those shopping in their stores, have an expectation that car parking is provided in close proximity and the lack of parking within the development could undermine its appeal. Therefore, to ensure that benefits to the Town Centre arising from the additional commercial floorspace proposed are fully achieved, car parking should be provided within the scheme and it is considered that the 197 parking spaces that are proposed are acceptable in number. A real-time town centre car parking capacity information system would provide shoppers information as to where there are parking spaces available which will be beneficial to the town centre as a whole and the applicant has indicated that it is prepared to make a contribution to the installation and operation of such a system. In addition to avoid the imposition of time restrictions on the use of the car park which would discourage shoppers parking there from visiting the rest of the town centre, thereby undermining the benefits arising from this development, a condition is required.

6.4 250 secured cycle spaces are to be provided within the student accommodation; however no dedicated student parking spaces are proposed. The application submission sets out that there is a strong case for having zero parking for students on the application site, indicating that Keele University (the nearest university to the site) actively discourages car use and the applicant indicates the students living within the proposed development will be discouraged from having/using cars. It is accepted that students will be discouraged from bringing their vehicles to University but this can't be prevented, and it has to be acknowledged that in some cases access to a vehicle is required (due to mobility issues or due to the nature of the course and the need to travel to different locations). In recognition of this the developer has indicated that they are willing to offer student residents a maximum of 40 parking permits for overnight parking on a needs basis. The management of the student parking will be through a permit system and such permits will be issued where a case is put forward and accepted, and as such it is likely that less than 40 permits will be issued at any one time. The remainder of the parking spaces will also be available during the day or at night to those prepared to pay the parking costs.

6.5 Beyond that the indication is that the developer is prepared to improve non-car modes of transport to the site involving the installation of real-time passenger information for bus routes serving the town centre and the local Universities and by making a financial contribution towards improvements to cycle linkages and associated wayfinding signage. In addition it has indicated a preparedness to enter into such an obligation with regard to the provision of a resident parking zone sum of £50,000 and an associated condition requiring surveys of parking on residential streets to be undertaken before and after the occupation of the development. This approach has been accepted for the purpose built student accommodation (PBSA) developments on both the site of the former Jubilee baths site and on the London Road site.

6.6 Your Officer's view is that there is a very good bus service between the town centre and the campuses of Keele University and Staffordshire University, and very limited parking is available to students at both Staffordshire and Keele Universities – all of which would influence students to leave any vehicle they may have at home. Improvements to the cycle routes to Keele University will also encourage students living in this development to cycle. In addition there is a wide range of facilities and services within a very short distance of the site that can be accessed more easily on foot than car. Such factors will encourage student occupiers to not have a vehicle.

6.7 Given the highly sustainable location of the proposed development and subject to appropriate planning conditions and planning obligations, it is not considered that the lack of parking for students within the proposal, or the development in any other regard, would have any significant adverse impact on highway safety so as to justify a refusal on such grounds.

7.0 What, if any, planning obligations are necessary to make the development policy compliant?

7.1 Section 122 of the Community Infrastructure Levy 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

7.2 The development would put pressure on nearby areas of public open space given that such needs are not satisfied on site and it considered that in principle a financial contribution towards such areas could comply with CIL Regulations and the Council's adopted Developer Contribution SPD.

7.3 The Landscape Development Section (LDS) has requested a contribution but has made certain adjustments in recognition that the standard contribution sought is based upon there being on average 2.5 people occupying each dwelling and that some of the units within this development will be single person accommodation. The adjustment that has been made is to request 2/5^{ths} of the total for those single units and the full contribution for the clusters which would amount to a total of £613,690. The LDS has indicated that any financial contribution that is secured would be used to improve and enhance public open space and public realm in and around the town centre.

7.4 The adjustment that has been undertaken by the LDS is appropriate in as far as it goes, but further adjustment is considered necessary, in line with the approach taken with respect to other PBSA developments, in recognition that the full contribution involves a payment towards play spaces for children and due to the nature of the accommodation proposed there is no justification to secure a contribution towards that open space typology. When that further adjustment is made the contribution to be sought reduces to £542,797.

7.5 The Council's Supplementary Planning Document for Developer Contributions refers to contributions towards public realm improvements as being a type of developer contribution that the Council is likely to seek. Corporation Street provides a link from the development into the Historic Core of the Town Centre and is currently very poor in appearance and would do little to encourage pedestrian flows into/out from the existing facilities within the town. With the cooperation of the Highway Authority there is the opportunity to improve this route by changes to the surfacing materials and/or giving pedestrians priority over vehicles. A financial contribution towards such public realm improvements in this area is considered necessary and a ball park estimate is being sought and if available will be reported to the meeting. It is considered that the use of a proportion of the public open space contributions to fund such public realm improvements in Corporation Street would meet the statutory tests indicated above and be lawful. The remainder of the contribution, if any does remain, would be spent in either Brampton Park or Queen Elizabeth Park, off Silverdale Road.

7.6 The Highway Authority (HA) requests a number of financial contributions. Firstly, they request a travel plan monitoring fee of £2,245 and this is considered to comply with the CIL Regulations. They also require a contribution towards a review of Traffic Regulation Orders on roads directly adjoining the site and for any new or altered TROs on such roads, which is understood to be £20,000.

7.7 The HA has not requested a contribution towards the ongoing maintenance of the Real Time Passenger Information system for bus services. Live running information on public transport services in North Staffordshire is currently being developed and given that it will require ongoing maintenance and updates, it is considered that it is reasonable to seek a financial contribution and that this is necessary to make the development acceptable in planning terms (on the grounds of moving towards more sustainable forms of development). In addition a financial contribution has not been requested by the HA to provide improvements to the cycle route from Newcastle town centre to Keele University. Again, in the interests of moving towards more sustainable forms of development, this is considered to comply with the CIL Regulations, and policy support for this approach is contained within saved Local Plan policy T17. Further information will be provided setting out the level of contributions to be sought will be provided.

7.8 A contribution towards a real-time town centre car parking capacity information system is considered to be in the interests of the vitality and viability of the town centre and is considered to comply with the CIL Regulations. Consideration is being given to the level of contribution to be sought and further information will be reported in that regard also.

APPENDIX

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

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

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP2	Spatial Principles of Economic Development
Policy SP3	Spatial Principles of Movement and Access
Policy ASP4	Newcastle Town Centre Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP2	Historic Environment
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP9	Comprehensive Area Regeneration
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 T17	Parking in Town and District Centres
Policy T18	Development – Servicing Requirements
Policy B3	Other Archaeological Sites
Policy B5	Control of Development Affecting the Setting of a Listed Building
Policy B9	Prevention of Harm to Conservation Areas
Policy B10	The Requirement to Preserve or Enhance the Character or Appearance of a Conservation Area
Policy B13	Design and Development in Conservation Areas
Policy B14	Development in or Adjoining the Boundary of Conservation Areas
Policy C4	Open Space in new housing areas
Policy N12	Development and the Protection of Trees
Policy N13	Felling and Pruning of Trees
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 \(PPG\) \(2014\)](#)

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

[Supplementary Planning Guidance/Documents](#)

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

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

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

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

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

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

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

[Newcastle-under-Lyme Extensive Urban Survey \(2009\)](#)

[Relevant Planning History](#)

Nil

Views of Consultees

The **Conservation Advisory Working Party** welcomed the potential regeneration benefits of the development, and there were a variety of views expressed, the majority view of the Working Party questioned whether the buildings are of sufficiently high quality design, the design being considered to be mundane. The scale of the student accommodation building in particular was of great concern to the Working Party given its height of 10 storeys and massing relative to the adjoining historic townscape which was generally of a two storey nature.

The scheme was not considered to be well thought out and did not take into account its surroundings and in particular its relationship to the adjoining Conservation Area and the setting of Listed Buildings. How the street surfaces would be treated between the development and the town centre was a further concern. The question of details of the cladding was raised.

Historic England (HE) commented initially that further analysis of the potential impact of the proposed development on existing designated and non-designated heritage assets is required in order for them to respond to the consultation. Paragraph 128 of the NPPF instructs local authorities to require applicants to describe the significance of any heritage assets affected, in order to enable an understanding of the potential impact of the proposals. The Civic Offices, opened in 1967 and design by Bradshaw, Gass and Hope undoubtedly has some aesthetic, historical and communal value. The submitted Heritage Statement does not comprehensively assess the 'significance' of the existing Civic Offices or the full impact of the development on the setting of the Grade II* Church of St Giles. Following receipt of additional information HE have provided further comment indicating that the Civic Offices undoubtedly has some aesthetic and historical merit, and considerable communal value. Furthermore they consider its existence enriches the story of the evolution of the town centre, and as such its loss, in heritage terms, is disappointing. With regard to the impact on the setting of St Giles it is not possible for HE to give a definitive response on the basis of the information provided but it is acknowledged that the new buildings will be visible in some of the same views as the church tower. It can only be concluded that the proposed building will inevitably compete with the existing dominance of the church on the skyline, diluting its significance and visual focus as a historic landmark of the town, unencumbered by other large buildings. This detrimental impact should be fully considered and given appropriate weight during deliberations of the impact of the proposals on the setting and surround heritage assets, and the two centre skyline.

The **Conservation Officer's** comments (prepared following receipt of the initial comments of HE but before additional information upon which HE have commented) are summarised as follows:

- Agrees with the conclusion of Historic England that the Civic Offices has some merit as a non-designated heritage (NPPF pp 135) asset and its 'significance' should be analysed. The Heritage Statement submitted by the applicant recognises the contribution the Civic Offices make to the street scene, stating that they are "well-designed, use high quality materials and do not detract from the character and appearance of the Conservation Area". The building is also identified as a focal point beyond the Conservation Area boundary in the Conservation Area Appraisal. It therefore deserves consideration as a well-built purpose built municipal building of the 1960's by known architects. Some may see the building as having aesthetic value and it may have historical and communal value to those who have been coming to this building for over 50 years as a civic building.
- The Conservation Area as a heritage asset has a high value, has meaning to its residents and visitors as a historical town centre with many historical buildings. Clearly the topography within Newcastle Town Centre is very important and it affords views from quite a distance of St Giles Church within the historic town centre and it has a wide setting and relationship with the wider townscape, particularly on the skyline. On the other hand the undulating landscape also enables glimpses of parts of buildings and even relatively large buildings can be accommodated without harm to the setting of the townscape. The setting of the Conservation Area is an urban town centre which includes the ring road and the Civic Offices.
- The principal view of the Civic Offices is the frontage and original entrance on Merrial Street. Certainly the consideration of 'significance' is complex and it should be proportionate. The current site around the Civic Offices does not preserve or enhance the Conservation Area.

- It is the high rise element of the development which causes most concern and its potential to impact both on the character and appearance of the Conservation Area given the proximity of the new proposal and how it competes with the tower of St Giles, an important Listed Building within the town centre and historic medieval core of the town centre. This is especially relevant as within the ring road buildings tend to be more modest in scale or the topography of the town centre means that they sit in the landscape with less visual impact.
- It is accepted that the existing site has a neutral impact on St Giles. It certainly does not compete with the Church as a landmark building. The Merrial Street frontage of the proposal is acceptable, addressing the building line, it will have a positive relationship with the street and give an active frontage. The retention of the trees in this location is also important.
- It is not considered that 19th Century Merrial Street buildings will be overwhelmed by the bulk and height of the student accommodation.
- The concern is with the student accommodation and the height and bulk of this and the impact of this section in slightly longer views in and out of the Conservation Area. St Giles has great significance from a number of viewpoints, especially southwest – Pevsner describes it as “dominantly placed” and from across Lower Street there is potential for the development to sit directly behind the Church tower from some significant viewpontos. Depending on the positioning it could have an adverse effect on the setting of the Church and arguably would therefore not preserve its special interest.
- It is not automatic that a change through the introduction of a new development into a historic area, must inherently be harmful, but it needs to be carefully considered to ensure that the special character of the Conservation Area and the setting of the Church on the skyline particularly (which has great significance) is not harmed by the development.
- The location and appearance of plant should be agreed in advance as it can adversely affect the streetscene.
- It is considered that there is potential that the development will cause some harm to the setting of St Giles from some viewpoints which may harm its significance, no longer being the dominant building on the skyline. If there is harm (even if less than substantial) identified to the heritage assets both in terms of the setting of the Church and to the character and appearance of the Conservation Area, the Council as LPA need to give considerable weight to the special regard for these assets and their settings in order to comply with section 66 and section 72 of the Listed Buildings Act.

Staffordshire County Council Historic Environment Advisor considers that the submitted Heritage statement is insufficient in meeting National Planning Policy Framework paragraph 128 in its failure to consider the ‘significance’ of and the potential impact upon archaeological heritage assets. The site is located within two Historic Urban Character Areas as set out in the Newcastle-under-Lyme Extensive Urban Survey where there is archaeological potential. In addition the Civic Offices is of local historic interest being a purpose-built structure which formed the administrative centre for the Borough since the mid-20th century. Consequently it is advised that a historic building survey be carried out. Such work would appropriately be secured via a condition.

The **Environmental Health Division (EHD)** recommends contaminated land conditions. A list of suggested conditions has been shared with the applicant, their comments received, and the further comments of the EHD are now awaited

The **Highways Authority** has been in discussions with the applicant and the main comment on the additional information/amendments received during the application process are as follows:

- It is noted that it is no longer proposed to service any units via the on-site car park and this should be conditioned.
- The revised pedestrian access route from Ryecroft and pedestrian access to the disability parking bays is acceptable.
- It is essential that the existing TRO’s on roads adjoining the site are reviewed by the applicant so that any necessary changes can be agreed in principle and sufficient funding identified for new/alterd TRO’s.

