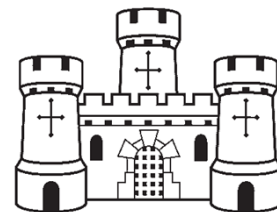


# Public Document Pack

**Date of meeting** Wednesday, 6th December, 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 - 10)  
To consider the minutes of the previous meeting(s).
- 4 **APPLICATION FOR MAJOR DEVELOPMENT - LAND OFF WOODROW WAY, ASHLEY. MARCUS MACHINE TOOLS. 17/00605/FUL** (Pages 11 - 26)
- 5 **APPLICATION FOR MAJOR DEVELOPMENT - FORMER GE DIAMOND BUILDING, WEST AVENUE, KIDSGROVE. RELIANCE MEDICAL LTD. 17/00848/FUL** (Pages 27 - 30)
- 6 **APPLICATION FOR MAJOR DEVELOPMENT - NEWCASTLE COLLEGE, KNOTTON LANE, NEWCASTLE. NEWCASTLE-UNDER-LYME COLLEGE. 17/00839/FUL** (Pages 31 - 36)
- 7 **CONSULTATION - LAND AT CEDAR AVENUE ALSAGER. MCCARTY AND STONE RETIREMENT LIFESTYLES LTD. 17/5537C 348/245** (Pages 37 - 40)
- 8 **CONSULTATION - FORMER MMU ALSAGER CAMPUS SITE. DAVID WILSON HOMES LTD. 17/5557C 348/248** (Pages 41 - 44)

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| 9  | <b>APPLICATION FOR MINOR DEVELOPMENT - FORMER AUDLEY WORKINGMENS CLUB. NEW ROAD, BIGNALL END. BRAMPTON HOMES LTD. 17/00673/FUL</b> | (Pages 45 - 56)  |
| 10 | <b>APPLICATION FOR MINOR DEVELOPMENT - MCDONALDS RESTAURANT, DIMSDALE PARADE WEST. MCDONALDS. 17/00856/FUL</b>                     | (Pages 57 - 64)  |
| 11 | <b>APPLICATION FOR MINOR DEVELOPMENT - 8 BARFORD ROAD, NEWCASTLE. MR A MOSS. 17/00878/FUL</b>                                      | (Pages 65 - 72)  |
| 12 | <b>APPLICATION FOR OTHER DEVELOPMENT - NEW SPRINGS COTTAGE, AUDLEY ROAD, TALKE. MR C PURKISS. 17/00651/FUL</b>                     | (Pages 73 - 80)  |
| 13 | <b>MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018</b>  | (Pages 81 - 90)  |
| 14 | <b>QUARTERLY REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO</b>               | (Pages 91 - 96)  |
| 15 | <b>BUILDING AT RISK SURVEY RESULTS</b>   | (Pages 97 - 102) |
| 16 | <b>URGENT BUSINESS</b>   |                  |

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

**PLEASE NOTE:** The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

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

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

**FIELD\_TITLE**

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

**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.

**COUNCIL CHAMBER:** FIRE EXITS ARE AT THE REAR OF THE CHAMBER AT BOTH SIDES AND THIS IS THE SAME FOR OCCUPANTS OF THE PUBLIC GALLERY.

**COMMITTEE ROOMS:** EXIT VIA THE WAY YOU ARRIVED AT THE MEETING OR AT THE FAR END OF THE COUNCIL CHAMBER.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE REAR OF THE ASPITRE HOUSING OFFICE OPPOSITE THE CIVIC OFFICES. DO NOT REENTER THE BUILDING UNTIL ADVISED TO DO SO.

**PLANNING COMMITTEE**

Tuesday, 7th November, 2017  
Time of Commencement: 7.00 pm

**Present:-** Councillor Bert Proctor – in the Chair

Councillors Burgess, S Hambleton, Heesom, Loades, Matthews, Panter, Reddish, Simpson, Spence, S Tagg, G White, G Williams, J Williams and Wright

Officers Becky Allen - Landscape Manager, Guy Benson, Nick Bromley, Geoff Durham, Elaine Moulton and Darren Walters

Apologies Councillor(s) Fear, Northcott and Sweeney

**1. APOLOGIES**

Apologies were received from Councillors' Fear, Northcott and Sweeney

**2. DECLARATIONS OF INTEREST**

Councillor Proctor declared an interest in application 17/00673/FUL and would vacate the Chair during its consideration.

Councillor John Williams declared an interest in agenda item 10 as a Cabinet Member who would be considering the item tomorrow evening.

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

**Resolved:** That the minutes of the meeting held on 10 October, 2017 be agreed as a correct record.

**4. APPLICATION FOR MAJOR DEVELOPMENT - LAND BOUND BY RYECROFT, RYEBANK, MERRIAL STREET, CORPORATION STREET & LIVERPOOL ROAD. HDD (NEWCASTLE-UNDER-LYME) LIMITED. 17/00637/FUL**

**Resolved: (A)** That, Subject to the applicant entering into planning obligations by 8<sup>th</sup> January 2018 to secure the following:-

1. A financial contribution of at least £542,797 to public realm improvements in Corporation Street and the enhancement of public open space at Brampton Park or Queen Elizabeth Gardens, the public open space contribution being at least £250,000
2. £2,245 towards travel plan monitoring;
3. £8,000 towards the installation costs of a Real Time Passenger Information system for bus services;
4. £25,000 towards improvements to the cycle route from Newcastle town centre to Keele University;
5. £8,000 towards the cost of installation and operation of 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.

The application be permitted subject to the undermentioned conditions:

- (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.

Councillor Loades requested that it be noted to keep a close watch on delivery vehicles which would visit the completed development at the designated areas to ensure there was no queueing, especially on the Ryecroft elevation.

**5. APPLICATION FOR MAJOR DEVELOPMENT - LAND SOUTH OF HONEYWALL LANE, MADELEY HEATH. MADELEY HEATH DEVELOPMENTAL LIMITED. 17/00514/OUT**

**Resolved:** (A) That, subject to the applicant entering into S106 planning obligations by the 10<sup>th</sup> 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.

the application be permitted subject to the undermentioned conditions:

- (i) Standard time limits for submission of applications for approval of reserved matters and commencement of development;
- (ii) Reserved matters submissions;
- (iii) Approved access plans;
- (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) Design measures to control internal noise levels;
- (vii) Submission and approval of a Construction Environmental Management Plan;
- (viii) Construction Hours;
- (ix) External lighting;
- (x) Land contamination;
- (xi) Visibility Splays;
- (xii) Full details of the access arrangements, including Modifications at junction of Ridge Hill Drive and Honeywall Lane including surfacing materials;

- (xiii) Drainage Details – foul and surface water;
  - (xiv) A written scheme of archaeological investigation;
  - (xv) Arboricultural Method Statement (detailed to include construction access) including utilities connection details;
  - (xvi) Approval of Tree Protection Proposals and retained trees and hedgerows protected in accordance with BS5837;
  - (xvii) Tree pruning details;
  - (xviii) 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.

Councillor Loades raised concerns regarding highways safety and highway improvements.

**6. APPLICATION FOR MAJOR DEVELOPMENT - 2 - 4 MARSH PARADE, NEWCASTLE UNDER LYME. WESTLANDS ESTATES LIMITED (GAVIN DONLON). 17/00722/FUL**

**Resolved:** (A) That, subject to the applicant first entering by the 13<sup>th</sup> 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 22<sup>nd</sup> June 2018, and the payment of such a contribution and the provision of such affordable housing if found financially viable,

The application be permitted subject to the undermentioned conditions:

- (i) Standard Time limit for commencement of development
- (ii) Approved Plans
- (iii) Submission of Materials
- (iv) Window reveal specification
- (v) Roof Specification Plans
- (vi) Boundary Treatments
- (vii) Approval of Tree Protection Proposals
- (viii) Arboricultural Method Statement
- (ix) Landscaping Scheme (including replacement tree planting)
- (x) Hard Surfacing
- (xi) Provision of Parking and Turning areas
- (xii) Construction Method Statement
- (xiii) Visibility Splays
- (xiv) Existing Access Permanently Closed

- (xv) Secure Cycle Storage
- (xvi) Design Measures to Secure Noise Levels
- (xvii) Ventilation Provision/ Arrangements
- (xviii) Full Land Contamination
- (xix) Drainage Details
- (xx) Bat Mitigation Measures

(B) 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.

**7. APPLICATION FOR MINOR DEVELOPMENT- AUDLEY WORKINGMEN'S CLUB, NEW ROAD, BIGNALL END. GREATREX, BRAMPTON HOMES LTD . 17/00673/FUL**

*Councillor Bert Proctor vacated the Chair during consideration of this item as he is an Audley Ward Member.*

*Vice-Chair, Councillor Chris Spence in the Chair.*

Members were advised that, due to the receipt of an amended plan, a decision could not lawfully be made on this application at this meeting and it would therefore be necessary be necessary to report the application to the 5<sup>th</sup> December planning committee meeting for a decision.

*Councillor Proctor in the Chair.*

**8. APPLICATION FOR MINOR DEVELOPMENT - LAND SOUTH OF HIGH LANE, ALSAGERS BANK. MS CAROLYN HASSALL. 17/00670/FUL**

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

- (i) Time limit / plans.
- (ii) Materials.

**9. APPLICATION FOR OTHER DEVELOPMENT - LAND ADJACENT RED ROOFS, HIGH LANE, ALSAGERS BANK. ROBERT LYTHGOE. 17/00782/FUL**

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

- (i) The mast shall at no time exceed 18 meters in height
- (ii) The mast shall be permanently removed once the community radio station ceases to operate from Red Roofs,
- (iii) 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.

10. **GOVERNMENT CONSULTATION ON "PLANNING THE RIGHT HOMES IN THE RIGHT PLACES"**

**Resolved:** That Cabinet be advised that, following consideration of the proposed response to the consultation, as set out in Appendix 1, at its meeting on the 7<sup>th</sup> November, the Planning Committee had no comments to make.

11. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - 17 CURZON STREET, BASFORD. 17/18002/HBG**

**Resolved:** That the following grant be approved:-

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

12. **APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) - LOWER STONEY LOW FARMHOUSE, MADELEY. 17/18003/HBG**

**Resolved:** That the following grant be approved:-

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

13. **TREE PRESERVATION ORDER - AWS ELECTRONICS, CROFT ROAD INDUSTRIAL ESTATE, NEWCASTLE. TPO 184**

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

14. **TREE PRESERVATION ORDER - 12 STATION ROAD, MADELEY. TPO 185**

**Resolved:** 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.

15. **URGENT BUSINESS**

**FORMER MMU SITE OFF HASSALL ROAD, ALSAGER.  
CHESHIRE EAST REF: 17/5150c. NBC REF: 348/244**

**Resolved:** That Cheshire East be informed that the Borough Council has no objections to this application to remove condition 34

**COUNCILLOR BERT PROCTOR  
Chair**

Meeting concluded at 8.10 pm



**LAND OFF WOODROW WAY, ASHLEY  
MARCUS MACHINE & TOOLS LIMITED**

**17/00605/FUL**

The Application is for full planning permission for the erection of 10 dwellings on a field.