- Section 106 Agreement is required to secure a sum of money for a review and possible amendment to the Traffic Regulation Orders in the locating (sum likely to be in excess of £8,000); and funding for Travel Plan Monitoring at £2245
- A condition to agree a Waste Management Strategy is required.

The **Housing Strategy Section** advises for a development to meet the description of being purpose-built student accommodation (and not be required to provide affordable housing) it could be either cluster flats or studio apartments but must have communal facilities and there must be a condition that the accommodation will be exclusively for students. It is understood that the accommodation has communal facilities and restrictions to occupation by students should be imposed.

The **Landscape Development Section** have no objection to the proposed loss of the four existing trees on the site, only two of which have any significant value, and the proposed tree planting will more than compensate this. It is disappointing, however, that it is not proposed to retain some tree presence on the boundary with Merrial Street. Street trees are an important feature of the character of Newcastle town centre and replacement trees, even if planted on the other side of the road to the development, would complement the existing trees to the east and west. It is requested that a line of trees is considered on the boundary between the proposed parking area and Ryecroft to define the newly created space and reinforce the line of existing trees in the central reservation.

The planting sizes proposed for street trees are small, making them vulnerable to vandalism and creating a longer establishment period. It would also be unlikely that the proposed underground guying would be possible with trees of this size. Significantly larger specimens should be specified.

Some proposed planting beds and hedges are in vulnerable locations and should be protected until the plants have become established. Some beds are very narrow and might be impractical.

It is unclear how the areas immediately to the north and west of Unit 1 are to be landscaped. Submission of details of hard landscaping materials should be conditioned.

A contribution by the developer towards improving and enhancing public open space and public realm is required as follows:-

- The full contribution of £4,427 for capital development/improvement for each of the 74 clusters units, plus £1,152 per unit which is maintenance cost element of the contribution. Total £5,579 per unit.
- 2/5ths of the full contribution for capital development/improvement for the 90 self-contained single person units (£1,770.80). Plus 2/5ths of the full contribution for 60% of maintenance costs for 10 years (£460.80). Total £2,231.60 per unit.

The **Waste Management Section** notes the best practice being adopted regarding the location of the refuse stores (for the commercial units) which are easily serviced from Liverpool Road and Rye Bank. The suitability of their capacity cannot be judged until the units they serve are let, as refuse volumes and types will vary depending on the nature of the business being conducted. No indication is given as to arrangements to store recyclable material containers within the stores.

There are serious concerns regarding the two stores located within the student accommodation block to be serviced from Corporation Street as follows:-

- Their position exceeds the safe distance for staff to pull refuse containers; no information is provided regarding the surface over which the bins would transit; and the access corridors have several sharp corners and doors, increasing the difficulty which would be experienced during servicing. The stores should be located within 20m of the vehicle loading area on Corporation Street.
- No information is provided with regard to the spilt between recycling and refuse containment in the student refuse store. Recycling and refuse bins need to be sited where behaviour naturally leads to separation in line with the service provider requirements.
- No information is provided with regard to the spilt between potential recycling and refuse containment in the retail refuse store.

- The design of the bin stores is poor. A long narrow bin store is likely to be blocked by bagged, boxed and loose waste deposited by users, thus making bins inaccessible to collection staff and other users.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** comments are summarised as follows:-

- The redevelopment proposal promises to be a very exciting opportunity for the town and local area and Staffordshire Police welcome the broad proposals.
- The documentation submitted with the application unfortunately contains only a short section on Safety and Security which concentrates largely on the levels of natural surveillance that will exist throughout the development. The broadly straight building lines, U-shaped nature of the development with parking in the middle and the busy location should be very conducive to good natural surveillance generally. Planting low height shrubs and maintaining them as such should assist with sightlines.
- The natural surveillance should be supplemented by comprehensive monitored CCTV coverage of the development.
- Lighting can be a powerful tool to create an environment that deters criminal or anti-social behaviour and fees safety. It can greatly enhance natural surveillance during the hours of darkness and enable CCTV to operate as well at night as it does under daylight conditions. The submitted External Lighting Statement is welcomed.
- The provision of enclosed service yards for the retail units is another welcome feature. The height of the perimeter should be sufficient to prevent unauthorised access and the design of the respective gates should avoid the inclusion of climbing aids within them, or externally, as well as climb-deterrent top.
- Measures to prevent forced entry into the retail units should be included in the development.
- It is beneficial that there is no student accommodation at ground level. Controlling access plays a critical role in seeking to provide a secure student living environment.
- The provision of an internal student cycle store that can be access controlled is welcomed.
- Installation of Hostile Vehicle Mitigation is strongly recommended to protect the public and the buildings.
- It is recommended that before the local authority approves this application it satisfies itself that adequate measures will be in place to address the potential vulnerabilities identified.

The **Environment Agency** raises no objections subject to a condition regarding remediation for unsuspected contamination.

The **Coal Authority** indicate that as the application site does not fall within the defined Development High Risk Area which means that there is no requirement under the risk-based approach for a Coal Mining Risk Assessment or for the Coal Authority to be consulted.

Comments were also invited from **Community Safety**, the **Newcastle BID**, the **Newcastle South Locality Action Partnership**, the **Lead Local Flood Authority**, and **United Utilities** but 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

Seven letters of representation have been received, including one from Thistleberry Residents Association, raising the following concerns;

- The concept of an out of town retail park inside the town centre is incongruous, unsustainable and inevitably a poor design choice. It turns it back on the town centre and includes blank walls and service yards facing onto Corporation Street and Liverpool Road creating dead spaces rather than active frontages.
- The large units act as a barrier rather than stitching the town centre together.
- The Design and Access Statement makes no attempt to demonstrate the design evolution and is subsequently severely flawed.

- No effort has been made to provide a harmonious and well-designed transition between the development and the adjoining Conservation Area.
- The Newcastle Town Centre Supplementary Planning Document should be given considerable weight in the determination of the application but is not considered and the scheme directly contradicts the Council's aspirations for the site.
- Considering the site's accessible location the scheme makes no concessions to sustainable forms of transport given the proportion of car parking. It is difficult to envisage how regeneration of the wider town centre will result from this development, given it is designed to attract drivers whilst offering little by way of integration to draw visitors into the town itself.
- The development is too high and out of scale with all other buildings in the area and will dominate the town centre, harm the Conservation Area and the setting of nearby listed buildings. The development should be turned down for this reason as was the proposed development on the old Savoy site
- There is not enough parking for the student accommodation provided within the town. Parking in the terraced streets outside of the town centre is already horrendous.
- The number attending the consultation event may be a reflection of the insufficient notice given to residents. In the submission it is said that most of the feedback was positive and quotes some of these positive comments but all comments, for and against should be provided.
- No assessment of the biodiversity value of the site has been submitted in support of the application. It is the LPA's duty to ensure they have sufficient information upon which to make a decision which it doesn't. Additionally the LPA should ensure 'net biodiversity gains' evidence is provided to support this application.
- The LPA should assess the impact of the development on heritage assets and it is surprising that no archaeological assessment has been undertaken and submitted.
- The submitted Air Quality Report omits part of the ring road.
- The development fails to improve on the poor connectivity of the site to the town centre core, and to areas outside the ring road.
- No Townscape Assessment has been submitted in support of the application.
- A more up to date retail assessment than the submitted 2011 retail need assessment should be submitted. A condition should be imposed indicating that none of the floorspace should be occupied by a retailer already within the town centre unless a scheme which commits the retailer to retaining their presence within the centre for a minimum period of five years is secured.
- The Environmental Impact Assessment screening opinion undertaken by the LPA is inadequate.
- The Civic Offices should have been listed as an example of 1960s architecture. Given that it is less than 50 years old its demolition appears to be a waste of public resources.
- There are vacant retail units in the town centre and large national multiples are moving out to sites where parking is not problematic and free. There is no need for the new units that are proposed.
- The assertions within the submission as to the cost/benefit to the town appear speculative. Impact tests on how the town centre might be affected by this development should be undertaken.
- More should be known about land contamination issues and the waste management for the site given that this is an application for full planning permission.

Whilst all the representations submitted were objecting to the proposal, the following comments in support of certain aspects of the development were included.

- The use of bricks is commended.
- Despite some concerns about how the student accommodation can be suitably futureproofed and flexible, this element of the scheme is of value and the architecture is well considered, and an improvement to Merrial Street (although retention of the street trees would have been better), as well as providing student accommodation that will serve to free up dwellings within the Borough or family occupation.

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Heritage Statement
- Design and Access Statement and its supplementary report including verified views
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment and Car Park Management Strategy
- Framework Travel Plan
- Air Quality Assessment
- Acoustic report
- Combined Phase 1 Contaminated Land Report and Assessment and Supplementary Ground Investigation
- Ventilation and Extract Statement
- Draft Heads of Terms
- Daylight and Sunlight Amenity Study
- Preliminary Energy Statement
- Statement of Community Involvement

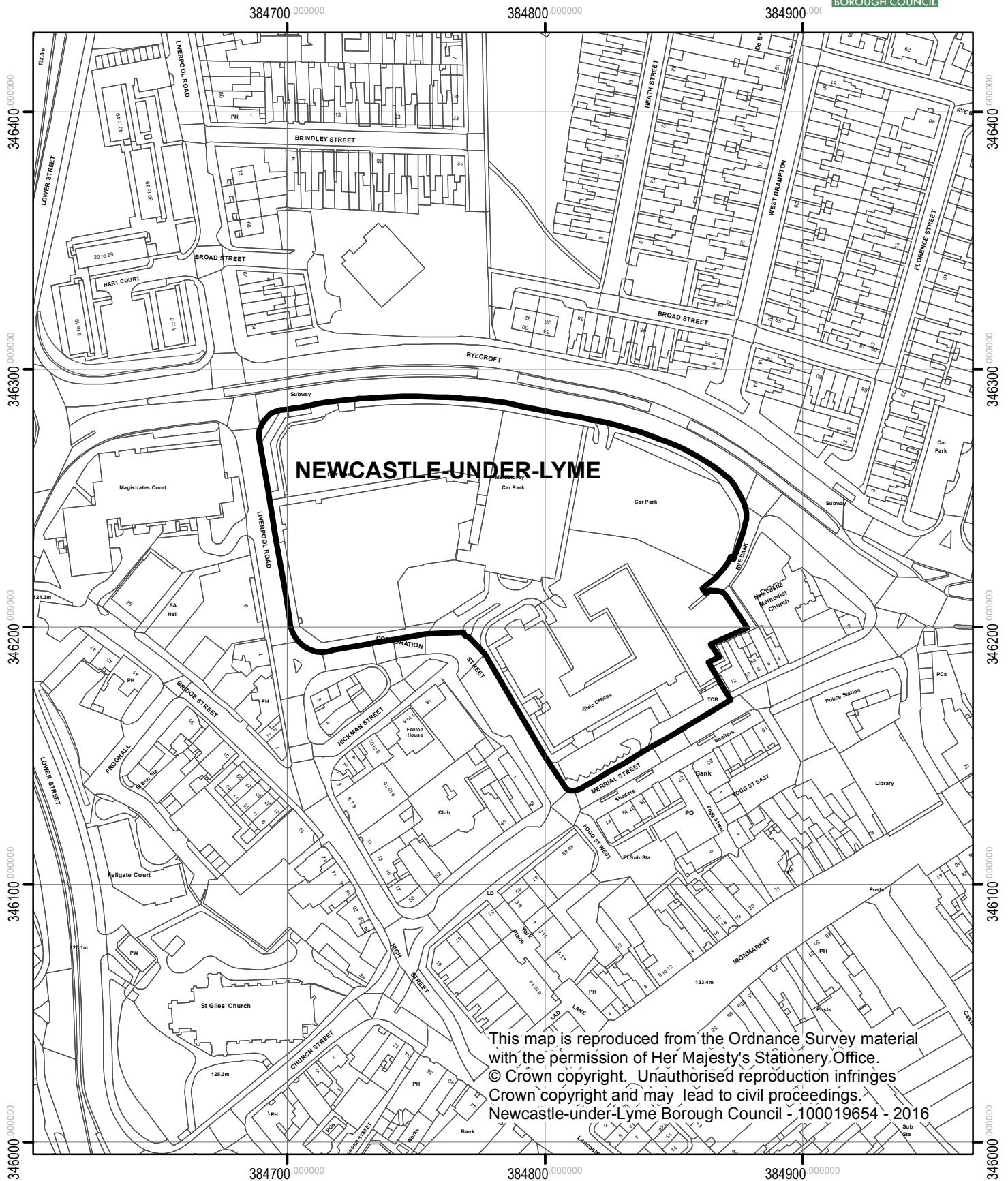
All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00637/FUL>

Background Papers

Planning file
Planning documents referred to

Date report prepared

26th October 2017



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LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH
MADELEY HEATH DEVELOPMENTAL LIMITED

17/00514/OUT

The application is for outline planning permission for the erection of up to 35 dwellings on a field off Honeywall Lane in Madeley Heath. Vehicular access from the highway network into and from the site is for consideration as part of this application with all other matters (internal access arrangements, appearance, landscaping, layout and scale) reserved for subsequent approval.

The application site lies on the southern side of Honeywall Lane, outside the village envelope of Madeley Heath, within the open countryside and on land designated as an Area of Landscape Restoration all as indicated on the Local Development Framework Proposals Map. The site does not lie within the Green Belt. The site extends to approximately 1.75 hectares in area.

Honeywall Lane connects to Ridge Hill Drive which in turn connects to the A525

The 13 week period for the determination of this application expired on the 26th September but the applicant has agreed to extend the statutory period until 12th December.

RECOMMENDATIONS

A). Subject to the applicant entering into S106 planning obligations by the 10th December 2017 securing the following:-

- i. In perpetuity, provision of 25% of the dwellings on-site as affordable units**
- ii. A financial contribution of £5,579 (index linked) per dwelling towards the maintenance and improvement of public open space at the playground facilities at Heath Row, Madeley Heath,**
- iii. A financial contribution of £77,217 towards primary school places at Sir John Offley CE(VC) Primary School in Madeley and £83,110 towards secondary school places at Madeley High School, Madeley (on the basis that the development as built is for the full 35 units and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy.**

PERMIT subject to conditions concerning the following matters:

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Reserved matters submissions;**
- 3. Approved access plans;**
- 4. Any reserved matters application to comply with the Design and Access Statement;**
- 5. Reserved matters application to include a detailed surface water drainage scheme (SuDS);**
- 6. Design measures to control internal noise levels;**
- 7. Submission and approval of a Construction Environmental Management Plan;**
- 8. Construction Hours;**
- 9. External lighting;**
- 10. Land contamination;**
- 11. Visibility Splays;**
- 12. Full details of the access arrangements, including Modifications at junction of Ridge Hill Drive and Honeywall Lane including surfacing materials;**
- 13. Drainage Details – foul and surface water;**
- 14. A written scheme of archaeological investigation;**
- 15. Arboricultural Method Statement (detailed to include construction access) including utilities connection details;**
- 16. Approval of Tree Protection Proposals and retained trees and hedgerows protected in accordance with BS5837;**
- 17. Tree pruning details;**
- 18. Recommendations of the main ecological report and individual species reports should be adhered to.**

B) Should the matters referred to in (i), (ii) and (iii) 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 the provision of adequately maintained public open space, appropriate provision for required education facilities and an appropriate level of affordable housing; or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.

Reason for Recommendations

In the context of the Council's inability to robustly demonstrate a 5 year plus 20% supply of deliverable housing sites, it is not considered appropriate to resist the development on the grounds that the site is within the rural area outside of a recognised Rural Service Centre or village envelope. The adverse impacts of the development do not significantly and demonstrably outweigh the key benefits of this sustainable development. Accordingly permission should be granted, provided the contributions and affordable housing indicated in the recommendation are secured.

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

The applicant has been in discussions with officers of the LPA to address concerns raised by consultees and amended plans/ additional information have been submitted which have addressed concerns. The development is now considered to represent a sustainable form of development that meets the requirements of the National Planning Policy Framework 2012.

KEY ISSUES

1.1 Outline planning permission is sought for a residential development of up to 35 dwellings. Access from the highway network is for consideration as part of this application with all other matters (appearance, landscaping, layout, scale and other access details) reserved for subsequent approval. Notwithstanding this, an indicative layout has been submitted together with a Planning, Design and Access Statement. The layout plans are for illustrative purposes only and such details would be for consideration at the reserved matters stage if outline permission were granted.

1.2 The application site, of approximately 1.75 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 Madeley Heath. The site does not lie within the North Staffordshire Green Belt.

1.3 The site consists of open land currently used for grazing horses.

1.4 Access to the application site is proposed off Honeywall Lane. The road has been closed off at the south eastern end so it is no longer a through road to the access road that leads to Keele Quarry and a timber yard. The site is located adjacent to properties that front onto Ridge Hill Drive. The Marley Eternit Building Materials site is located to the south of the application site.

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

- Is this an appropriate location for residential development?
- Would the proposed development have any material adverse impact upon highway safety?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the development impinge unduly upon levels of residential amenity in adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves bearing in mind neighbouring commercial/ industrial uses?
- What planning obligations are considered necessary, directly related to the development, fairly and reasonably related in scale and kind to the development, 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?

2.0 Is this an appropriate location for residential development?

2.1 The site lies outside of the village envelope of Madeley Heath, 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 Madeley Heath 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.

2.8 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).

2.9 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.*

2.10 The examples given of specific policies in the footnote to paragraph 14 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.

2.11 In sustainability terms, although the site is outside of the village envelope of Madeley Heath, which 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, public house, nearby employment opportunities (quarry, timber yard, tile factory), an hourly bus service linking the towns of Newcastle-under-Lyne, Crewe, Nantwich, Madeley and Keele. It is also well served by footways and street lighting which provide access to neighbouring villages including Madeley which is one of the Rural Service Centres identified in the CSS. The distance from the site to the nucleus of services in Madeley is approximately 2km. Whilst this maybe at the upper limits of what future occupiers could be expected to walk to services the footpath links and lighting do provide an alternative to the private motor vehicle to access services, whether it be by walking or cycling. The nearest bus stops to the site are also a few metres from the site.

2.12 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.

2.13 The applicant's agent states that the social benefits of the development are the contribution towards the supply of deliverable housing land which would widen the opportunities, choice and affordability for home ownership in the locality. They state 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 notes that the site does not lie within a Conservation Area and there are no Listed or locally listed buildings within the site or within immediate proximity. Trees within the site are not subject to a Tree Preservation Order. There is no evidence of protected or especially rare species inhabiting the site. There is no evidence of contaminated land on the site. The site does not lie within a defined Air Quality Management Area. The proposal offers the opportunity for

new landscaping which will benefit the local visual amenities of the area and the wildlife and ecology of the locality.

2.14 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.

2.15 The whole of the application site falls within a Mineral Safeguarding Area (MSA) for Brick Clay and also Superficial Sand and Gravel. The site is located in the vicinity of a permitted mineral site (Keele Quarry) and also a 'tile works' operated by Marley Eternit to the south of the application site. The access road to the quarry runs along the southern boundary of the proposal.

2.16 The application has now been supported by a Mineral Assessment Report (MAR) following a holding objection from the County Council who are the Minerals Planning Authority. The submitted report indicates that whilst there are a wide range of minerals present under the site, none could be considered to be of commercial viability and the environmental impact of the adjacent clay pit and factory are considered to be minimal.

2.17 The County Council have removed their holding objection on the grounds that it is reasonable to conclude that the proposed development would not lead to the sterilisation of any significant underlying mineral resources. They do however advise that the LPA will need to be satisfied that residents of the proposed development would not be subject to unacceptable adverse impacts as a result of the continued operation of the quarry and in particular, the use of the access.

3.0 Would the proposed development have any material adverse impact upon highway safety?

3.1 Access is a matter for approval as part of this application and details have been submitted for approval. The proposed development shows two access points off Honeywall Lane with the main access point serving an indicative layout of 34 dwellings and a further access point further along Honeywall Lane that would serve a detached dwelling only.

3.2 The NPPF at paragraph 32 advises that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe".

3.3 The application has been supported by a Transport Statement (TS) which identifies that as part of the development proposal Honeywall Lane will be upgraded and widened to 5.5m with a footway provided. This will be achieved by using a parcel of land on the northern side of the lane. A 2m wide footway is proposed along the southern side of Honeywall Lane. Dropped kerbs with tactile paving will be provided at the mouth of the Honeywall Lane / Ridge Hill Drive junction to facilitate pedestrian movement between the proposed footways on Honeywall Lane and the existing footways on Ridge Hill Drive which will remain as existing. Honeywall Lane to the east which leads from the main site access to the additional access for the detached plot will be re-surfaced to provide a 3m wide shared carriageway/ footway. This re-surfaced road will follow the alignment of the existing track and a passing place will also be provided.

3.4 The TS concludes that the proposed access improvements would result in acceptable access arrangements for the size of development proposed. The Highways Authority has also confirmed that they have no objections to the application subject to conditions.

4.0 Would the proposed development either have a significant adverse impact on the character and form of the area?

4.1 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. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.2 Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

4.3 The only matter for approval as part of this application is access, and with respect to that, only the means of access into the site. The appearance, layout, including internal access routes, scale and landscaping of the development are all matters reserved for subsequent approval. However, an illustrative layout plan has been submitted along with a planning, design and access statement which indicates that the proposed dwellings are expected to be two storeys in height.

4.4 The illustrative layout plan shows a cul-de-sac arrangement comprising 34 houses with a further detached house to the east of the site with a separate access off Honeywall Lane. The illustrative layout demonstrates that an acceptable level of car parking, landscaping and private amenity space for each dwelling could be provided within the site. It also demonstrates that an acceptable sustainable urban drainage scheme (SuDS) could be accommodated, as well as landscaping of the embankment behind a 2.2m high acoustic fence between the rear gardens of houses and the access road to the quarry and timber yard. The SuDS scheme comprises of a swale which is incorporated into the design of the embankment at the southern end of the site and whilst the layout and landscaping are only indicative at this stage the scheme demonstrates that green SuDS can be incorporated and be acceptable.

4.5 Honeywall Lane has hedgerows along both sides and sections of hedgerow will need to be removed to widen the road. The submitted Arboricultural survey and impact assessment indicates that the hedges fall within category C - those of low quality and value whose their loss can be mitigated by suitable replacement planting.

4.6 The Landscape Development Section have requested further information regarding the affected hedgerows but do not appear to be raising significant concerns. The hedgerow loss does result in some harm to the immediate appearance of the landscape due to the size and location of the hedgerows, with limited opportunity for their replacement due to the access widening works required. This loss is unfortunate and whilst they are defined as category C it is a negative aspect of the development and this matter needs to be weighed against the proposal and this is considered in a further section below.

5.0 Would the development impinge unduly upon levels of residential amenity in adjoining properties and does the proposal also provide appropriate standards of residential amenity for the occupiers of the proposed dwellings themselves bearing in mind neighbouring commercial/ industrial uses?

5.1 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.

5.2 The application site is within close proximity to the Marley Eternit tile works/ factory to the south, Chantler Timber yard to the east and Keele Quarry to the southeast.

5.3 The application has been supported by a noise assessment report (NAR) which has been undertaken to identify key noise sources in the vicinity of the site which may have the potential to impact upon the future occupiers of the proposed development. The NAR identifies that the key considerations are road traffic noise and commercial noise.

5.4 The NAR concludes that road traffic sound can be mitigated by design measures to ensure that internal noise levels within the proposed dwellings can be achieved. The noise impact from the neighbouring commercial/ industrial uses will need to be mitigated by a 2.2 metres high acoustic barrier to the rear of plots 15 to 26 and the detached plot to the east of the site.

5.5 The Environmental Health Department (EHD) has raised no objections subject to conditions which seek to minimise noise impact on future occupants of the proposed development. However, a

representation has been received from Ibstock Brick Limited who operates Keele Quarry. They raise concerns about the lack of reference and consideration within the NAR of the quarry, particularly when the access to the quarry is located directly to the south of the application site. Whilst Ibstock indicate that any noise from the quarry will be substantially reduced as a result of the propagation of sound over distance, and the 2.2m high fence proposed they recommend that a further noise monitoring is undertaken at the southern boundary of the proposed development site, when the quarry is operating.

5.6 The County Council Minerals Planning Authority, who have granted a further permission at the quarry, have also advised that the Council should be satisfied that residents of the proposed development would not be subject to unacceptable adverse impacts as a result of the continued operation of the quarry and in particular, the use of the access.

5.7 Following these concerns a revised NAR has been submitted which includes additional noise measurements have been undertaken during clay extraction and typical operations at the Ibstock Quarry and the noise levels fall below all relevant criteria.

5.8 The revised NAR maintains its conclusions that with mitigation measures in place any noise impacts would not be noticeable and not intrusive. Therefore the quality of life of future occupiers should not be affected by adverse noise.

5.9 The comments of EHD on the revised NAR are being sought and their response will be reported prior to the meeting if received but they previously indicated that conditions would be sufficient and there is no reason to believe that a different conclusion would now be reached.

5.10 In terms of the indicative layout of the scheme and the impact of the proposed development on the residential amenity levels of existing residential properties it is noted that the rear gardens of properties that front Ridge Hill Drive are situated on a lower ground level compared to the application site. However, cross sections and a topographical survey have been submitted which show that acceptable separation distances can be achieved between the two which would comply with the Council's SPG – Space Around Dwellings. In all other respects a future scheme can be designed to ensure that 35 dwellings can be accommodated within the site that would comply with the SPG.

6.0 What planning obligations are considered necessary, directly related to the development

6.1 Certain obligations are required to make the development acceptable. These are the provision of 25% affordable housing and a contribution of £5,579 (index linked) per dwelling towards public open space and an education contribution of £77,217 towards primary school places and £83,110 secondary school places.

6.2 The obligations are ones which make the development policy compliant and 'sustainable'. They are considered to meet the requirements of Section 122 of the CIL Regulations being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

6.4 It is also necessary to consider whether the financial contribution sought complies 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.

6.5 The Council's Landscape Development Section has requested a contribution towards the enhancement/improvement of playground facilities at Heath Row which is a short walk from the proposed development. There have been no previous planning obligations entered into since April 2010 for a contribution towards this area of Public Open Space and on this basis, it is considered that the proposed financial contribution complies with CIL Regulation 123.