The application site, which measures 1.34 hectares, lies within the open countryside and a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map.

Access to the site is taken via Woodrow Way which in turn joins Charnes Road, the D2245.

**The 13 week period for the determination of this application expired on 18<sup>th</sup> October 2017 but the applicant has agreed to extend the statutory period until 8<sup>th</sup> December 2017.**

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## **RECOMMENDATION**

**Refuse for the following reasons:**

- 1. The proposed development, because of its isolated location away from a higher level of services, employment and public transport links, would mean that residents would be dependent on the use of private motor vehicles. The development of this greenfield site would not materially enhance or maintain the viability of a rural community in a significant way and is considered to be an unsustainable form of development. Notwithstanding that the Council cannot demonstrate an up to date 5 year plus 20% supply of deliverable housing sites, there is no presumption in favour of the proposal. For these reasons the proposed development is contrary to the requirements and guidance of the National Planning Policy Framework (2012). It would also create a precedent for the consideration of similar proposals around the village envelope of Ashley.**
- 2. The adverse impacts of the development, namely the reliance on the use of private motor vehicles and the extension of built development into the open countryside would significantly and demonstrably outweigh any benefits of the development when assessed against the policies of the National Planning Policy Framework (2012) taken as a whole and the proposal therefore represents an unsustainable development.**
- 3. In the absence of a secured planning obligation, the development fails to make an appropriate contribution towards the provision of affordable housing which is required to provide a balanced and well-functioning housing market, as referred to in the Newcastle-under-Lyme Borough Council Affordable Housing Supplementary Planning Document (2009) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). The proposal would thus be contrary to Policies CSP6 and CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).**
- 4. In the absence of a secured planning obligation and having regard to the likely additional pupils arising from the development and the capacity of existing educational provision in the area, the development fails to make an appropriate contribution towards education provision as referred to in the Staffordshire County Council Education Planning Obligations Policy (November 2003, as subsequently updated) and the Newcastle-under-Lyme Borough Council Supplementary Planning Document on Development Contributions (2007). For this reason the proposal would fail to provide a sustainable form of development and would be contrary to Policy CSP10 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026, Policy IM1 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework (2012).**

### **Reason for Recommendation**

The proposal would extend built development out to the east of the existing pattern of development and would not comprise a 'natural or logical' extension to the village. Due to its isolated location away from a higher level of services, employment and public transport links, residents would be dependent on the use of private motor vehicles. Overall, the adverse effects of allowing the development of this proposal, significantly and demonstrably outweigh the benefits.

The proposed development would result in additional pressure on limited secondary school places and in the absence of a financial contribution, such an adverse impact would not be appropriately mitigated against. A planning obligation is also required to secure affordable housing in accordance with policy.

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

It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework and it is considered that the applicant is unable to overcome the principal concerns in respect of this development.

### **Key Issues**

Full planning permission is sought for the erection of 10 dwellings. The original submission was for 12 units, but during the determination of the application the scheme has been amended and this report addresses the proposal now before the Authority. The application site, of approximately 1.34 hectares in extent, is within a Landscape Maintenance Area as indicated on the Local Development Framework Proposals Map, and in the open countryside outside the village envelope of Ashley. A plan showing the site in relation to the boundary of the village envelope of Ashley will be available to view at the Committee meeting

It is not considered that the application as revised raises any issues of impact on trees, residential amenity or drainage considerations and taking into account the development plan, the other material considerations indicated below and the consultation responses received, the main issues for consideration in the determination of this application are:-

- Is this an appropriate location for residential development in terms of current housing policy and guidance on sustainability?
- Would the proposed development have a significant adverse impact on the character and appearance of the village or the wider landscape?
- Would the proposed development have any adverse impact upon highway safety?
- Is affordable housing provision required and if so how should it be delivered?
- What financial contributions are required?
- 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?

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

The application site lies within the Rural Area of the Borough, adjacent to but outside of the village envelope of Ashley, within the open countryside.

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.

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.

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

Ashley 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.

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.

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.

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 Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

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.*

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 Framework seeks to promote sustainable development in rural areas. Paragraph 55 of the NPPF focuses on housing in rural areas and indicates that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. An example given states that where there are groups of smaller settlements, development in one village may support services in a village nearby. It further details that local planning authorities should avoid new isolated homes in the countryside unless there are 'special circumstances'.

Ashley has very limited services, namely a doctor's surgery, a public house, a restaurant, a church, a village hall and a hairdressers. Although the applicant's case refers to the proximity of the shops and services of Loggerheads, they are approximately 3km from the site and the route to Loggerheads is primarily along narrow rural lanes with no lighting or pedestrian footways making regular walking or cycling for day to day needs unrealistic. Manual for Streets advises that walkable neighbourhoods are typically characterised as having facilities within 10 minutes (up to 800m) walking distance of residential areas which residents may access comfortably on foot. It does go on to say that this is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km, however, the shops and services of Loggerheads are in excess of 2km from the application site. There is an hourly bus service that passes through Ashley and there are bus stops approximately 500m from the application site. Whilst this would provide residents with some choice of mode of transport, given the limitations to the bus service and the very limited services within the village, it is considered very likely that the future occupants of the dwellings would have to travel by car for day to day domestic needs such as food shopping, employment and school provision.

The applicant's agent refers to appeal decisions for sites at Gateway Avenue, Baldwin's Gate (Ref. 13/00426/OUT) and Tagedale Quarry, Loggerheads (Ref. 15/00015/OUT). Your Officer considers however, that both Baldwin's Gate and Loggerheads can be distinguished from Ashley due to their significant range of facilities in comparison to those of Ashley.

The agent also makes reference to an appeal decision in which the Inspector allowed a detached dwelling at Smithy Lane, Knighton (Ref. 16/00312/FUL). In that particular instance, the Inspector attributed weight to the fact that the site was within the existing built form of Knighton and that the proposed dwelling would be a logical infill development. The current site does not comprise a logical infill.

Although not referred to by the agent, it is considered necessary to bring to Members' attention an appeal that was allowed for a single dwelling within the village envelope of Ashley (Ref. 15/00540/OUT). In that case, the Inspector gave weight to the fact that the site was within the envelope boundary of Ashley. He stated that LP Policy H1 which is headed 'Residential development: sustainable location and protection of the countryside', is permissive of residential development where the site is in one of the village envelopes and on that basis, he considered that "*development within*

*the policy would tick some aspect of the sustainability box*". The Inspector went on to state that the gap created by that site presented an opportunity for infill development that would make a positive and efficient use of the land. In contrast to the appeal site, the current application site is not within the village envelope of Ashley and does not comprise an infill plot.

There have been a number of other appeal decisions in recent years for residential development around Ashley. In dismissing those cases, Inspectors have concluded that the isolated location of the sites where future occupants of the dwellings would be likely to be reliant on the private car in order to access everyday goods and services, weighed significantly against the proposals. Although it is acknowledged that the current application site, which is adjacent to existing residential development, is not isolated, as discussed above it is considered that the future residents would be heavily reliant on the car.

In conclusion, given the limited nature of facilities and services nearby this is not considered to be a sustainable location and the proposal would not meet the requirements of the NPPF.

Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. The applicant's agent states that economic benefits are the provision of direct and indirect employment and the contribution of the increase in population to the local economy and that social benefits are the contribution towards the supply of deliverable housing land and towards meeting the area's affordable housing needs, and the provision of new public open space. In terms of the environmental dimension, the agent highlights the sustainability and energy performance characteristics of the development and states that the proposed development will have a positive impact on biodiversity, a neutral impact on flooding and drainage, no loss of significant trees and considerable new planting proposed, only localised visual impacts, will respect the local character and context and will include a net gain in open space.

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 market housing and making a financial contribution towards the provision of off-site affordable housing. The issue of the environmental impact of the scheme will be considered fully below.

In consideration of the scheme at the pre-application stage, Urban Vision Design Review Panel expressed concern that the development of this site would not be in keeping with the existing pattern of development in the village and that the development would set a precedent and place pressure on other greenfield sites around Ashley and other villages. Although all applications should be considered on their merits, circumstances have to be the same for precedent to be created and there has to be evidence that there is real likelihood that similar applications would be submitted, it is the case that given the form of the village there are a number of sites adjacent to and close to the Village Envelope of Ashley which are the subject of responses to the Call for Sites being undertaken as part of the Joint Local Plan. Acceptance that Ashley is a sustainable development for residential development would create a precedent and make similar applications for such sites difficult to resist in terms of the principle of development. It is the case that the proposal would extend built development out to the east of the existing pattern of development and would not comprise a 'natural or logical' extension to the village. This is a material consideration which weighs against the proposal but whether this and any other adverse impact would significantly and demonstrably outweigh the benefits will be considered at the end of this report.

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

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

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

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

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

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

A mix of 4 and 5-bed dwellings are proposed and all the dwellings would be 2-storey. An area of Public Open Space is proposed on the eastern boundary of the site comprising a new woodland and wetland habitat. It would connect to the existing children's play area to the south and is designed to create a buffer between the proposed development and the open countryside.

There is a mix of dwelling size and style in the area and densities vary across the village. The density of the proposed scheme would be approximately 7 dwellings per hectare. Six different house types are proposed with subtle changes in materials and elevational treatment to ensure variety but a consistency of style. The materials would comprise a mix of red and blue facing bricks, timber cladding, white render and zinc cladding.

In consideration of the scheme at the pre-application stage, Urban Vision Design Review Panel was also not convinced that the design quality proposed was befitting of the opportunity presented by this attractive site. The house types were considered to be standard and more differentiation in their external appearance was suggested. It was considered that the materials proposed would give a contemporary feel but as juxtaposed would be harsh and out of context for the rural edge of a village. The Panel felt that the access road was over engineered and that a more visionary, strategic approach to the landscape was required. The applicant's aspiration to achieve high levels of sustainability and energy performance was applauded but it was considered that the approach needed to be more radical to mitigate the loss of open countryside.

Your Officer's view is that given the edge-of-village location of the site, the density of the proposed scheme is appropriate. Notwithstanding the views of Urban Vision, it is considered that the design of the dwellings and the materials' palette proposed would provide sufficient variety to create interest whilst ensuring a consistency throughout the site. Whilst the contemporary design of the dwellings differs from that of the existing properties nearby, given the variety of dwelling size and style currently in the area, it is not considered that the design of the dwellings would be harmful to the character of the area.

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

The site is within a Landscape Maintenance Area and Policy N19 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not erode the character or harm the quality of the landscape.

The applicant's agent states that existing mature hedgerows and trees are to be retained and enhanced and that a landscape buffer is proposed along the east side of the site limiting the landscape and visual impact of the development on the wider countryside. Existing views of the site are limited due to the presence of mature hedgerows and trees along its boundaries. With appropriate and sensitive additional planting, it is considered that the development would have limited effect on the wider landscape character.

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

The site would be accessed from Woodrow Way by extending the cul-de-sac into the application site.

Concerns have been raised by residents on the grounds that Woodrow Way is too narrow to accommodate the additional traffic and is impassable to emergency and refuse vehicles and that Charnes Road is also of insufficient width to serve a large estate of 40 or more cars in addition to the existing traffic.