6.6 The Education Authority (EA) has requested the education contribution goes towards the provision of primary and secondary school places. In this instance the application site falls within the catchment of two primary schools - The Meadows Primary School in Madeley Heath and Sir John

Offley CE (VC) Primary School in Madeley. The EA has indicated that the Meadows PS is at capacity. This school is within easy walking distance of the site at approximately 0.5km. Sir John Offley PS is further away in Madeley at approximately 2.5km from the application site. The choice of primary schools in the catchment area of the site means that there is no guarantee that future occupiers of the proposed dwellings would go to the Meadows despite it being within easy walking distance of the site. The Meadows school is much smaller than Sir John Offley and this can deter parents from selecting the school as their preferred choice. There is no alternative shorter route to Sir John Offley via public footpaths/ rights of way and at a distance of 2.5km future occupiers would almost certainly travel by private motor vehicle which is a negative point against the sustainability credentials of the site.

6.7 The Meadows cannot be expanded any further and any financial contribution will not be spent here. Therefore any contribution for primary school places would go to the expansion of Sir John Offley Primary School and whilst this school is further away from the application site it has to be acknowledged that it is in the catchment area of the site and so meets CIL Regulation 122. There has been no previous planning obligation entered into since April 2010 for a contribution towards The Meadows but two previous obligations for Sir John Offley have been secured.

6.8 The additional secondary school places would be secured at Madeley High School which is within the catchment area. Numerous previous planning obligations have been entered into since April 2010 for a contribution towards Madeley High School but specific projects have been identified and a new project for the contribution to be allocated to will be listed for this development. On this basis, it is considered that contribution would comply with CIL Regulation 123.

6.9 The Parish Council have requested that any S106 money, that may be forthcoming as part of this project, is used to address issues regarding traffic flow, particularly at the adjacent junction of The War Memorial. However, the submitted transport statement has not identified issues in relation to this junction and the Highway Authority have not identified any issues of concern at this junction that could be attributed to the increased vehicle movements projected by the proposed development and a request for a further financial contribution would not comply with CIL Regulation 122.

7.0 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?

7.1 In consideration of the above points, the proposal represents sustainable development and would make a modest but material contribution towards addressing the undersupply of housing in the Borough. It would also provide affordable housing for the rural area. The proposed access works would however require the removal of hedgerows with very limited potential for replacement. This point weighs against the proposal. However, it is considered that this adverse impact or any other more minor adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Accordingly the proposal complies 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 are obtained to address infrastructure requirements and appropriate conditions are used, as recommended.

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 T16	Development – General Parking Requirements
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N17	Landscape Character – General Considerations
Policy N21	Area of Landscape Restoration
Policy C4	Open Space in New Housing Areas
Policy IM1:	Provision of Essential Supporting Infrastructure and Community Facilities

Minerals Local Plan for Staffordshire (2015 – 2030)

Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure

Other material considerations include:

[National Planning Policy](#)

[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 \(2010\)](#)

[Newcastle-under-Lyme Open Space Strategy](#) – adopted March 2017

Staffordshire County Council Education Planning Obligations Policy approved in 2003 and updated in 2016

Relevant Planning History

A previous planning application ref; 04/00596/FUL was received on part of the site for the construction of two storey offices, but a decision was never issued although the planning committee resolved to permit the development subject to the completion of a S106 agreement and conditions.

Views of Consultees

Madeley Parish Council note that the application is one of the sites that has come forward in response to the Joint Local Plan Call for sites.. They note the Road Safety Audit. However, they have concerns re traffic movement in that vicinity, especially access and egress from Ridge Hill Drive on to A525, Keele Road. They request that any section 106 money that may be forthcoming as part of this project is used to address issues re traffic flow, particularly at the adjacent junction of The War Memorial. It also notes that as with any development, there are issues as to whether Madeley can meet and sustain the extra population re infrastructure - especially the local primary school -The Meadows

The **Environmental Health Division (EHD)** raises no objections subject to conditions regarding land contamination, submission and approval of a construction environmental management plan, submission and approval of a further noise assessment and design mitigation, and approval of any external lighting.

The **Mineral and Waste Planning Authority** initially raised a holding objection on the grounds that the applicant had not demonstrated that the proposal would not sterilise important mineral resources and would not unduly restrict the permitted operations at the adjacent quarry.

The applicant sought to address the objection by submitting a Mineral Assessment Report and following further consultation with the County Council they now raises no objections on the grounds that there would be no unacceptable risks from pollution to any occupants of the proposed development as a result of the proximity to the neighbouring waste management facility; and the proposed development would not constrain the continued operation of the neighbouring quarry.

The **Highways Authority** raises no objections subject to conditions which secure acceptable visibility splays, parking areas being of a porous bound material, cycle parking and storage, submission and approval of the following:-

- Modifications at junction of Ridge Hill Drive and Honeywall Lane including surfacing materials,
- New 2m wide footway on south side of Honeywall Lane,
- Widening and resurfacing of Honeywall Lane,
- Development access from Honeywall Lane including surfacing materials, and
- Roadway within the development.

The **Education Authority** states that the proposed development falls within the catchments of The Meadows Primary School, Madeley Heath, Sir John Offley CE(VC) Primary School, Madeley and Madeley High School. The development is scheduled to provide 35 dwellings. A development of this size could add 7 Primary School aged pupils, 5 High School aged pupils and 1 Sixth Form aged pupil. All schools are projected to be full for the foreseeable future. They would seek an Education Contribution for 7 Primary School places (7 x £11,031 = £77,217), 5 High School places (5 x £16,622 = £83,110). This gives a total request of £160,327.

Staffordshire County Council Flood Risk Team have indicated that in the absence of an acceptable Drainage Strategy being submitted they are unable to advise acceptance of the planning application and advise no determination is made until the requested details have been submitted.

Staffordshire County Council Archaeologist indicates that records show that there are no designated or undesignated heritage assets within the red line boundary for the proposed scheme. However, there are a number of undesignated assets in the immediate vicinity. These include the site of the former Ridgehill brickworks (and associated infrastructure), evidence for post-medieval field systems and several farmsteads. The Staffordshire Historic Environment Record (SHER) also records the discovery of a Roman coin hoard (two urns containing a large collection of 3rd-4th century AD coins recovered c.1817). Bearing in mind the archaeological potential across the site it is therefore advised that a staged archaeological evaluation be undertaken to inform the need for and scope of further archaeological mitigation. There are no objections subject to conditions which secures a written scheme of archaeological investigation.

The **Landscape Development Section** indicates that the position of a particular plot should be adjusted to avoid the Root Protection Area of a tree, which is a category B Oak tree in a prominent location at the front of the site. Additional information should be provided within the Arboricultural Impact Assessment (AIA) for the formation of the access to the individual property (levels, sight lines, service connections etc). Accurate tree positioning is required.

Concerns are expressed about the impact of levels changes which may be required for car parking spaces adjacent to trees in G13 (which do not belong to the developer). This proposal will result in losses of rural hedgerow which may be classed as important under the terms of the Hedgerow Regulations. Further information is requested in this regard.

A financial contribution by the developer for capital development/improvement of off-site open space of £4,427 per dwelling in addition to £1,152 per dwelling for 60% of maintenance costs for 10 years. Total contribution: £5,579 per dwelling. This would be used for improvements to nearby playground facilities at Heath Row.

Notwithstanding the above and should this application be approved then the following planning conditions be applied: Approval of proposals for service connections, Arboricultural Method Statement (detailed to include construction access), Detailed proposals for access facilitation pruning, Approval of Tree Protection Proposals, Trees shown as retained to be retained and protected in accordance with BS5837 throughout the duration of the construction, Finalised levels proposals that demonstrate that there will be no alterations to levels within RPAs of retained trees, full landscaping proposals.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objections to the principle of housing on the site which would be without any through routes, which means there should be little justification for outsiders to access the site and enable a strong sense of identity and community to be established, collectively things which can deter crime and anti-social behaviour. Although indicative at this stage, a development constructed along the lines of the illustrative masterplan would be most welcome. The cul-de-sac arrangement with a well overlooked single point of access/egress would be ideal in terms of security. Properties would allow for a high level of natural surveillance throughout the development including over the road network, the in-curtilage parking and between properties. A reasonable number of properties would back on the rear gardens of either existing or other properties to provide mutual security. Where this is not the case, the dense hedgerow along Honeywall Lane and the proposed acoustic fence atop an earth bund would provide protection for the rear garden boundaries. The need to deny unauthorised access to the rear gardens from the front by means of fencing and lockable gating (ideally as close to the front of the building line as possible) has been identified by the applicant. The installation of street lighting to adopted standards would reinforce the natural surveillance opportunities throughout the site.

United Utilities raises no objections subject to conditions for foul and surface water drainage, along with a management and maintenance of sustainable drainage systems.

The **Environment Agency** raises no objections subject to a condition regarding remediation for unsuspected contamination.

Comments were also invited from **Housing Strategy, Waste Management, Public Rights of Way Unit** and the **Staffordshire Wildlife Trust** 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

Three representations have been received raising the following matters;

- The development is Greenfield and surrounded by Green Belt and will completely ruin the character of the small village surrounding it,
- The development should be located on Brownfield land,
- The development will increase the pressure on services and amenities and the application makes no provisions for the development of amenities, schools (which are already full or oversubscribed), doctors, dentists, etc,

- The company behind these proposals have not addressed the needs of the village or suitable access to the site, the impact on the surroundings and the increased pressure on several busy roads that already present significant danger to pedestrians,
- The current road infrastructure is not suitable to support the houses,
- The road widening at the front of houses on Honeywall Lane would destroy the country and community feel and the proposed site of the development is ill considered,
- UK Wildlife Legislation – Hedgerows Regulations Act 1997 states that hedgerows should be maintained if there is a range of wildlife living there. Rabbits, birds and foxes are among the animals that we have seen in the specified field and hedgerows,
- Access would be better off Ridge Hill Drive,
- There is a lack of reference to Keele Quarry in the submission,
- There is no reference to the quarry in the noise report and further noise monitoring should be carried out,

Applicant/agent's submission

The application is accompanied by the following documents:

- Planning Statement
- Design and Access Statement
- Arboricultural Report
- Flood Risk Assessment
- Ecological Assessment
- Geo-Environmental Assessment
- Transport Statement and Road Safety Audit
- Landscape Appraisal/ Master Plan
- Noise Assessment

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00514/OUT>

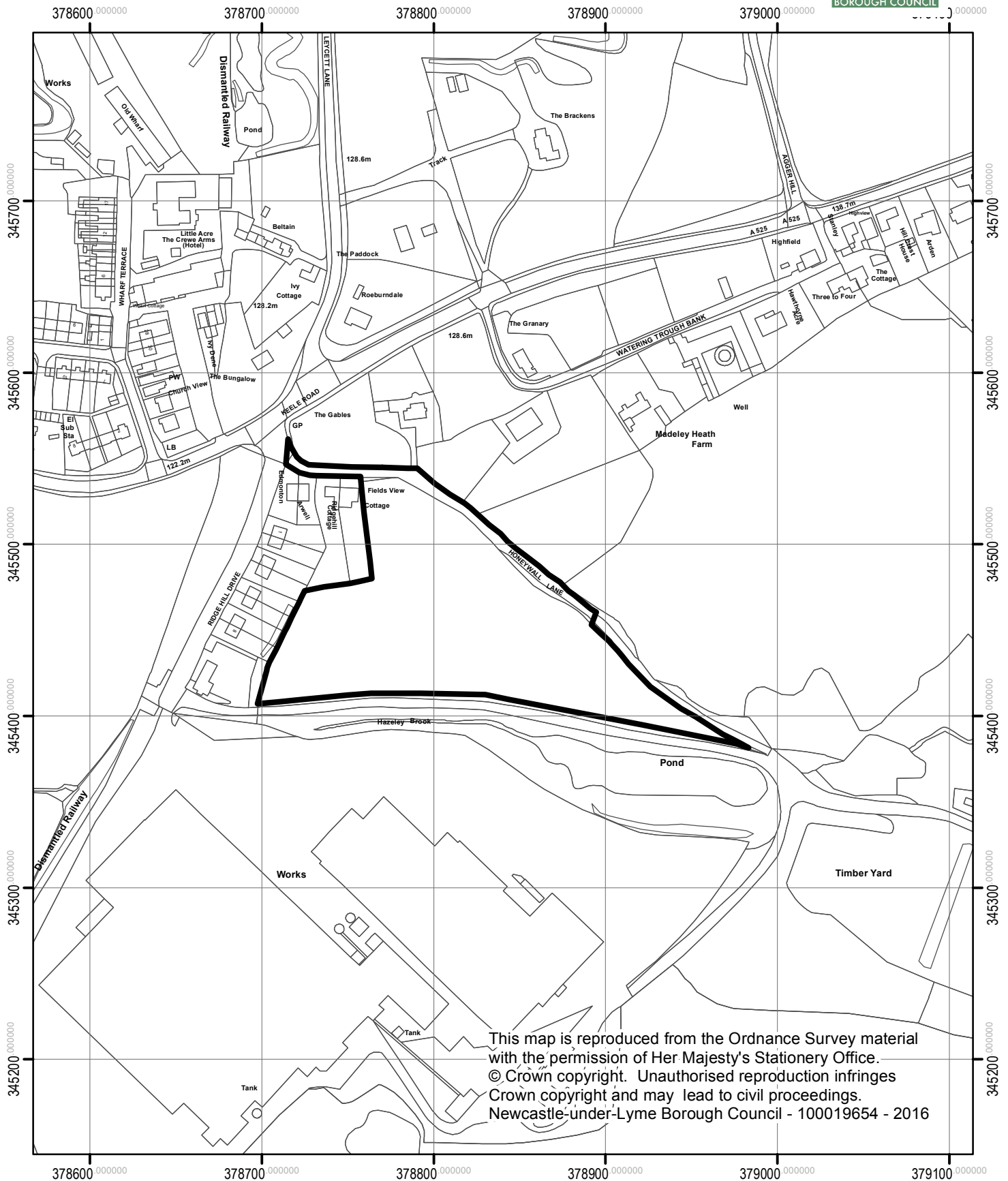
Background Papers

Planning file
Planning documents referred to

Date report prepared

20th October 2017

Land S of Honeywall Lane, Madeley Heath 17/00514/OUT



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2 – 4 MARSH PARADE, NEWCASTLE UNDER LYME
WESTLANDS ESTATES LIMITED (GAVIN DONLON)

17/00722/FUL

The application seeks a variation of condition 2 of planning permission 17/00179/FUL, for the proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking, to substitute the approved plans with revised plans. The proposed plans show a reduction to the footprint of the proposed building, along with alterations to site levels, revised site layout, external elevations and slight changes to the internal arrangements,

The site lies within the urban area close to Newcastle town centre. The site is adjacent to but not within the Stubbs Walk Conservation Area. The site extends to approximately 0.10 hectares. The site lies within a Live-Work Office Quarter as indicated in the Town Centre Supplementary Planning Document

A tree adjacent to the site is covered by Tree Preservation Order No.16.