The application is accompanied by a Transport Statement (TS) and a further Technical Note (TN) which includes a traffic speed and volume survey on Charnes Road and information regarding visibility splays. The TS and TN state that the traffic using the local highway network is modest and the number of additional vehicle trips generated by the proposed development would be low and would have no material impact on the existing situation. The documents conclude that the proposed development is acceptable with regards to transport matters.

The Highway Authority raises no objections to the application subject to the imposition of conditions. They comment that the existing width of Woodrow Way is 4.8m which complies with the national guidance document, Manual for Streets. They go on to state that in the assessment of the application they have taken into account the information and data within the TN which demonstrates that the required visibility splays are achievable and that Charnes Road is lightly trafficked. In addition there have been no recorded accidents on Charnes Road and Woodrow Way in the last 5 years.

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

The Council's Waste Management Section expresses concern that the development may well sometimes be impossible to reach given that Woodrow Way can be difficult to collect from due to its narrow width and the presence of parked cars blocking access to the properties furthest from Charnes Road. In addition, they state that the layout appears poor and having properties grouped together along shared private accesses can result in problems. They state that a better design would be to have a turning head at each of the furthest ends.

In response to the comments of the Waste Management Section, the applicant's agent states that the turning head in the location shown would allow a collection vehicle to get within acceptable 'carry distances' of all properties. Manual for Streets identifies 25m as an acceptable carry distance and the private drives are approximately 25m long. Allocated areas have been provided within each plot's driveway to ensure that bins can be stored securely and out of the immediate streetscene. With regards to the width of Woodrow Way and the suggested difficulties for waste collection, it is stated that this is an existing issue not arising from the development itself but from parking by occupiers of Woodrow Way. The existing carriageway width is 4.8m and meets the required standard. It is asserted that compared to the existing situation, the proposed development should offer a benefit to

waste collection vehicles as they will be able to turn at the turning head on the new development and thus enter and leave Woodrow Way in a forward gear.

It does appear that on-street parking is causing an existing problem for waste collection services but it is not considered that the proposed development would materially exacerbate the situation. The proposed layout complies with Manual for Streets and in the absence of any objections from the Highway Authority, it is not considered that an objection on this basis could be sustained.

Is affordable housing provision required and if so how should it be delivered?

CSS Policy CSP6 states that residential development within the rural area, on sites of 5 dwellings or more will be required to contribute towards affordable housing at a rate equivalent to a target of 25% of the total dwellings to be provided. Within the plan area the affordable housing mix will be negotiated on a site by site basis to reflect the nature of development and local needs.

This application proposes 10 dwellings and at 25% provision for affordable housing, 3 affordable dwellings would be required. In this case the applicant proposes to deliver the affordable housing by a commuted sum for provision elsewhere in the Borough.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that affordable housing and 'tariff-style' contributions should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

Whilst in this case the site is 10 units or less, it would have a gross floorspace of significantly more than 1,000 square metres and therefore the guidance does not rule out seeking affordable housing in this case.

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

Although no comments have been received from the Council's Housing Strategy Section regarding the application, they did comment in relation to the pre-application enquiry for the site. They stated that given that this is a relatively small development with very large and spacious properties, a Registered Provider would not wish to take on such units for affordable housing and so an off-site contribution of a broadly equivalent value could be acceptable.

It is considered that a low density development is appropriate in this edge of village location and therefore your Officer considers that off-site provision secured by means of a financial contribution is appropriate in this instance. It is critical that calculation of the level of financial contribution fully takes into account the real difference between the costs of offsite and onsite provision, so that there is no financial benefit to the developer in proceeding in this way. Should Members resolve to approve the application, the advice of the District Valuer would need to be sought regarding the sum to be required.



### What financial contributions are required?

As referred to above, the Ministerial Statement indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres. Notwithstanding whether an education contribution is considered to meet the definition of a ‘tariff-style’ contribution or not, given that this development would have a gross floorspace of significantly more than 1,000 square metres, the guidance does not rule out seeking an education contribution in this case.

Staffordshire County Council states that no education contribution is requested for the revised scheme for 10 dwellings on the grounds that the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 ha. This site, at 1.34ha, significantly exceeds 0.2ha and having considered the County Council’s Education Planning Obligations Policy, and on the basis that Madeley High School is projected to be full for the foreseeable future, it is considered that an education contribution should be sought. The County Council has confirmed verbally that their response was incorrect and that a contribution of £33,244 for 2 high school places should be sought.

The obligation is considered to meet the tests identified in paragraph 204 of the NPPF and is compliant with Section 122 of the Community Infrastructure Levy Regulations. However, it is also necessary to consider whether the financial contributions comply with Regulation 123 of the CIL Regulations, which came into force on 5<sup>th</sup> April 2015. 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. More than 5 obligations have already been entered into providing for a contribution to Madeley High School. The first five obligations that have been entered into since April 2010 in which an education contribution has been secured for Madeley High School, will be utilised towards a specific project to provide additional classrooms and an extension to the dining room. Any subsequent planning obligations will be for a different project or projects than mentioned above. On this basis, it is considered that the contribution complies with CIL Regulation 123.

### 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?

In conclusion, the proposal would result in the provision of ten houses, which would make a not insignificant contribution towards addressing the current shortfall in housing supply, and bring about limited economic benefits associated with its construction and occupation. However, the development would not comprise a ‘natural or logical’ extension to the village and it is not in a sustainable location owing to its distance from services and the necessity for future residents to travel to and from the site by car.

Overall, the adverse effects of allowing the development of this proposal, significantly and demonstrably outweigh the benefits.

## APPENDIX

### **Policies and proposals in the approved development plan relevant to this decision:-**

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP6:	Rural Area Spatial Policy
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change
Policy CSP4:	Natural Assets
Policy CSP5:	Open Space/Sport/Recreation
Policy CSP6:	Affordable Housing
Policy CSP10:	Planning Obligations

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

Policy H1:	Residential Development - Sustainable Location and Protection of the Countryside
Policy N3:	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4:	Development and Nature Conservation – Use of Local Species
Policy N17:	Landscape Character – General Considerations
Policy N19:	Landscape Maintenance 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 \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

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

[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 SPD \(2010\)](#)

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

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

[Staffordshire County Council Education Planning Obligations Policy](#)

[Relevant Planning History](#)

None

## Views of Consultees

The **Environmental Health Division** has no objections subject to conditions regarding contaminated land, hours of construction submission of an Environmental Management Plan.

The **Highway Authority** has no objections subject to conditions requiring the provision of the internal site road, parking and turning areas, the submission of details of the means of surface water drainage, submission of details of the installation of a street light on Charnes Road between Woodrow Way and Green Lane, retention of garages within the scheme for parking of motor vehicles and cycles, and submission of a Construction Method Statement.

The **Waste Management Section** states that Woodrow Way is sometimes difficult to collect from because it is narrow and parked cars block access to the properties furthest from Charnes Road. The development may well sometimes be impossible to reach leading to inconvenience to residents and high costs to the Council making speculative return visits hoping to be able to reach the properties. The layout appears poor and designs in the blight of containers being left out on the highway between collections. Having properties grouped together along shared private unadopted accesses is a very problematic design and instead of a central turning head with two substantial private shared accesses, a better design would be to have a turning head at each of the furthest ends. The current design will mean that residents opt to leave their containers out between collections as they consider it too far to take bins back to their own properties creating complaints and staff will not collect from the points where individual property boundaries meet the private sections. Should a resident of one of the end properties ever require an assisted collection it poses a significant problem in terms of the logistics and health and safety when arranging to make collections.

The **Landscape Development Section** states that their original concerns, about the distance of properties to the existing playground facility and about the proximity of Plot 6 on the original layout to the two Category A Ash trees, have been addressed. The dwellings should however be facing the open space to allow for natural surveillance which has not been addressed with the revised layout.

The proposal would require a LAP (Local Area for Play) and LEAP (Local Equipped Area for Play) facility. Due to the proximity of the existing play facility, the Council would consider that the developer could allow for improvements to these facilities in association with the local Parish Council (appropriate proportional sum to be agreed) instead of creating a new LEAP. A new LAP should be installed within the open space provided.

Should this development be approved then conditions are suggested requiring retention and protection of trees and hedgerows during construction, submission of an Arboricultural Method Statement and a dimensioned Tree protection Plan, alignment of utility apparatus, schedule of works to retained trees and detailed hard and soft landscaping proposals.

The **Education Authority** states that the threshold for calculating education contributions on residential developments is 11 or more dwellings, or a site greater than 0.2 hectares. Therefore, no education contribution is requested for this application.

The **Crime Prevention Design Advisor** has no objections to the principle of housing and there are some positive layout features evident on the proposed site plan such as generally good levels of natural surveillance, overlooked parking provision and some rear gardens backing onto others to provide mutual security. If other rear garden boundaries will comprise only planting and no fencing, they will need to be suitably dense and reinforced to offer an appropriate level of protection against intrusion. Fencing and lockable gating should be incorporated and positioned as close as possible to the front of the building line to prevent unauthorised access.

It would be better for the new development to have views over the existing play area. Incorporating views over the area of public open space in the south-east corner of the site would also be desirable. It is also recommended that robust physical security is installed throughout the development.

The **Lead Local Flood Authority** states that the Flood Risk Assessment & Drainage Strategy demonstrates that an acceptable surface water drainage strategy can be achieved within the

proposed layout which includes permeable paving and an attenuation pond. No objections are raised subject to a condition requiring the submission, approval and implementation of a detailed surface water drainage scheme.

**Severn Trent Water** has no objections subject to a condition requiring drainage plans for the disposal of foul and surface water flows.

**Loggerheads Parish Council** objects on the following grounds:

- The site is outside the village envelope, is in an area of landscape maintenance and there is no affordable housing on site.
- The application does not meet the local housing needs identified in the Loggerheads Housing Needs Assessment.
- In the Borough Council's own assessment of Strategic Housing Land Availability, updated in 2017, the lists of sites assessed as Not Deliverable and Developable includes sites in Ashley adjacent to this site. The reason given applies equally to this site – adjacent a Tier 3 settlement indicating a lack of pedestrian access to key facilities within or outside the settlement.
- The site is not in a sustainable location. There is a total lack of facilities within a safe walking distance and a lack of frequent accessible public transport which is reached by an unsafe pedestrian route.
- Access to the site is via lanes that are sub-standard in width.
- Both the applicant's Technical Note and the consultation response of the Highway Department are silent on the issue of the width of Woodrow Way and the technical distance needed for construction traffic to access the site. The Borough's recycling truck is not able to access the full road and the width will not support the flow of construction traffic.
- The proposal is out of character with the adjacent area.

Detailed comments are made regarding the application documents. A brief summary is as follows:

- Although the application form states that waste will be easily accessed from the roadside, existing properties have missed collections as the waste vehicle has been unable to gain access due to on-street parking.
- Additional vehicles would have difficulty accessing the site due to on-street parking.
- It is questioned whether the consultation with local residents has been meaningful. A leaflet drop took place to a small number of houses directly adjacent to the site. A public meeting would be beneficial but has not happened.
- The bus does not run at convenient times for access to work or in the evening or on Sundays.
- The affordable housing should be on site, rather than diverted elsewhere.
- The proposal for 'eco properties' outside the village envelope of a non-sustainable village does not make it a sustainable development particularly when the high level of car usage and total lack of local facilities is taken into account. The only facilities are a pub, restaurant, doctor's surgery and two churches.
- These 12 dwellings could only make an insignificant contribution to renewable energy or low carbon energy targets when considered as part of the borough as a whole.
- The Parish Council supports the findings of the Design Review Panel and is concerned that their conclusions and recommendations seem to have been ignored.
- The application states that there have been no previous planning applications on the site but this is incorrect. In 1988 an application for a bungalow was refused and then refused at appeal.
- There are currently 40 similar properties for sale within 3km of the site.

No comments have been received from the **Housing Strategy Section** or from **United Utilities**. Given that the period for comment has passed, it must be assumed that they have no comments to make.

#### Representations

Approximately 82 letters of objection have been received. Objection is made on the following grounds:

- The site lies outside the village envelope and has special landscape value
- It is too far from essential services and employment
- Pedestrians cannot walk safely from the site to shops due to the narrow roads and lack of or very narrow pavements
- The junction of Woodrow Way and Charnes Road has limited visibility and the right turn out of Woodrow Way is dangerous
- Woodrow Way is too narrow to accommodate the additional traffic and due to on-street parking, is impassable to emergency vehicles and refuse/recycling vehicles
- Charnes Road is of insufficient width for a carriageway to a large estate of 40 or more cars in addition to existing traffic. It has no pavements or lighting.
- Houses are poorly designed, out of keeping with the village architecture and will harm its character
- A village with such limited facilities will struggle to accommodate the increase in population. The local GP and school will be unable to cope.
- The plan shows no social housing, bungalows for the elderly or affordable houses. Smaller houses would be more appropriate and would retain a healthy mix in the area. There are already several large houses for sale in Ashley and there is no requirement for more.
- Ashley and Loggerheads Parish have carried out their own survey in 2014 which has been updated this year. That shows that only 12 houses per year are needed and that there is enough building land for 20 years.
- If this development is approved, it will set a precedent
- Impact of construction noise
- Impact on property value
- Impact on sewerage capacity
- The intention of highly sustainable dwellings is not sufficiently well developed or secured through a recognised standard and is therefore meaningless.
- The applicant has not significantly or demonstrably shown that the adverse impacts would be outweighed by the benefits
- The Habitat Suitability Index that accompanies the application is incomplete as not all pools in the vicinity have been accessed.
- Lack of consultation with the community

#### Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design & Access Statement
- Planning Statement
- Energy and Sustainability Statement
- Extended Phase 1 Habitat Survey
- Phase 1 Desktop Investigation
- Arboricultural Impact Assessment
- Transport Statement
- Flood Risk Assessment & Drainage Strategy
- Strategic Landscape Management Plan

These documents are available for inspection at the Guildhall and on <https://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00605/FUL>

#### Background papers

Planning files referred to

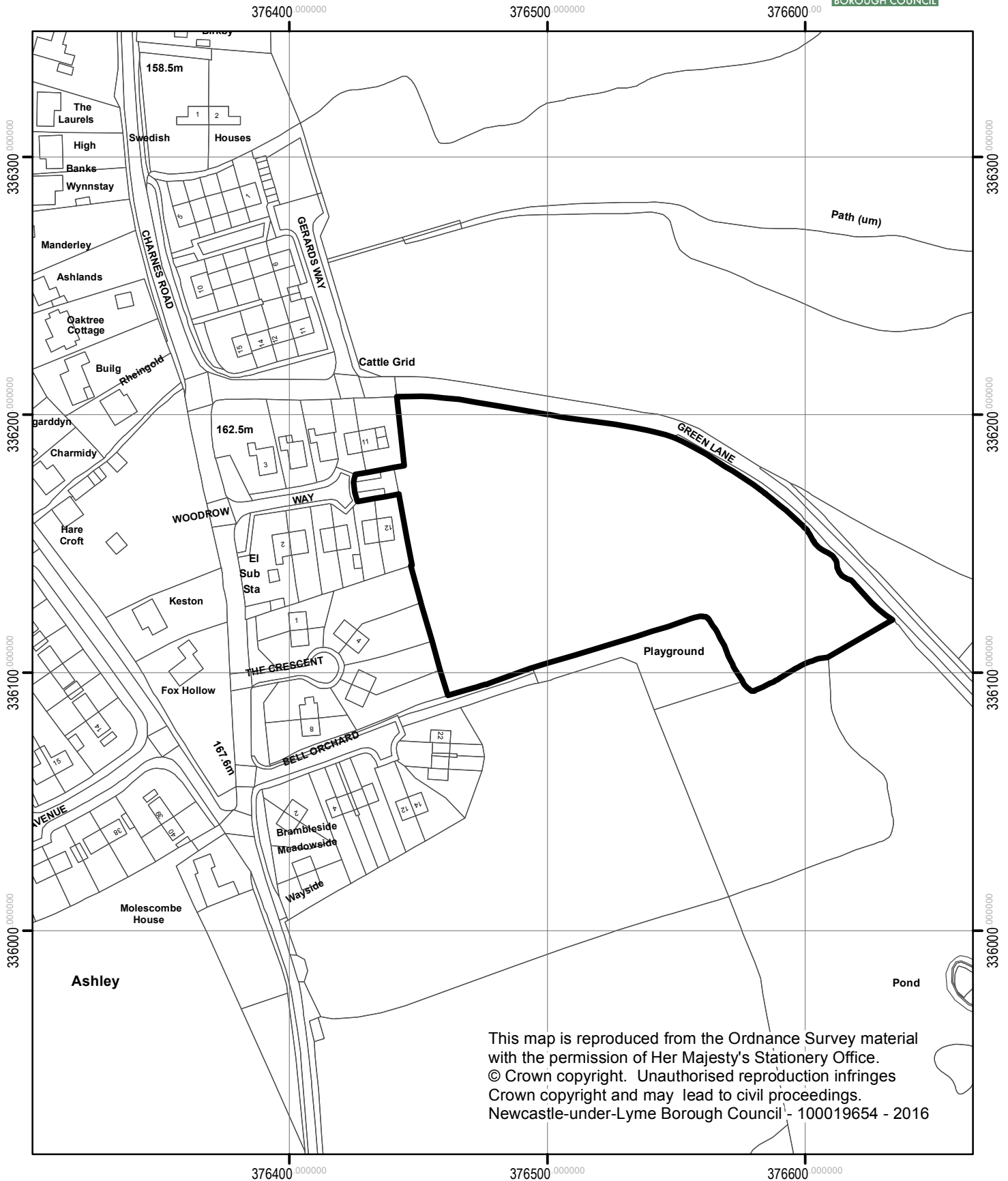
Planning Documents referred to

#### Date report prepared

17<sup>th</sup> November 2017

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# Land off Woodrow Way, Ashley 17/00605/FUL



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**FORMER GE DIAMOND BUILDING, WEST AVENUE, KIDSGROVE**  
**RELIANCE MEDICAL LIMITED**

**17/00848/FUL**

The application seeks to vary condition 2 of planning permission 14/00736/FUL which granted full planning permission for a new industrial unit, link to an existing unit, and associated service area and car parking. Condition 2 lists approved drawings and the variation sought seeks to substitute amended plans to allow for amendments to the approved elevations through the introduction of additional windows.

**The 13 week period for this application expires on 22<sup>nd</sup> January 2018.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to**

- 1. The variation of condition 2 to reflect the revised drawings**
- 2. Any other conditions of 14/00736/FUL as continue to apply to the development**

**Reason for Recommendation**

The revisions sought to the approved plans result in a building that is acceptable in appearance and accords with national and local policy regarding design.

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

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

**Key Issues**

The application seeks to vary condition 2 of that permission, which listed the approved plans, following the granting of full planning permission for a new industrial unit in 2015 and given that the development has already been carried out this is an application submitted pursuant to Section 73A of the Town and Country Planning Act 1990.

The proposals involve the adaption of the building to facilitate its use by a pharmaceutical company including the provision of additional floorspace within the building. The provision of such floor space does not, however, require planning permission as it is not 'development', in the absence of any conditions altering that position. Issues of parking are not, therefore, material to the determination of this application although it is noted that there is space to park 70+ vehicles in front of the building and as such it is not anticipated that any parking issues will arise. The only issue that is raised by the proposal is whether the amendments are acceptable in respect of their appearance.

The proposed amended plans seek approval for the introduction of two further rows of windows on the east (front) elevation at first and second floor level above an existing row of windows at ground floor serving office floorspace. The design and appearance of the additional windows match those already in situ. A further three windows are proposed at first floor level above a doorway on the east elevation. The windows are acceptable in appearance, reflecting the design and appearance of the building as constructed, and provide additional visual interest to the primary elevation of the building.

## 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 CSP1: Design Quality

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

None

### **Other Material Considerations include:**

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

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

Relevant Planning History

Other than the planning permission that this application seeks to vary, there is no relevant planning permission.

Views of Consultees

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

The views of **Kidsgrove Town Council** have been sought and will be reported if received.

Representations

None

Applicant's/Agent's submission

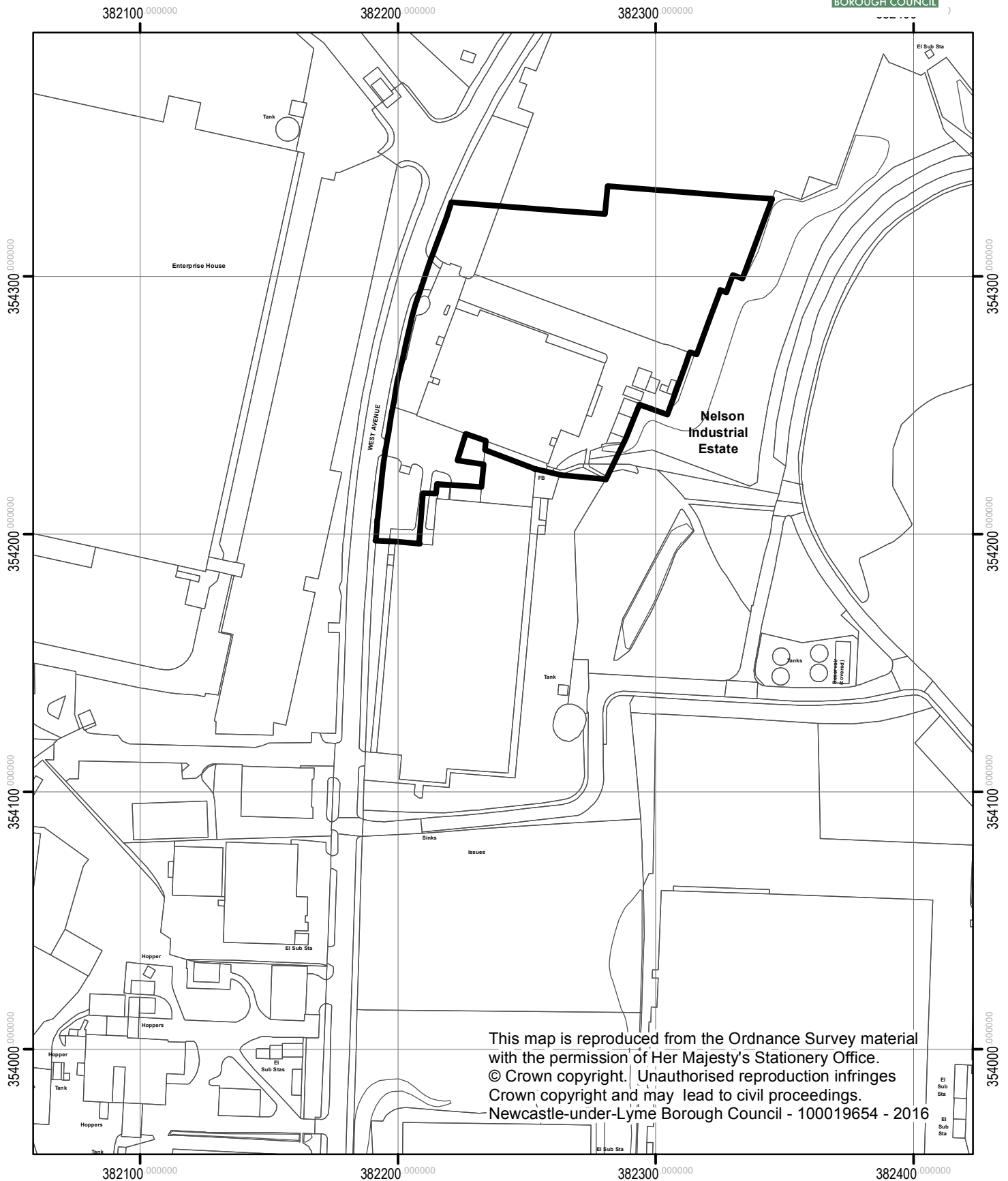
The application form and plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00848/FUL>