The statutory 13 week determination period for the application expires on the 22nd November 2017

RECOMMENDATION

A. Subject to the applicant first entering by the 13th December 2017 into a Deed of Variation of the existing S106 agreement to secure a review mechanism of the scheme's ability to make a policy compliant contribution to public open space and the provision of policy-compliant on-site affordable housing, if the development is not substantially commenced by 22nd June 2018, and the payment of such a contribution and the provision of such affordable housing if found financially viable, PERMIT the application subject to conditions relating to the following matters:-

1. **Standard Time limit for commencement of development**
2. **Approved Plans**
3. **Submission of Materials**
4. **Window reveal specification**
5. **Roof Specification Plans**
6. **Boundary Treatments**
7. **Approval of Tree Protection Proposals**
8. **Arboricultural Method Statement**
9. **Landscaping Scheme (including replacement tree planting)**
10. **Hard Surfacing**
11. **Provision of Parking and Turning areas**
12. **Construction Method Statement**
13. **Visibility Splays**
14. **Existing Access Permanently Closed**
15. **Secure Cycle Storage**
16. **Design Measures to Secure Noise Levels**
17. **Ventilation Provision/ Arrangements**
18. **Full Land Contamination**
19. **Drainage Details**
20. **Bat Mitigation Measures**

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 provision of policy compliant affordable housing and financial contribution towards public open space.

Reason for recommendation

The proposed reduction to the footprint and changes to the site layout, elevations and levels would not result in a development that would raise any significant concerns given the scheme permitted under 17/00179/FUL and it continues to accord with policies of the development plan and the guidance and requirements of the NPPF subject to conditions and a Deed of Variation to the S106 agreement to reflect the new planning permission.

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

The applicant has submitted amended and additional information during the consideration of the application to address concerns raised by consultees and the proposed development is now still considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application seeks a variation of condition 2 of planning permission 17/00179/FUL, for proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking, to substitute the approved plans with revised plans.

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 proposed plans seek a reduction in the footprint of the proposed building, along with slight changes to the internal arrangements, alterations to site levels, revised site layout, and external elevations.

The scheme has been revised since the application's submission following objections from the Environmental Health Division (EHD) regarding the location of windows and doors which may lead to an unacceptable noise impact from neighbouring noise sources on the future occupiers of the residential units. This issue was an issue in the consideration of the previous application and was addressed by excluding window openings in the Hassell Street (side) elevation and external doors on the Marsh Parade (front) elevation, along with acoustic performance specification for windows, doors and the roof construction. The applicant has submitted a further revised scheme which again addresses this issue to an acceptable level and EHD have now removed their objection. The conditions of the original permission are still recommended.

An objection to the revised scheme was also received from the Landscape Development Section regarding the impact on the Lime Tree at the front of the site and the lack of replacement tree planting being specified. These issues were concerns of the LDS and your officers in the consideration of the previous application and the applicant managed to address the concerns, subject to a number of conditions.

A further revised scheme has been submitted since the application's submission which once again addresses the original concerns regarding the impact on trees and suitable tree replacement, subject to the previous conditions attached to the original permission.

In terms of the design, scale and layout, the revised scheme broadly remains the same as was originally permitted but does provide a more compact arrangement through the rationalisation of fire escapes and apartment access, in particular the stairwell close to the northern boundary of the site. This allows more space within the site for car parking and outdoor amenity space

The number of car parking spaces is increased from the previously approved scheme from 9 to 10 spaces and this is considered to be an improvement despite 9 spaces being considered acceptable in this location which has good access to facilities and a range of modes of travel.

In law the consequence of the granting of an application to vary a condition of a planning permission would be the creation of an entirely new planning permission rather than an amendment of the existing one (17/00179/FUL in this case). That previous permission was granted on the 23rd June 2017 following the completion of a Section 106 agreement which included a requirement for a financial reappraisal should the development not be substantially commenced within 12 months of the date of the planning permission (i.e. by 22nd June 2018), and the payment of such policy compliant contributions as could be afforded towards public open space, along with the requirement to provide policy compliant affordable housing within the scheme.

As discussed the scheme remains broadly the same as that previously permitted and whilst there would be a slight reduction in the footprint of the building the Gross Development Value and costs of the development will be broadly similar to the previous scheme. The report of the District Valuer was dated the 3rd January 2017 and it is possible that other assumptions within the financial appraisal may have changed since this time. However, the applicant has confirmed that they are confident that a substantial commencement of the development can still be achieved by the 22nd June 2018.

A new S106 agreement will need to be secured to reflect that the development may proceed under the terms of the new permission and this can be done by a deed of variation of the original agreement with the 22nd June 2018 still being the date by which substantial commencement must be achieved to avoid a reappraisal.

In summary the development, with the changes proposed, continues to accord with policies of the development plan and the guidance and requirements of the NPPF.

APPENDIX

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

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

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

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy B10	The requirement to preserve or enhance the character or appearance of a Conservation Area
Policy B14	Development in or Adjoining the Boundary of Conservation Areas
Policy B15	Trees and Landscape in Conservation Area
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 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 Open Space Strategy](#) – adopted March 2017

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

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

Stubbs Walk Conservation Area Appraisal and Management Plan Supplementary Planning Document (2016)

[Relevant Planning History](#)

N12592 (1983)	Change of use to offices	Permitted
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08/00882/FUL Demolition of existing buildings and erection of a single storey building to be used as a place of worship with associated parking Refused

16/00630/FUL Proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Withdrawn

17/00179/FUL Proposed demolition of existing buildings and the erection of a 4-storey apartment block with parking Permitted (23.06.2017)

Views of Consultees

The **Highway Authority** raises no objections subject to conditions which secure the access, parking, servicing and turning areas; pedestrian visibility; weatherproof parking for cycles; closing of the existing access; the proposed access being ungated and the submission and approval of a Construction Method Statement.

The **Environmental Health Division** indicates that based on the updated information, they are satisfied with the revisions to the scheme which show that the ground floor external doors have been removed from the Marsh Parade elevation and that the rooms on the Hassell Street elevation achieve compliance with the acoustic design criteria such that noise from the Rigger Public House should not affect amenity. Accordingly, they remove their earlier objection subject to conditions requested for 17/00179/FUL being imposed in full to safeguard residential amenity.

The **Landscape Development Section** indicates that further to the revised layout they raise no objections subject to there being no requirement for levels changes, or a boundary wall within the RPA of the retained TPO'd Lime tree, and subject to the following planning conditions: Approval of an Arboricultural Method Statement (to cover the amenity space within the RPA of T1); Approval of Tree Protection Proposals Full landscaping proposals; Approval of proposals for boundary treatment; and Alignment of Utility Apparatus.

The **Urban Design and Conservation Officer** indicates that she has no further observations to make.

The **Waste Management Section** and **Newcastle South Locality Action Partnership (LAP)** have been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

None received.

Applicant/agent's submission

The application is accompanied by revised plans and these can be **viewed at the Guildhall or using the following link.**

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00722/FUL>

Background Papers

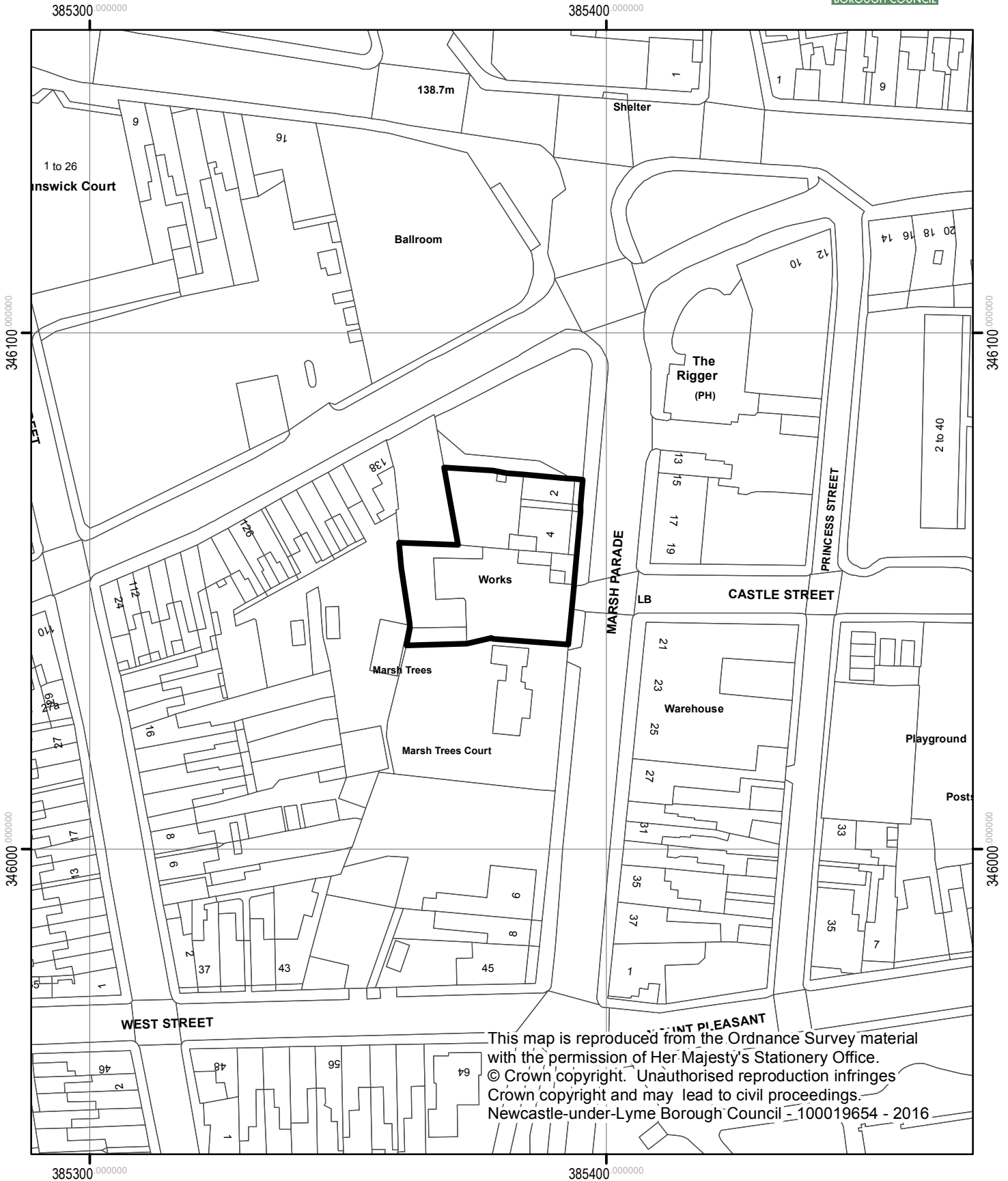
Planning File

Development Plan

Date report prepared

19th October 2017

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AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END
GREATREX, BRAMPTON HOMES LTD

17/00673/FUL

The application is for full planning permission for a new A1 retail unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The site is accessed off New Road which is a B classified Road.

A grade II Listed milepost is located on New Road opposite and in close proximity to the site.

The application has been called in to Committee by two Councillors due to the following concerns:

- Inappropriate development in a residential area.
- Unnecessary development in the area.
- The 12 dwellings approved on this site were welcomed by local residents as it was in keeping with other development nearby. The building of a retail store immediately behind and in front of nearby dwellings is completely inappropriate and unacceptable to residents.
- There is no justification of a store as the area is very well served both other food stores. There is no requirement for further retail facilities.
- It would be perverse for a site identified as suitable for 12 houses to be sacrificed for unnecessary retail development when Newcastle Borough Council is unable to demonstrate a five year housing land supply.

The 8 week period for the determination of this application expired on the 4th October 2017 but the applicant has agreed to an extension of time to that period to the 10th November 2017.

RECOMMENDATION

PERMIT subject to the following conditions:

1. Time limit
2. Approved plans
3. Materials as per application
4. Completion of access prior to use of the building
5. Parking, turning servicing and loading areas provided prior to the use of the building
6. Surfacing, drainage and delineation of parking bays,
7. Weatherproof cycle provision,
8. Submission and approval of Delivery Vehicle Management Plan,
9. Submission and approval of Construction Method Statement,
10. Submission and approval of Environmental Management Plan,
11. Restriction of Operational Hours - Construction and Demolition,
12. No noise generating plant, such as mechanical ventilation, refrigeration or air conditioning units, or refuse compacting and baling equipment unless agreed prior to installation,
13. Submission and approval of any Kitchen Ventilation System and Odour Abatement,
14. Submission and approval of Details of the External Lighting Scheme for Approval,
15. Restriction of Operational Hours - Deliveries To Store and Waste Collections,
16. Air Quality Impact Assessment,
17. Land Contamination,
18. Foul and surface water drainage details.