Background papers

Planning files referred to  
Planning Documents referred to

Date report prepared

16<sup>th</sup> November 2017



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**NEWCASTLE-UNDER-LYME COLLEGE, KNUTTON LANE**  
**NEWCASTLE-UNDER-LYME COLLEGE**

**17/00839/FUL**

The application seeks to vary condition 57 of planning permission 06/01180/OUT which granted outline planning permission for the new college, sports facilities, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works

Condition 57 as worded in the decision notice is as follows:

*Before the proposed College development is brought into use the proposed toucan crossing facility across Knutton Lane shall be constructed in accordance with details to be first submitted to and approved by the Local planning Authority. This drawing shall incorporate two-dimensional and three dimensional revisions as recommended in the Stage 1 Safety Audit (attached to this consent) and in accordance with engineering details which shall be submitted to, and approved in writing by, the Local Planning Authority and which shall include construction, surface water drainage and street lighting details and which shall thereafter be constructed in accordance with the approved drawings the subject of this consent.*

**The 13 week period for this application expires on 18<sup>th</sup> January 2018.**

## **RECOMMENDATIONS**

**PERMIT subject to conditions relating to**

- 1. The variation of condition 57 stating that the highway works, as detailed on the General Arrangement Drawing no. CDD0039/R01/01 Rev C0, are hereby approved.**
- 2. All other conditions attached to planning permission 06/01180/OUT that have not already been discharged.**

## **Reason for Recommendations**

The highway works as detailed on the submitted plans and which have been recently completed achieve appropriate improvements to pedestrian and cycle routes to the College and are an acceptable alternative to the provision of a Toucan crossing as required by condition 57.

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

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

## **Key Issues**

Outline planning permission was granted in 2007 for, amongst other things, a new college building. Condition 57 of that permission set out the requirement that a Toucan crossing should be constructed prior to the College opening. Details of the required Toucan crossing were agreed but such works were never implemented in part because the works involved land not within the highway and not in the ownership or control of the applicant.

Recently highway works have been agreed and undertaken by the Highway Authority involving the provision of a segregated pedestrian and cycle route from the A34 Lower Street to the College on Knutton Lane, the upgrading of the zebra crossing on Knutton Lane close to Dunkirk which provides a parallel crossing for cyclists and pedestrians, and improvements to the existing puffin crossing on Knutton Lane which is situated close to the Rycroft roundabout. Such works improve pedestrian and cycle routes to the College in its new location and as such will encourage sustainable modes of travel.

Such works are considered to be an acceptable alternative to the provision of a Toucan crossing as required by condition 57 and as such it is considered that the condition can be varied.

## 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 SP3: Spatial Principles of Movement and Access

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

None

### **Other Material Considerations include:**

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

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

### Relevant Planning History

In 2007 outline planning permission was granted for the erection of a new College, sports facilities, nursery, superstore, petrol filling station, offices, housing, parking, landscaping and associated engineering works (06/01180/OUT).

Reserved matters approval was given for the new College building and the adjoining sports hall under references 07/01005/REM and 08/00801/REM.

Details to satisfy the requirements of condition 57 of planning permission 06/01180/OUT were approved in 2010, reference 06/01180/CN57.

### Views of Consultees

The **Highway Authority** have no objections advising the that removal of the toucan crossing and upgrading of the zebra crossing to provide a parallel crossing for cyclists and pedestrians on Knutton Lane is acceptable.

### Representations

None

### Applicant's/Agent's submission

The application form and plan and supporting information are available for inspection at the Guildhall and on the website that can be accessed by following this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00839/FUL>

### Background papers

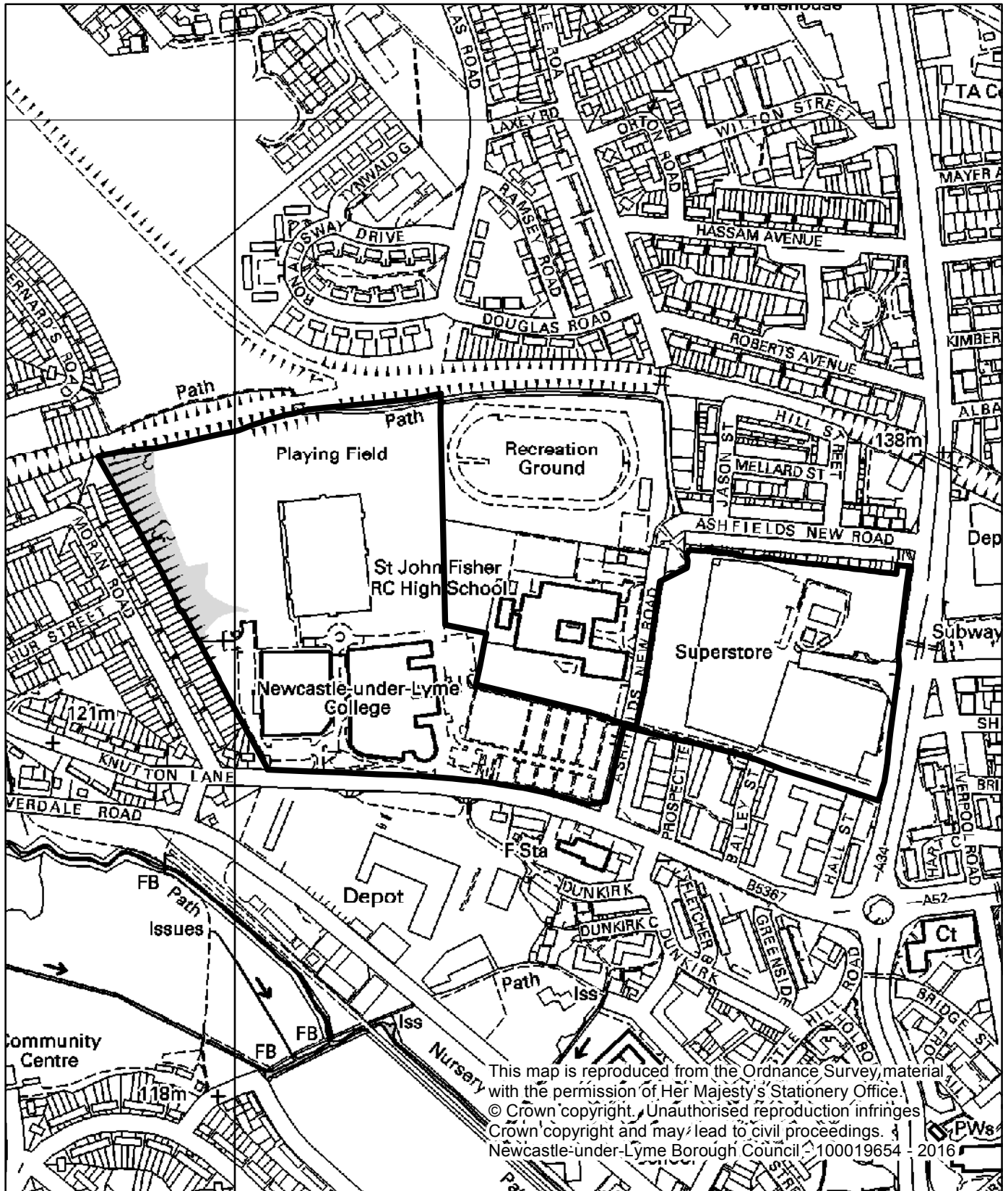
Planning files referred to  
Planning Documents referred to

### Date report prepared

16<sup>th</sup> November 2017

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**LAND AT CEDAR AVENUE, ALSAGER**

**McCARTHY & STONE**

**CHESHIRE EAST ref: 17/5537c (NuIBC ref 348/245)**

The Borough Council has been consulted by Cheshire East on an application for the erection of retirement living accommodation (Category II type) together with communal facilities, landscaping and car parking (mix of 14 one bedroom and 29 two bedroom retirement apartments for sale to older people) on land at Cedar Avenue, Alsager

**For any comments that the Borough Council may have on this application to be taken into account, they have to be received by Cheshire East by no later than 6<sup>th</sup> December.**

**RECOMMENDATION**

**That the Cheshire East be informed that the Borough Council has no objections to the application**

**Reason for Recommendation**

The application has no strategic implications for the Borough Council.

**Key Issues**

The Borough Council has been consulted by Cheshire East on a planning application for development in Alsager. The site in question lies on the south side of Alsager and already has outline planning permission for up to 14 dwellings and new proposals have been received for retirement living accommodation.

The principle of residential development on this site has already been agreed by Cheshire East. There are no strategic implications for the Borough Council arising from this application.

**Date Report Prepared**

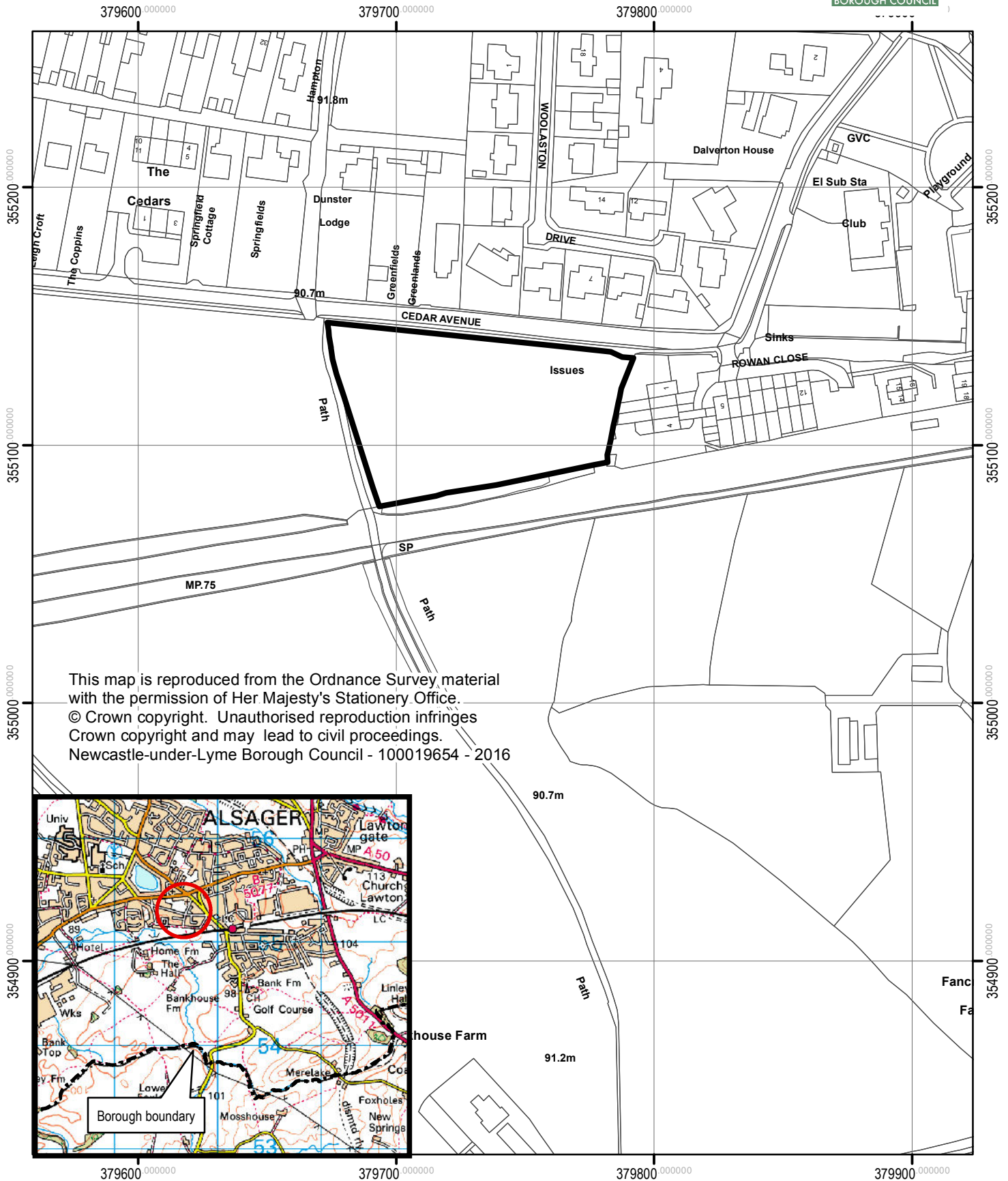
24<sup>th</sup> November 2017

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Consultation by Cheshire East on full application 17/5537C for Land at Cedar Avenue, Alsager



348/245



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**FORMER MMU SITE OFF HASSALL ROAD, ALSAGER**

**DAVID WILSON HOMES**

**CHESHIRE EAST ref: 17/5557Cc (NuIBC ref 348/248)**

The Borough Council has been consulted by Cheshire East on an application to amend planning approval for 15/5222C to a site off Hassall Road, Alsager to replace certain plots with the new David Wilson Homes House Type range and increase the total number of dwellings on the site by 9, from 62, to 71

**For any comments that the Borough Council may have on this application to be taken into account, they have to be received by Cheshire East by no later than 7<sup>th</sup> December.**

**RECOMMENDATION**

**That the Cheshire East be informed that the Borough Council has no objections to the application**

**Reason for Recommendation**

The proposed increase in the total number of dwellings is very limited in a strategic context and has no implications for the Borough.

**Key Issues**

Planning permission (Cheshire East reference 15/5222C) was granted by Cheshire East for the demolition of all buildings on the former MMU site off Hassall Road, Alsager and the erection of 426 dwellings with associated car parking, laying out of grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses.

The applicant is seeking to alter the house types on certain plots and increase the number of units (on a particular part of the site) by 9 from 62 to 71. The principle of residential development on this site has already been accepted

There are no strategic implications for the Borough Council arising from this application.

**Date Report Prepared**

24<sup>th</sup> November 2017

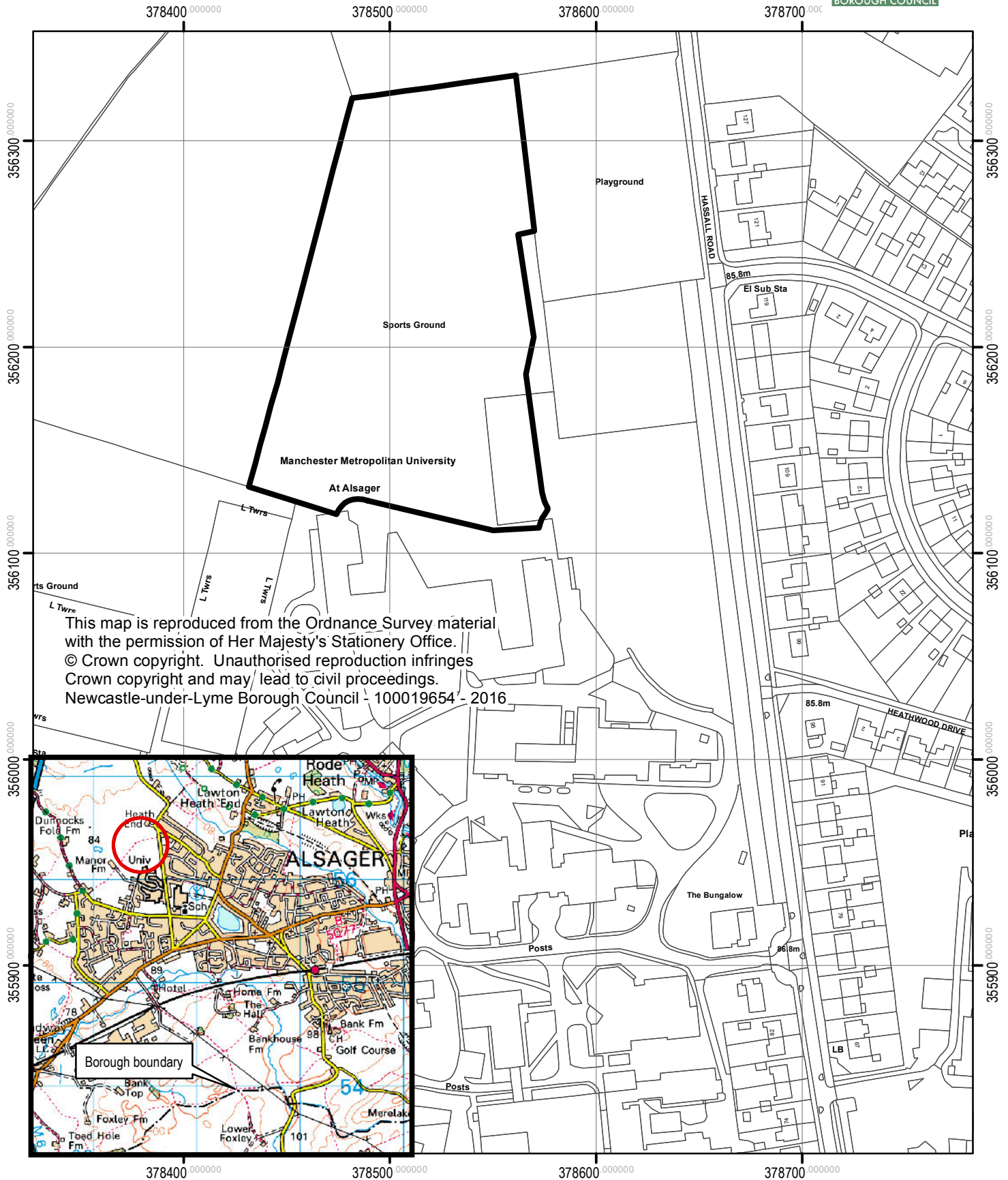
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**Consultation by Cheshire East on full application 17/5777C for Amendments to planning approval 15/5222C to site off Hassall Road, Former MMU Alsager Campus site**



**348/248**



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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 4<sup>th</sup> October 2017 but the applicant has agreed to an extension of time to that period to the 8<sup>th</sup> December 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.

A report was prepared for the 7th November Planning Committee but following the submission of a revised site layout plan a further statutory consultation with the Parish Council was required and a decision could not be made at that meeting.

The main issues for consideration in the determination of this application remain 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.

As discussed the applicant has submitted a revised layout plan which increased access radii to 9 metres (to change the tracking alignment on access and egress), amend the internal movement profile to ensure that all deliveries can take place simply and quickly within the site, increased the number of parking spaces from 18 to 22, and relocated the cycle store to reduce clutter at the front of the store and enable a covered store to be provided.

Both the Parish Council and the Highways Authority have objected to the revised site layout plan and the applicant wishes to now revert back to the originally submitted scheme but has indicated that they wish to provide four further car parking spaces indicating that this could be achieved by condition.

Based on the maximum parking standards the development should be permitted to provide no more than 30 off street car parking spaces. The original scheme, which is again to be considered, provides a total of 18 car parking spaces, including two accessible parking spaces, for the proposed store. Bearing in mind that the proposed store 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. The additional four car parking spaces, which the applicant indicates that they would wish to provided would, in your officer's opinion, limit the space within the site to manoeuvre and may adversely affect the relationship between the store and the six dwellings beyond the rear of the site. The condition to secure a further four parking spaces is therefore not recommended.

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 which secure the proposed arrangements and the management of deliveries/ servicing and the construction of the development it is considered that the proposed layout, parking and access arrangements are broadly acceptable and accord with the local plan and the guidance and requirements of the NPPF. It is not considered that a refusal of the application on the grounds of highway safety could be sustained.

It should be noted that in reaching this conclusion the contents of the Highway Report submitted on behalf of residents objecting to the development have been taken into considered by both your officer and the Highway Authority however the TS submitted on behalf of the applicant is considered to be a sound basis upon which to conclude that there are no adverse highway safety will arise from this development.

#### 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	<b>Refused</b>
15/00692/FUL	Erection of 12 houses	<b>Permitted</b>
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	<b>Permitted</b>

#### 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.

They have also raised objections to the revised site layout plan on the grounds that there will be a severe impact in terms of highway safety and internal design issues for manoeuvring large vehicles that cannot be controlled, and will block off the residential end. The developer has not responded to the issues raised in this regard and it is unclear why the Highway Authority has not passed the highway report in support of the objector or acknowledged its contents. Furthermore pedestrians will need to walk across the path of the manoeuvring vehicles, due to the pavement design. The original drawings and the design and access statement demonstrated a clearly defined retail area from the residential area with planting – the new plans now remove this distinction, although the design and access statement has not been amended to reflect this change. Currently it is intended to be a private access road, however consideration must be given to the potential for this to become adopted due to the residential units. It is also noted that there is a Grade II listed building opposite the entrance, which may be placed in danger, should vehicles bump up the kerb to avoid the delivery vehicles which are entering/exiting the premises. Finally they question why an independent safety audit has not been carried out for all associated vehicular movements.