Reason for Recommendation

The proposal involves retail development in an out of centre location; however no sequentially preferable sites have been identified, in addition, given the scale of the development there is no requirement to undertake an impact assessment. There are therefore no grounds to object in principle

of this development. The site is within a sustainable village has an acceptable design of the building is acceptable and subject to conditions the impact on highways safety and residential amenity levels is acceptable and in accordance with the guidance and requirements of the National Planning Policy Framework.

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

The applicant has been informed of progress on the application and submitted information where necessary. The proposed development is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for a new A1 Retail Unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End, as indicated on the Local Development Framework Proposals Map.

The proposed retail unit would have a gross internal floor area of 418 sqm. The site is accessed off New Road which is a B classified road.

A grade II Listed milepost is located on New Road opposite and in close proximity to the site but it is not considered that the proposal would have an unacceptable impact on the setting of the structure.

A planning application for 12 houses has been permitted on the site, under reference 16/01036/FUL and the proposed development would result in only 6 of the houses being capable of construction.

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

- The principle of a new retail unit in this location
- The design and impact on the character and appearance of the area
- Car parking and highway safety
- Impact on the amenity of the area

The principle of a new retail unit in this location

Paragraph 14 of the National Planning Policy Framework (NPPF) 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. 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.

The proposal is for a new A1 Retail Unit on part of the site of the former Audley Workingmen's Club within the village envelope of Bignall End.

The NPPF supports a prosperous rural economy and at paragraph 28 specifically promotes the retention and development of local services and community facilities in villages, such as local shops.

At paragraph 24 the NPPF indicates that local planning authorities should apply a sequential test to planning applications for main town centre uses (including retail development) that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

Paragraph 25 states that the sequential approach to main town centre uses should not be applied to small scale rural development, what constitutes 'small scale' is not defined.

At paragraph 26 the NPPF indicates that retail impact assessments for shop applications, which are not in accordance with an up to date Local Plan, is not required by national policy for schemes below the 2,500 sqm threshold set in paragraph 26 of NPPF or a locally set threshold.

Audley Parish, within which the site is located, is defined in the Core Spatial Strategy (CSS) as a rural service centre which provide the most comprehensive range of essential rural services. The NPPF glossary indicates that reference to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance and, in addition, that they are areas defined on the local authority's proposals map. The proposals map does not define a primary shopping area for Audley Parish. The application site cannot be considered, therefore, to be a town centre or edge of centre site.

In this instance the application is not supported by an assessment of identified sites within or on the edge of centre. The applicant's agent has indicated that the proposal is a food (convenience) store and;

"This is an application for a small store (270 sqm of net trading area). It is the kind of store which is designed for and sits within local centres and rural communities such as this one. An important point to consider and the reason for a ST is whether the use could go within the town centre. As a matter of fact this proposition does not arise at all in this case. The use is to serve this local community along with any who pass through it. It will not draw any significant trade away from the town centre and most importantly even if planning permission is refused here the use will not simply seek another site in or closer to the town centre."

Your Officer does not agree with the applicant that the sequential test does not apply in this case. It is, however, accepted that to accord with planning practice guidance the application of the sequential test should be proportionate and appropriate and should therefore involve an area of search that reflects the scale and nature of the retail development that is proposed taking into account the likely catchment area of that store. In this regard the applicant has not identified what the catchment area for the proposed shop would be, but given that the proposed store could only accommodate a relatively small proportion of the product range sold in larger format stores and will therefore provide top-up shopping rather than main/bulk food shopping trips, its catchment will be limited in extent. A robust sequential site search of an area within 700m radius of the site has been undertaken by your Officer (which takes in parts of Audley village centre) however no sites have been identified within that search area. As such it must be concluded that there are no sequentially preferable sites available for this store.

A representation has been received from a planning consultant on behalf of residents which indicates that an impact assessment to consider the effect of the proposed retail unit on the existing village centre in Audley and the other retail facilities in Audley Parish which is identified as a Rural Service Centre should have been submitted. However, as the proposed development falls short of the set threshold within the NPPF and there is no local standard currently set there is no requirement to undertake an impact assessment.

Whilst there are other food stores in both Bignall End and Audley, the NPPF does not require any demonstration of need and therefore the existence of such stores are not material to the determination of this application. The NPPF does however seek to support a prosperous rural economy. The proposed development would increase the range and choice of shops in the area and reduce the need for people to travel a greater distance to other main centres and to Audley which has a greater range and choice of shops.

Objections have also been raised regarding loss of housing on the site because 6 of the 12 houses granted under 16/01036/FUL could no longer be built if the development proposed in this application were to go ahead. The reduction in the number of houses that can be constructed on this site as a result of the proposed store is unfortunate. However even in the circumstances that the Council finds itself in, without a five year housing land supply, the loss of such housing land is not contrary to

specific local or national planning policies and such a loss does not constitute grounds to refuse the application.

Overall it is considered that the principle of the proposed development accords with the guidance and requirements of the NPPF and should be supported without delay.

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

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.

Policy CSP1 of the CSS under the heading of 'Design Quality' advises new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape. The Urban Design SPD further expands on this by advising in R14 that "Developments must provide an appropriate balance of variety and consistency, for example by relating groups of buildings to common themes, such as building and/ or eaves lines, rhythms, materials, or any combination of them."

The application site has been vacant for a number of years and the former workingmen's club building has now been demolished.

The proposed store will be sited at the front of the site, with its shorter side elevation fronting New Road. It is of a simple design, constructed in brick with a tiled pitched roof and taking into consideration its orientation will fit in with the character of the wider area.

The access arrangements onto New Road would serve both the retail unit car parking and servicing area and the remaining 6 houses that have been permitted at the back of the site. This arrangement results in there being limited opportunity for soft landscaping towards the site frontage which is disappointing but not unacceptable.

Overall, whilst the proposed building would have a functional design it will integrate well with other buildings in the area. The proposals are considered to accord with policy CSP1 of the CSS and the guidance and requirements of the NPPF.

Car parking and highway safety

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.

Based on the maximum parking standards the development should be permitted to provide no more than 30 off street car parking spaces. A total of 18 car parking spaces, including two accessible parking spaces, are proposed for the store. Bearing in mind that the proposed can be easily accessed on foot from the neighbouring residential areas, it is considered that the level of parking proposed is acceptable and will not result in any highway safety concerns.

Vehicle access to the site will be taken via a priority controlled junction off the B5500 New Road. The positioning of the access has been moved to the east to allow a parking aisle to be provided along the western boundary of the site.

The application is supported by a transport statement (TS) which identifies that the proposed store will generate an increase in 70 two-way trips to and from the site during the Weekday AM peak, 84 two-

way trips during the Weekday PM peak and an increase of 46 two-way trips during the Saturday peak. However, it is accepted that the total number of trips attracted to a new retail development are not all 'new' trips, the majority already exist on the highway network and a visit to the store will be incorporated into existing travel movements. When this is factored in, the submission indicates that the number of new trips on the network amount to an additional 19 two-way trips during the Weekday AM peak, 23 two-way trips during the PM peak and 11 two-way trips during the Saturday peak. This is considered to be a minimal increase in trip movements which would not have a significant detrimental impact on the operation of the junction or local highway network.

A number of objections have been received on highway and parking grounds and a highway report in support of the objections from residents has been received. The submitted TS does, however, demonstrate that no highway safety issues arise from the proposed development and it is noted that the Highway Authority raises no objections, subject to conditions.

Subject to conditions which secure the proposed arrangements and the management of deliveries/ servicing and construction the development is considered to accord with the local plan and the guidance and requirements of the NPPF.

Impact on the amenity of the area

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 building is located on a busy road through the village and residential properties are located beyond the rear boundary and both side boundaries. In particular the car parking and servicing areas would be located close to the proposed six dwellings at the rear and properties that form Pump Court.

The increased vehicle movements and operation of commercial premises close to residential properties would cause some level of impact to neighbouring properties but any impact can be suitably addressed through the imposition of conditions as recommended by the Environmental Health Division.

The Staffordshire Police Crime Prevention Design Advisor is supportive of the design approach taken by the application but does make a number of recommendations and these can be included as an advisory note to the applicant.

Subject to the conditions the impact of the proposed development on the residential amenity would be acceptable and the living conditions and/ or the quality of life of neighbouring occupiers should not be adversely harmed.

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 (adopted 2009)

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

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 C22: Protection of Community Facilities
Policy IM1: Provision of Essential supporting Infrastructure

Other Material Considerations

National Planning Policy

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

Community Infrastructure Levy Regulations 2010, as amended

Supplementary Planning Guidance/Documents

Space Around Dwellings SPG (July 2004)

Developer Contributions Supplementary Planning Document (SPD) (September 2007)

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

Relevant Planning History

15/00279/FUL	Proposed Re-development at Audley Workingmens Club for the erection of 14 houses	Refused
15/00692/FUL	Erection of 12 houses	Permitted
16/01036/FUL	Variation of condition 2 (substitute drawing no. 2352-005; 006; 011 &13 due to amendments made to both site layout, plot size and elevations) of planning permission 15/00692/FUL - Erection of 12 houses	Permitted

Views of Consultees

Audley Parish Council objects to the application on the grounds that it is inappropriate development in an area surrounded and dominated by residential properties. It is not compliant with the NPPF due to it being unsustainable development. There will be an impact on quality of life for the neighbours due to the hotbed of ASB issues which already occur in that area, which will be worsened by the attraction of an off licence/late night shop. The Police Architectural Liaison officer is requested to make a comment in this respect. The hours of opening are a concern along with the large HGV lorry deliveries. There is a concentration of children in this area due to two nearby road crossing patrols for the primary school and also nursery opposite – on an already congested and hazardous main through road. There is a demand and a need for residential units due to a lack of housing land supply. Existing

retail facilities are nearby and this would be superfluous to requirements. There is no travel plan for the 20-25 FTE staff who will work from the store – where will they park? A site visit is requested if it is considered by the planning committee.

The **Environmental Health Division** raises no objections subjects to conditions which secure the following;

- Construction and Demolition– Restriction of Operational Hours,
- Environmental Management Plan,
- Provision of a Kitchen Ventilation System and Odour Abatement,
- Control of Noise and Submission of a Noise Assessment,
- Submission of Details of the External Lighting Scheme for Approval,
- Deliveries To Store and Waste Collections – Restriction of Operational Hours,
- Air Quality Impact Assessment. and
- Land Contamination

The **Highway Authority** raises no objections subject to conditions which secure the access prior to the use of the building, until the parking, turning servicing and loading areas have been provided, provision of a surface water drainage interceptor, surfacing materials and delineation of the parking bays and servicing area, secure weatherproof parking for 8 cycles, the submission and approval of a Construction Method Statement and Delivery Vehicle Management Plan.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** indicate that whilst they can offer no grounds for objection and most assuredly welcome the references to site security and crime prevention within the Design and Access Statement, there would appear to be scope to improve the extent of the security and crime prevention provision.

United Utilities raises no objections subject to foul and surface water drainage conditions and a condition which secures the long term maintenance of Sustainable Drainage Systems.

Cadent (National Grid) advises that searches have identified that there is apparatus in the vicinity of the site which may be affected by the activities specified. They therefore provide a number of advisory notes/ recommendations prior to works commencing on site.

The **Waste Management Section** has been consulted on this application and have not responded by the due date and so it is assumed that they have no comments to make on the application.

Representations

248 letters of representation have been received with 239 raising objections and 9 in support of the applications.

The 9 letters of support identify the following matters and a 212 signature petition in support has also been submitted;

- The site has for many years been derelict it would be a welcome change to the village serving the local community,
- The access to the site has good visibility and is large enough for the delivery vehicles to access the store without causing major traffic disruption as it currently does in Audley village,
- The existing shop has unsafe parking,
- The proposal would offer choice for residents,
- It will reduce car movements,
- It will create new jobs,
- It will ease car parking pressure on Audley,
- Opening hours and car parking on neighbouring streets would need to be controlled,

The letters of objections include a submission from a planning consultant and a highways consultant on behalf of residents. The representations raise the following concerns;

- The use of the site as a shop would generate additional traffic on an already busy road,
- HGVs would not be able to manoeuvre the site safely,
- The use would increase the potential parking problems on the highway and result in highway danger,
- The Transport Statement is inaccurate and does not include existing traffic movements,
- There is an argument that this retail application will impact on the vitality and viability of Audley and the existing Bignall End shops,
- No substantive evidence has been put forward to show that the proposal will maintain the sustainability of the centre,
- Noise and disturbance would be caused to the living conditions of neighbouring properties,
- It would exacerbate existing anti-social behaviour issues,
- It would impact on local shops and businesses,
- The proposals are unsustainable,
- The application should have been supported by a retail impact assessment,
- Litter and light pollution would be increased,
- The village is already served by other shops,
- Housing on the site is a better solution and would contribute to housing supply,
- There appears to be no identification of "planning gain" in the application,
- The proposal is contrary to PPS6,
- The design of the building would not be in keeping of the area.

A petition of objection has also been received with 60 signatories.