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.

In response to the revised site layout plan HA objects to this revised scheme on the grounds that the scheme raises a number of concerns that have failed to be addressed within the revised scheme. The revised layout fails to provide an acceptable standard junction radii, details which show how pedestrians will cross at the junction, swept path analysis information, details of how the proposed car park and access road to the dwellings will be maintained, and, details of the proposed turning manoeuvre of the delivery vehicle within the access road to the six dwellings, A Stage 1 Road Safety Audit will be required if the radii is increased to 10 metres.

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 240 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.

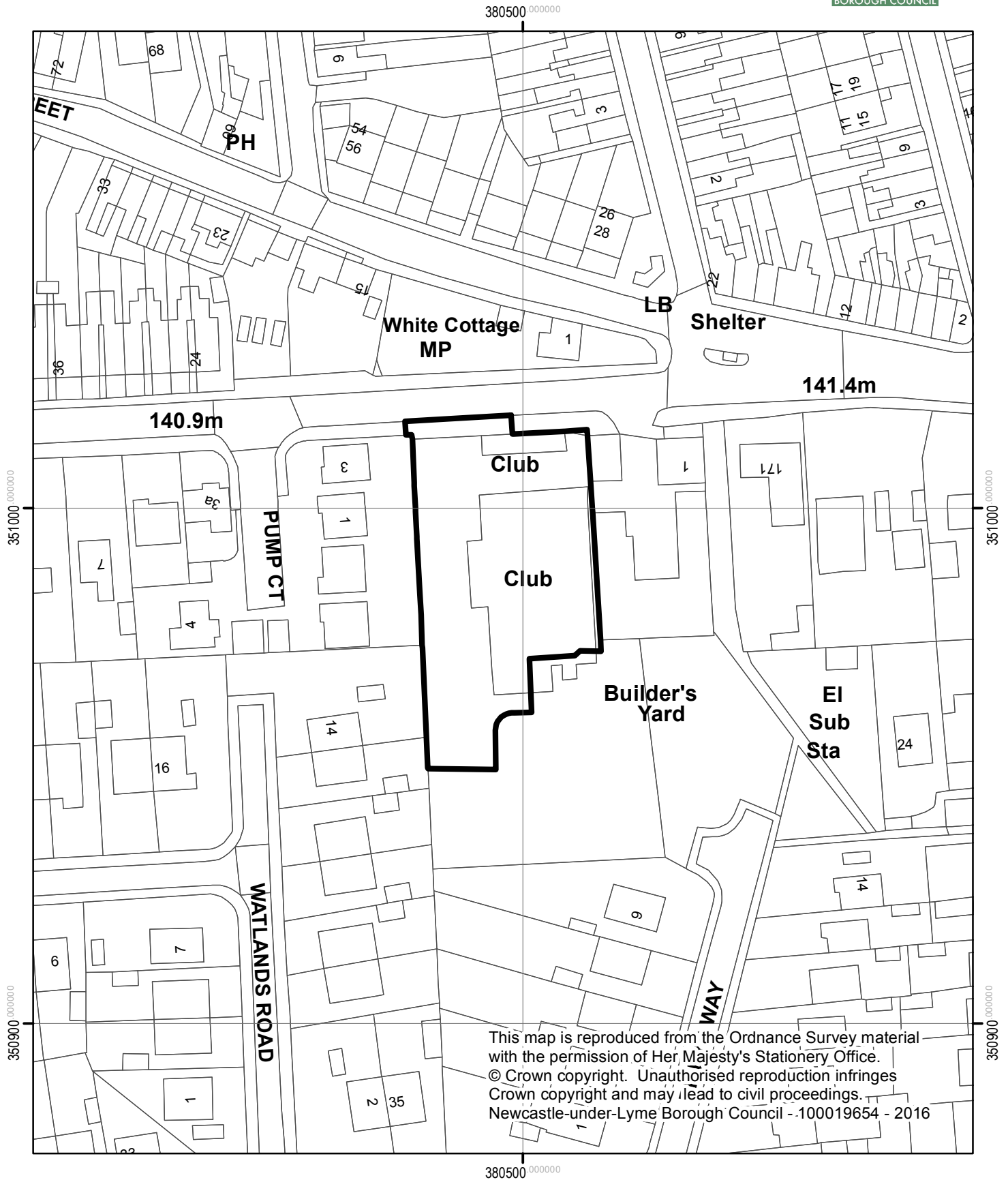
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00673/FUL>

Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

21st November 2017



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**MCDONALDS RESTAURANT, DIMSDALE PARADE WEST**  
**MCDONALD'S RESTAURANT'S LTD**

**17/00856/FUL**

The application is for the variation of condition 4 of planning permission 99/00330/FUL to allow revised opening hours for the main restaurant from 05:00 hours to 00:00 seven days a week and the hours of operation of the drive-thru facility to be 24 hours a day seven days a week (opening hours are currently 0700 and 2300 hours).

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

The application has been called in to Committee by two Councillors due to resident's concerns.

**The 8 week period for the determination of this application expires on the 14<sup>th</sup> December 2017.**

**RECOMMENDATION**

Permit with the following conditions;

1. Revised opening/ operating hours for the main restaurant to be from 05:00 hours to 00:00 seven days a week and the hours of operation of the drive-thru facility to be unrestricted,
2. Submission and approval of the updated arrangements to control onsite and offsite litter,
3. All other conditions of the previous permission, application no. 99/00330/FUL, that are still required and relevant.

**Reason for Recommendation**

The application has demonstrated through the submission of an amended noise impact assessment that the revised opening/ operating hours of the existing restaurant would not result in a significant harmful impact to the residential amenity and quality of life of neighbouring residents, subject to conditions. The proposal is therefore compliant with the guidance and requirements of the National Planning Policy Framework.

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

Since the previous refusal the applicant has carried out work to the premises and had further discussions with the Environmental Health Division prior to an application being submitted and the information submitted to support the application addresses concerns and demonstrates that the proposed revised hours are acceptable. 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 a resubmission following a refusal of planning permission (planning application reference 16/00726/FUL) for the same variation to condition 4 of 99/00330/FUL to allow revised opening hours for the main restaurant to be from 05:00 hours to 00:00 seven days a week and the hours of operation of the drive-thru facility to be 24 hours a day seven days a week.

The previous planning application, 16/00726/FUL, was refused for the following reason;

*"The proposed additional opening hours of the restaurant and drive-thru facility would result in*

*an unacceptable and harmful impact to the living conditions and quality of life of the occupiers of no. 279 Dimsdale Parade West and the amenity of the area in general by virtue of unacceptable levels of noise and disturbance which would be contrary to the guidance and requirements of the National Planning Policy Framework 2012.”*

Since that decision ventilation plant has been replaced at the restaurant in accordance with the recommendations in the Noise Report submitted with the previous application. The current application is supported by an amended noise report, along with a further justification for the extended opening hours.

The application is also supported by a Community Consultation Statement (dated June 2017) which sets out the community consultation processes that have taken place to engage with the local community, elected members, the police and council officers in order to address any concerns. Meetings and letters have been the main methods of consultation with the community.

The original planning permission, ref 99/00330/FUL, allowed under condition 4 the following;

*“The hours of opening of the development hereby permitted shall be restricted to between 0700 and 2300 on any day of the week.*

*Reason: To protect amenity.”*

The drive-thru restaurant is located on a busy roundabout at the junction of Dimsdale Parade West and the A34 with a residential property adjoining the site and further residential properties in the immediate locality.

As with the previously refused application the Authority, in the determination of this application, cannot reconsider the principle of the use of the building or whether the hours of opening should be restricted more than is currently the case, but it does have the following options:-

- If it considers that any additional hours of opening would result in an adverse impact on the living conditions of nearby residents, the original condition should remain and the application refused,
- If it considers that the condition should be varied then it should approve the application subject to the reworded condition or subject to a different condition as it considers appropriate.

The effect of a grant of permission upon an application to vary a condition is to create a new planning permission. Accordingly, unless there have been other material changes, such permission should also make reference to the other conditions of the original planning permission where they remain relevant.

Whether the extended opening hours would cause an unacceptable loss of amenity to neighbouring properties from noise and disturbance?

The National Planning Policy Framework seeks to protect living conditions and quality of life of an area (paragraph 123).

As discussed the previous application to extend the hours was refused due to the unacceptable and harmful impact to the living conditions and quality of life of the occupiers of no. 279 Dimsdale Parade West and the amenity of the area in general by virtue of unacceptable levels of noise and disturbance.

As indicated above, since the previous refusal new plant has been installed at the premises replacing that which was in place at that time. Following the installation and operation of the new plant a further noise assessment has been conducted and submitted. The new report indicates that there would be no noise impact from the new plant on the occupiers of the neighbouring properties. The new report also considers vehicle noise and anti-social



behaviour and sets out that mitigation measures are in place to minimise noise and disturbance levels.

The owners/ occupiers of no. 279 Dimsdale Parade West maintain their objections on a number of grounds and whilst improvements have been made in regards to extractor fan noise levels they still consider that the proposed increased opening hours will have a further detrimental impact on their living conditions and quality of life.

The Environmental Health Division has raised no objections to the application and no conditions to control noise and disturbance are advised.

Furthermore, the applicant has submitted further mitigation measures, specifically aimed at addressing issues of anti-social behaviour, which include a noise management plan that sets out additional measures that can be taken such as staff recording incidents, CCTV, increased signage and intercoms decibel levels being turned down. As these are matters that are addressed through the premises license it would not be appropriate to impose a condition that requires compliance with such a plan, but the indications are that the operator of the restaurant would comply the management plan and provide assurance that ant-social behaviour won't be an ongoing issue.

The Police have also raised no objections to the application and they would also be further consulted as part of the premises licence application.

Objections have been received indicating that there would be no benefits of the scheme but the applicant has indicated that the extension of the operating hours for the restaurant will create additional employment positions and additional working hours for existing employees at the site. In any event there is no policy requirement setting out that planning permission can only be granted if benefits are identified.

In consideration of the above it has been demonstrated that the proposed hours are unlikely to result in a significant harmful impact to the residential amenity levels and quality of life of neighbouring properties subject to the condition advised. The proposal therefore complies with the guidance and requirements of the NPPF and should be approved.