Applicant/agent's submission

The application is supported by the requisite plans and application form along with the following documents;

- Planning Statement,
- Design and Access Statement,
- Transport Statement, and
- Site Investigation Report

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/17/00673/FUL>

Background Papers

Planning files referred to
 Planning Documents referred to

Date report prepared

24th October 2017

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LAND SOUTH OF HIGH LANE, ALSAGERS BANK
MS CAROLYN HASSALL

17/00670/FUL

The application is for proposed public artwork to celebrate local mining heritage. The height of the sculpture is 3 metres.

The site of the proposed artwork is located within Silverdale Country Park Close to the end of High Lane, about 200m south of the High Lane Mast, which is within the Green Belt and an Area of Landscape Regeneration as defined on the Local Plan Proposals Map.

The 8 week determination period for the application was 3rd October but that has been extended by agreement with the applicant to the 10th November 2017.

RECOMMENDATION

PERMIT subject to the following conditions:-

- 1. Time limit/plans.**
- 2. Materials.**

Reason for Recommendation

The proposal represents inappropriate development in the Green Belt. The proposed artwork would have a limited impact on the openness of the Green Belt but would not conflict with the purposes of including land in Green Belt. The public artwork is considered to be a positive landscape feature that will be enjoyed by the users of the park and will celebrate local mining heritage, and it is considered that such public benefits amount to very special circumstances that would outweigh the harm to the openness of the Green Belt and 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

The proposal is considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

Key Issues

The application is for the erection of public artwork sited within Silverdale Country Park. The height of the sculpture is 3 metres. It is to be constructed from steel and will feature the head and shoulders of a coal miner on one side, and on the other side a female local activist significant to the heritage of the area. The applicant states that the sculpture has been funded by the Heritage Lottery Fund as part of a local heritage project (for Silverdale called "Our Storey"). The design idea has been generated through collaboration with a local primary school and a community artist.

The site is owned by the Land Trust and previously operated as part of an opencast mine prior to its restoration. The proposed location is at one of the highest and visible points on the country park situated on grassland accessed from High Lane. The sculpture faces south-westwards towards Silverdale village.

The site is located within the green belt and an Area of Landscape Regeneration as defined on the Local Plan Proposals Map. The key issues to consider are:-

1. Is the proposal appropriate development within the Green Belt?
2. the acceptability of the visual appearance of the proposal and the impact on the wider landscape; and

3. Should it be concluded that the development is inappropriate in the Green Belt are there very special circumstances that justify the granting of planning permission?

1. The principle of the development in Green Belt terms?

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.”

At paragraph 90, the NPPF sets out forms of development, other than buildings which are not inappropriate in Green Belt. These include engineering operations, which the installation of the public artwork would be, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The artwork does not conflict within any of the five purposes that Green Belt serves as set out in paragraph 80 of the NPPF but at an overall height of 3 metres the sculpture has a material impact on openness and therefore the conclusion can only be is that the proposal represents inappropriate development. The existence of any very special circumstances is assessed at section 3 of this report.

2. The acceptability of the visual appearance of the proposal and the impact on the wider landscape

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.

Policy CPS1 of the Core Strategy sets out how design quality is assessed which includes the need for new development to contribute positively to an areas identity and image.

Policy CSP2 states that the Council will seek to preserve and enhance the character of the historic heritage of the Borough where there is historic interest.

Saved Local Plan Policy N22 states that within Areas of Landscape Regeneration the Council will support proposals which will regenerate the landscape appropriate to its urban or rural location. Where development can be permitted, developers will be expected to use the opportunity provided by the development to make a positive contribution towards landscape regeneration.

The sculpture in the position that is proposed will provide a positive local landscape feature for visitors and passers-by. The location is on high ground and very prominent within public vistas which will result in this public artwork becoming a landmark feature. The proposal reflects the heritage of the local area and is appropriate in scale and character in the context of the site surroundings. The structure will be a positive addition to the locality and one anticipated to generate interest to ramblers and other members of public using the country park. The area is defined by the Local Plan as a location for landscape regeneration which this proposal can be said to support.

3. Should it be concluded that the development is inappropriate in the Green Belt are there very special circumstances that justify the granting of planning permission?

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. At paragraph 88 the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The proposal is a public art initiative, headed by the Land Trust, of local significance reflecting the local mining heritage of Silverdale. The sculpture is linked to the use of Country Park as a

place of outdoor recreation and will be a notable landscape feature for people visiting the park to enjoy and which will celebrate local mining heritage. It is considered that such public benefits amount to very special circumstances that would outweigh the harm to the openness of the Green Belt and would justify approval of planning permission subject to the imposition of the above conditions.

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
CSP2: Historic Environment
ASP6: Rural Area Spatial Policy

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

S3: Development in the Green Belt
N9: Community Woodland Zones
N17: Landscape Character – General Considerations
N22: Areas of Landscape Regeneration

Other Material Considerations

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

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

Supplementary Planning Documents/Guidance

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

Relevant Planning History

None relevant.

Views of Consultees

The **County Council Rights of Way Officer** has no objections but points out that there is a Public Path Order in progress with Staffordshire County Council to divert Public Footpath No 7 Silverdale Parish to run along the made path which is alongside the application site. The attention of the developer should be drawn to the existence of the footpath and to the requirement that any planning permission does not construe the right to divert, extinguish or obstruct any part of the public path.

The **Coal Authority** has no objections.

Silverdale Parish Council supports the application.

Representations

None received.

Applicant/agent's submission

Application forms and indicative plans have been submitted. These documents are available for inspection at the Guildhall and via the following link

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00670/FUL>

Background Papers

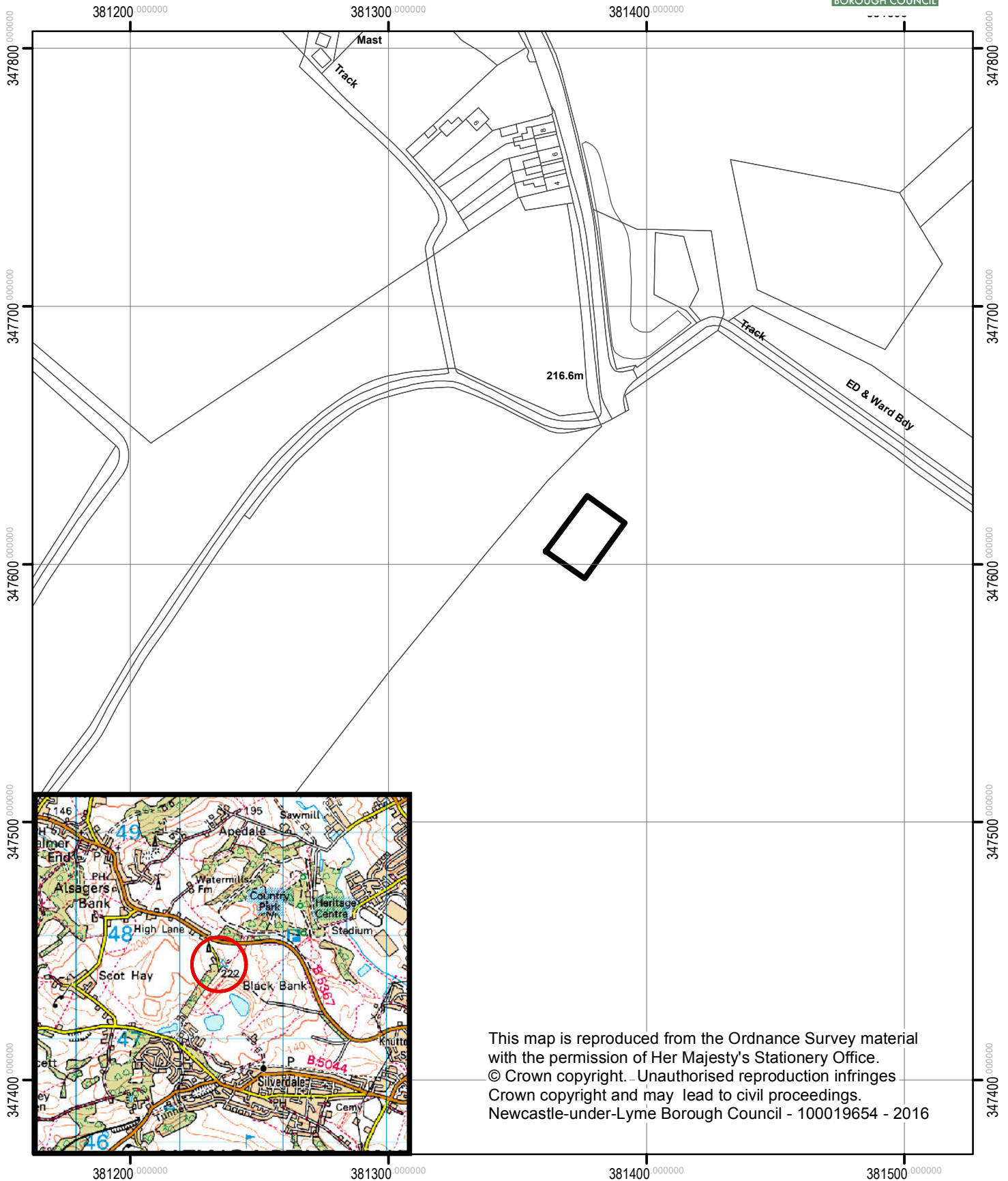
Planning File.
Planning Documents referred to.

Date Report Prepared

19th October 2017.

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**Land South of High Lane Alsagers Bank
Newcastle under Lyme
17/00670/FUL**



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Newcastle-under-Lyme Borough Council - 100019654 - 2016

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LAND ADJACENT RED ROOFS, HIGH LANE, ALSAGERS BANK
ROBERT LYTHGOE

17/00782/FUL

The application is for full planning permission for the retention of a radio aerial mast on a paddock in Alsagers Bank adjacent to a residential property that is also used as a community radio station.

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 expires on the 30th November 2017

RECOMMENDATION

Permit with the following conditions:

- 1. The mast shall at no time exceed 18 meters in height**
- 2. The mast shall be permanently removed once the community radio station ceases to operate from Red Roofs,**
- 3. If the mast approved under planning application 15/00747/FUL is re-erected then the mast hereby permitted shall be permanently removed from the paddock**

Reason for Recommendation

The mast does not meet one of the exceptions for appropriate development within the Green Belt and therefore represents inappropriate development within the Green Belt. Whilst the mast would be visible from outside of the site it would not be visually prominent due to its lightweight structure and colour and would also have a limited impact on the openness of the Green Belt. The siting of the mast would not conflict with the purposes of including land in the Green Belt. Such limited harm to the Green Belt and landscape would however be outweighed by the benefits of the development, most notably the wider community benefits of a community radio station. These are considered to represent the very special circumstances required to justify the granting of planning permission development.

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

Advice was given prior to the submission of the planning application and it is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

The application is for full planning permission for the retention of a radio aerial mast that has been erected on a paddock in Alsagers Bank adjacent to a residential property that is also used as a community radio station.

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.

This application follows the granting of planning permission in October 2015 under reference 15/00747/FUL for the retention of a change of use of double garage and office accommodation to community radio station, including erection of mast, car parking spaces and installation of an air conditioning unit.

The mast permitted, reference 15/00747/FUL, was erected but had to be removed because it couldn't be safely erected to its full height as there was inadequate room and at a lower height it provided inadequate coverage. It was subsequently relocated on the application site, the adjacent paddock, in order to maintain coverage for the community radio station.

The applicant has indicated that the mast is erected at a height of just below 18 metres.

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The impact on the area of landscape restoration,
- The impact on the residential amenity of neighbouring occupiers, 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 recently published NPPF details that "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

At paragraph 90, the NPPF sets out forms of development, other than buildings which are not inappropriate in Green Belt. These include engineering operations, which the installation of the mast is, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Whilst the relocated mast does not conflict with the purposes of including land in Green Belt it has an impact on the openness of the Green Belt, and as it would not therefore meet any of the exemptions outlined within the NPPF it represents inappropriate development and should not be approved except in very special circumstances. Whether such very special circumstances exist will be addressed below.

The impact on the area of landscape restoration

Policy N21 of the local plan advises that the Council will support applications that help to restore the character and improve the quality of the landscape.

The erected mast, which is the subject of this application, at 18 metres is the same height as the previously erected mast and is of a similar appearance. The previously permitted mast was located to the rear of the residential property which did provide some natural screening but at 18 metres in height it was not completely screened from views.

The lower section of the application mast would be more visible, because of its location, but only from the paddock access point and the immediate neighbouring property. Therefore it is still screened by existing buildings and natural vegetation to a large extent.

The existing mast is still a lightweight structure and by virtue of its colour it is primarily lost within the sky line, particularly from longer distance views. Therefore the impact on the landscape would be limited within the wider area.

Other matters

Objections have been received regarding the safety of the mast, including highways safety. The previous application for the community radio station dealt with these matters and the principle of the radio station and mast have been established. The relocation of the mast does not raise any additional concerns or grounds for refusal.

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.

The justification for the mast remains the same as the previous application which was accepted as the very special circumstances required to outweigh the harm to the openness of the Green Belt by reason of inappropriateness. The very special circumstance being that the mast would serve a local community radio station.

The relocation of the mast to the neighbouring paddock does result in some minor additional harm on the landscape but not to the extent that a different conclusion should be reached. Furthermore, the mast does not sterilise the land with horses still being kept on the land.

The National Planning Policy Framework (NPPF) at paragraph 42 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.”

It is clear that there are community benefits that the proposed development would bring and that it is supported by a number of organisations within Newcastle. There are no other community radio stations within the borough. The mast has been designed to have the minimum impact possible whilst providing the necessary coverage benefits. Once the mast is no longer required it can be removed with relative ease and without harm to the landscape - a condition ensuring this can be attached to any permission.

Weighing these matters in the balance and having particular regard to the moderate landscape impact it is considered that the benefits do outweigh the harm identified and accordingly that it would be appropriate to grant planning permission on this basis.

APPENDIX

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

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

Strategic Aim 16: To eliminate poor quality development;
Policy SP1: Spatial Principles of Targeted Regeneration
Policy ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011 (LP)

Policy S3: Development in the Green Belt
Policy N17: Landscape Character – General Consideration
Policy N21: Area of Landscape Restoration

Other material considerations include:

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

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

Relevant Planning History

15/00747/FUL Retention of change of use of double garage and office accommodation to community radio station, including erection of mast, car parking spaces and installation of air conditioning (Resubmission of 15/00527/COU) PERMITTED

Views of Consultees

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

The **County Council Public Rights of Way Officer** indicates that the route of Public Footpath No. 98 Audley Parish runs adjacent to the north west boundary of the property associated with this application however the new location of the radio mast is further away from the public right of way than when it was in its original position and so no significant objections are raised.

Audley Parish Council supports the application

Representations

Three letter of representation have been received raising the following objections/ concerns;

- The proposed development does not accord with the provisions of the development plan,
- The mast is an inappropriate development within the Green Belt
- The current planning application does not state the height of the new mast,
- The mast appears much higher than 18 metres,
- The mast is no longer screened by the existing property
- The mast is not mobile as stated,
- The site is exposed to high winds and does not appear safe, and is a danger to the safety of the ponies in the paddock
- There is no reason for the change of mast site other than to achieve the coverage of a wider area.
- Vehicles park on the road not within the curtilage of Red Roofs,
- The current mast is extremely obtrusive, not in keeping with the semi-rural nature of the area,
- The mast is hazardous to drivers, and

- Other similar masts have been refused in the borough recently.

Applicant/agent's submission

The application has been supported by the planning application form, a photograph of the mast and a site location plan and block plan.

All of these documents are available for inspection at the Guildhall and on <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00782/FUL>

Background Papers

Planning files referred to
Planning Documents referred to

Date report prepared

26th October 2017

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Report to Planning Committee 7th November 2017

Government Consultation on “Planning for the right homes in the right places”

The Government are undertaking a consultation on “Planning for the right homes in the right places”. The consultation closes at 1145hrs on 9th November. Cabinet will be determining the response of the Borough Council to this consultation but the Planning Committee will have an opportunity at its meeting on the 7th November to make proposals to Cabinet as to how the Council might respond to the consultation.

A report on this, together with a recommended response to the consultation, will follow.

The following is a link to the consultation document

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund - 17 Curzon Street, Basford (Ref: 17/18002/HBG)

RECOMMENDATION:

That the following grant is approved :-

£848 for repairs to sash windows at 17 Curzon Street, subject to the appropriate standard conditions

Purpose of report

To enable members to consider this application for financial assistance.

This property is part of a terrace within Basford Conservation Area. Curzon Street is a 10 property terrace built from smooth red brick with each property comprising of a front bay window, front door, one large and one small first floor window, one large mid sloped dormer window with timber cladding in a gable and one small half dormer window in a multi strutted half gable. Many of the houses within the terrace retain their original sash windows. The owner of No.17 wishes to repair the existing sash windows incrementally, starting with the windows on the front elevation. These comprise a large bay window on the ground floor which incorporates 5 sash windows; a single sash window on the first floor and the main bedroom window at first floor which has 3 sash windows. She has a detailed quotation from a contractor known for good conservation repair of timber windows. There are 9 sash windows in this phase and they all require slightly different repairs but all will be overhauled where necessary to ensure fully working sash windows and only replaced where impossible to repair.

The total cost of the works is estimated at £8,475 including VAT. The works are eligible for a grant up to 10% of the total cost because the building is an historic building within Basford Conservation Area. The works are proposed to take place immediately.

The Conservation Advisory Working Party supports this application.

Financial Implications

There is sufficient funding to meet this grant application with £27,000 in the Fund allowing for commitments.

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Application for Financial Assistance (Historic Buildings Grants) from the Conservation and Heritage Fund – Lower Stoney Low Farmhouse, Madeley (Ref: 17/18003/HBG)

RECOMMENDATION:

That the following grant is approved:-

£5,000 for lime rendering at Lower Stoney Low Farmhouse, subject to the appropriate standard conditions

Purpose of report

To enable members to consider this application for financial assistance.

Lower Stoney Low Farmhouse is a Grade II Listed Building and is certainly built in 2 or 3 phases. It is estimated that it may have 16th or 17th Century origins but was extensively remodelled in the 19th Century.

It is suffering from quite extensive damp problems of which one of the causes is the application of cement render of most of the property. The rest is painted brickwork with layers of non-porous paint, which has been applied by previous owners to cover up the problems. The applicant has had some minor roof repairs including adding some ventilation and is carefully removing the cement render from the whole house. She has also removed the internal plaster on the interior of some of the worst affected rooms. Whilst the building has already started to dry out a little, in order to ensure a healthy dry home she is now proposing to render the house with a lime render to ensure the building becomes breathable. The owner is hoping to keep some of the brickwork exposed if possible if the quality of the bricks allows on the front elevation by the porch. This comprehensive approach is the only way to ensure the long term future of this building and it is proposed that the work is supported through the Historic Building Grant Fund.

The total cost of the works is estimated at £31,680 including VAT. The works are eligible for a grant up to 20% of the total cost or up to a maximum of £5,000. The works are proposed to take place immediately.

The Conservation Advisory Working Party fully supports this application.

Financial Implications

There is sufficient funding to meet this grant application with £27,000 in the Fund allowing for commitments.

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Confirmation of Tree Preservation Order

Norway Maple (Acer) at AWS Electrics on Croft Road Industrial Estate, Newcastle

Tree Preservation Order No 184 (2017)

Town & Country Planning Act 1990

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

The Provisional Order

The Provisional Tree Preservation Order protects an individual mature Norway Maple, situated in a visually prominent roadside position on Croft Road.

The provisional Tree Preservation Order was served using delegated powers on 06/06/17. The consultation period ended on 04/07/17

Approval is sought for the order to be confirmed as made.

The 6 month period for this Order expires on 6th December 2017

RECOMMENDATION

That Tree Preservation Order No 184 (2017), Croft Road, Newcastle be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Background

The individual Norway Maple makes an important contribution to the local landscape being clearly visible from Croft Road, Brampton Sidings and Public Footpath ref Newcastle 132.

The tree occupies visually prominent roadside frontage position within the Croft Road Industrial Estate. There are few trees of a similar stature in the surrounding locality.

The Norway Maple makes a valuable contribution to the local landscape and its loss or disfigurement would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

There has been recent tree loss on and around this site.

The tree helps to soften the visual appearance of the locality within the otherwise hard industrial surroundings.

Representations

Following the consultation period no representations were received.

Issues

It became apparent that the owner/occupier of the site wished to fell the tree. Other trees on the site had recently been felled.

An officer inspection determined that the individual tree is of sufficient quality to be retained.

The tree has some minor deadwood and some wounds which show some occlusion. A further inspection of these is recommended.

The making of the 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.

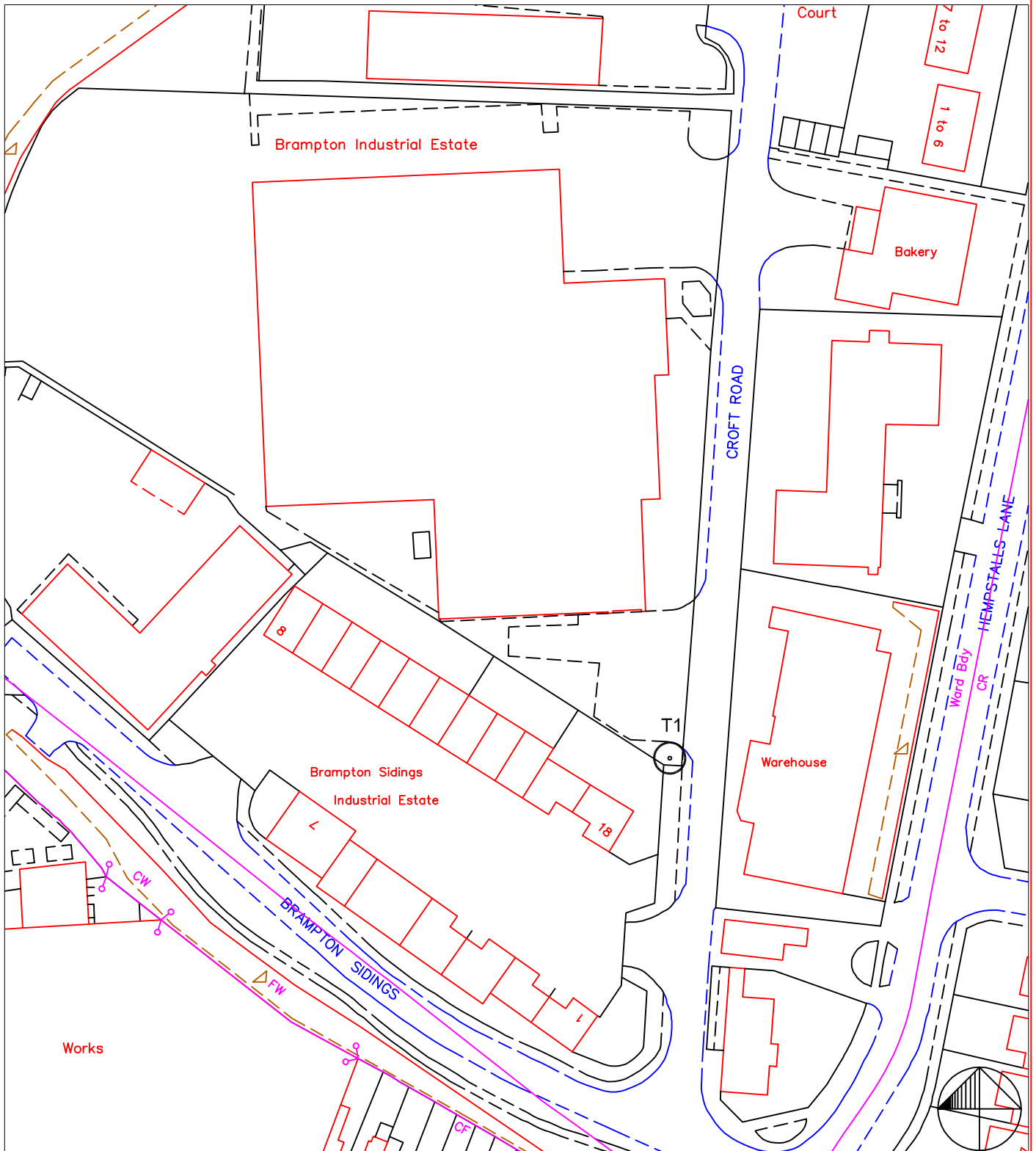
In order to protect the long term well-being of this tree, it should be protected by a Tree Preservation Order.

Date report prepared

29th September 2017

SIGNED:

DATED:6th June 2017



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DAVE ADAMS
EXECUTIVE DIRECTOR –
OPERATIONAL SERVICES
CIVIC OFFICES, MERRIAL
STREET
NEWCASTLE, STAFFORDSHIRE.
ST5 2AG

TITLE:
AWS Electronics, Croft Road, Newcastle

DESCRIPTION:
TREE PRESERVATION ORDER
NUMBER 184 (2017)

SCALE:
1:1000

DATE:
June 2017

DRAWN BY:

DRAWING NO.
TPO 184

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Confirmation of Tree Preservation Order

LAND AT 12 STATION ROAD, MADELEY

Tree Preservation Order No.185 (2017)

Town & Country Planning Act 1990

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

The Order protects trees situated on land at 12 Station Road, Madeley. The site is within Madeley Conservation Area and is currently being developed for housing. The Order was made to safeguard the longer term visual amenity that the trees provide after a Section 211 Notice was received to fell one of the trees on the site.

The Order was made using delegated powers on 15th June 2017. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 30th December 2017

RECOMMENDATION

That Tree Preservation Order No 185 (2017), land at 12 Station Road, Madeley, be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and 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 form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees nor of progressing the plans to develop the site, and it will give the Council the opportunity to control the tree 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 which is necessary to safely manage them.

Representations

No representations have been received.

Issues

The trees are situated in what were the grounds of 12 Station Road which is currently being divided into three development plots. There is one single stemmed birch tree situated towards the back of the property where four dwellings are being built, one single stemmed beech tree on the front boundary and four small groups of lime trees also on the front boundary. They are mature and clearly visible from surrounding roads and public footpaths.

The trees are a significant feature to the locality and provide an important contribution to the area. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

Planning permissions have been granted to develop the site (12/00209/FUL; 15/00099/FUL; 15/00277/FUL; 16/01054/FUL) which include for the retention of the trees listed on the Order. Subsequently on 6th May 2017 a Section 211 Notice for works to trees in a conservation area was received to fell the birch tree (17/00382/TCA), no reason was given.

Your officers visited the site and could see no reason for the tree to be removed. In addition tree protection measures being carried out for this tree and the other site trees were observed not to be fully to the British Standard suggesting that these should also be given the additional protection of a TPO. Your officers inspected all of the trees and carried out a TPO assessment, and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 15th June 2017 in order to protect the long term well-being of the trees.

Date report prepared

26th September 2017

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