## **APPENDIX**

### **Policies and Proposals in the Approved Development Plan relevant to the decision:-**

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

None relevant

Newcastle-under-Lyme Local Plan (NLP) 2011

None relevant

### **Other Material Considerations**

National Planning Policy

National Planning Policy Framework (March 2012) as amended

National Planning Practice Guidance (March 2014) as amended

Relevant Planning History

99/00330/FUL Demolition of existing public house, construction of restaurant, revision of parking area, alterations to existing access arrangements and landscaping Permit

09/00212/FUL Refurbishment of restaurant and patio area to include removal of one drive through booth and associated elevational alteration. Installation of customer order display unit and height restrictor Permit

13/00780/FUL The reconfiguration of the drive thru lane with a new island for signage and reconfigured kerb lines including associated works to the site. The relocation of the booth windows to accommodate the new drive thru layout. The reconfiguration of the existing corral and the construction of new remote corral. The installation of 2 x Customer Order Displays (COD) with associated canopies Permit

16/00726/FUL Application for the variation of condition 4 of planning permission 99/00330/FUL to allow revised opening hours for the main restaurant to be from 05:00 hours to 00:00 seven days a week and the hours of operation of the drive-thru facility to be 24 hours a day seven days a week Refused

Views of Consultees

The **Highways Authority** raises no objections

The **Environmental Health Division** raises no objections to the planning application. They advise that a number of complaints have been received from residents since the previous decision which have been brought to the attention of the Franchise Holder and the store management and action has been taken. In addition the Local Policing Team have been contacted regarding incidents of anti-social behaviour at the store and have been advised that no reports have been received of this nature for this store.

The **Staffordshire Police Crime Prevention Design Advisor (SPCPDA)** raises no objections to the applications following consultation with the Neighbourhood Policing Sergeant and noise mitigating measures being undertaken by the applicant.

**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.

Representations

Twelve letters of objection have been received from the adjoining neighbouring property raising the following matters;

- The additional noise survey was carried out on a quiet Tuesday afternoon and not at when residents have indicated are the noisiest and busiest times.
- If customers causing problems within the boundary of the premises are removed as part of the management plan this would move the problem onto Dimsdale Parade West.
- The increase in hours of opening would increase noise impact, increase litter and increase traffic problems including those associated with the incorrect use of the entrance/exit to the site.
- The proposal would also increase light pollution, odour and anti-social behaviour;
- Double yellow lines would not be supported and would prevent residents from parking outside their houses, bollards would be more appropriate.
- The property is in a residential area and apart from McDonalds there is no retail, business, employment or industrial uses within half a mile.
- It is recommended that the entrance and exit to the restaurant is rearranged as the current arrangement causes dangerous manoeuvres at both the entrance and the exit.
- The proposal will put greater demand on the council to enforce and maintain the area, as complaints will go up.
- The application has not been considered in line with the Newcastle-under-Lyme Stronger and Safer Communities Strategy 2012-2017.
- There are no benefits for residents.
- The petition of support should not be accepted as evidence in favour of these proposals.
- Intercom noise is a problem and the noise report does not consider this.
- Increased vehicle headlights shining into neighbouring windows.
- No details on deliveries during the extended hours.
- The delivery bay still causes noise and disturbance and this will be increase as a result of the extended hours of opening.
- The whole character of the area would be changed by increased opening hours.

#### Applicants/ Agents submission

The application documents are available at the Guildhall and on the Council's website via the following link. These documents are available for inspection at the Guildhall or via this link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00856/FUL>

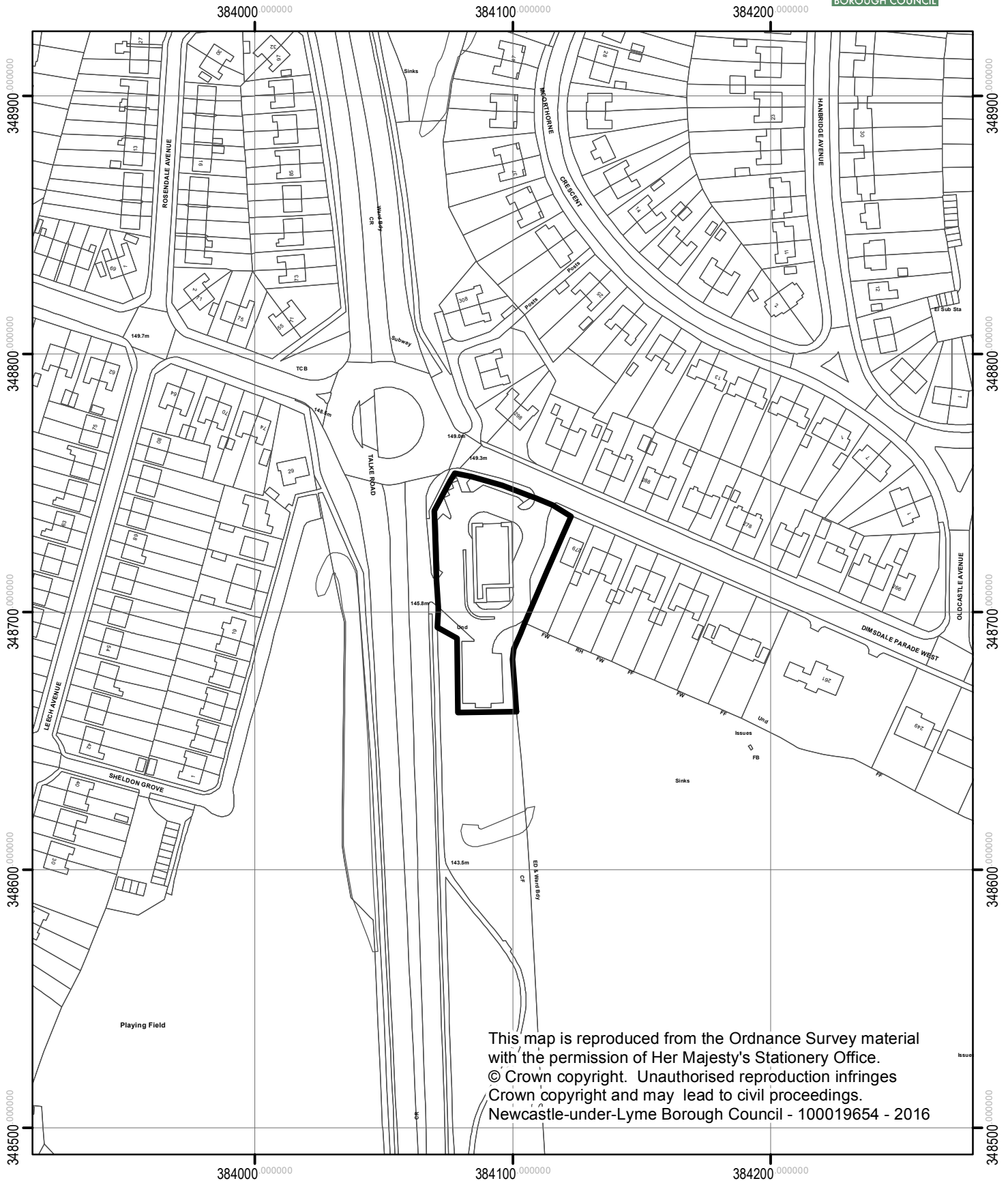
#### **Background Papers**

Planning File  
Planning Documents referred to

#### **Date Report Prepared**

21<sup>st</sup> November 2017

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**8 BARFORD ROAD, NEWCASTLE**  
**MR A MOSS**

**17/00878/FUL**

The proposal is a resubmission of planning application 17/00483/FUL for the demolition of the existing bungalow on this site and the construction of 3 detached dormer bungalows which has previously been refused by the Council on grounds relating to harm to the visual appearance of the area and also neighbouring living conditions. The site measures 0.2 hectares.

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

The application has been called in to Committee by two Councillors due to public concerns about the development.

**The 8 week period for the determination of this application expired on the 15<sup>th</sup> December 2017.**

**RECOMMENDATION**

**A) Subject and subject to the applicant entering into a Section 106 obligation by 5th January 2018 that secures a public open space contribution of £11,158 towards improvements to Guernsey Drive Play Area, and/or Wye Road Playing fields.**

**PERMIT subject to the following conditions:-**

- 1. Time limit/plans.**
- 2. Materials.**
- 3. Approval of all boundary treatments.**
- 4. Agreement/ implementation of landscaping including additional replacement tree planting.**
- 5. Tree protection measures involving dimensioned Tree Protection Plans and an Arboricultural Method Statement**
- 6. Prior approval of any site level changes.**
- 7. Prior approval design measures, supported by an appropriate noise assessment, to achieve appropriate internal and external noise levels.**
- 8. Construction hours are restricted to between the hours of 18.00 hours and 07.00 hours Monday to Friday, and not at any time on Sundays, Bank Holidays or after 13.00 hours on any Saturday.**
- 9. Controls over piling works**
- 10. Approval and implementation of a Construction Management Plan.**
- 11. Provision of parking and turning areas in accordance with the approved plan and surfaced in a bound porous material.**
- 12. The integral garage for Plot 1 shall be retained for the parking of motor vehicles for the life of the development.**

**B) Should 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 matters being secured the development would fail to secure the provision of a play area or, if he considers it appropriate, to extend the period of time within which such obligations can be secured.**

**Reason for Recommendation**

The amendment to the roof design for the dwelling (shown as Plot 1) as proposed reduces its bulk and massing and visually improves the development when viewed from the adjoining Bunny Hill and wider vantage points. Additional boundary tree planting and other internal site landscaping as proposed will also improve the overall appearance of the development as well as improving its relationship with neighbouring properties. The landscaping can also be further improved by planning condition. Taking into account the amendments and additional landscaping, the view taken overall is that impact on the form, character and appearance of the area and neighbouring living conditions is now acceptable.

A financial contribution towards public open space provision is required by current policy and is deemed appropriate.

**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 and no further amendments to the proposal following submission are deemed necessary.

**Key Issues**

The application is a resubmission of planning application 17/00483/FUL which was refused by Planning Committee on 12th September for the following reasons:-

1. *The scale, form and appearance of the development scheme is out of keeping with its immediate surroundings and is visually detrimental to Bunny Hill and the prevailing form and character of the local area.*
2. *The development, due to its scale and position, would have an unacceptable impact on the occupiers of neighbouring properties by virtue of an overbearing impact.*

The current scheme, as was previously the case, comprises two 3 bedroomed and one 4 bedroomed dormer bungalows on the site which is divided into plots 1-3 as shown on the submitted plans.

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

The current proposal involves amendment to dwelling on plot 1 so that it now includes a hipped roof on the side facing towards Bunny Hill (rather than a gable as was previously proposed). Additional tree planting and landscaping has also been included on the submitted plans over and above that previously proposed.

It has already been accepted that the site is in a sustainable location for new housing. There are some attractive mature trees around the periphery of the site including a protected mature Scott's Pine and the applicant, as in the previous scheme, has demonstrated that all trees worthy of retention including the Scott's Pine can be retained. In addition the conclusion reached previously, that there are no highway safety issues which weigh against the proposal, remains applicable to the current proposal.

The main consideration in the determination of this application is whether or not the current proposal overcomes the Councils previous objections to the scheme. The key issues to consider therefore are:-

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



2. Is the impact to neighbouring living conditions acceptable?
3. Is a financial contribution towards public open space provision appropriate?

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

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

The site is at the top end of a cul-de-sac on the edge of the urban area, backing onto open countryside which lies within the Green Belt. The site slopes downwards towards Stockwood Road, where properties are at a much lower level, and to the boundary with the open countryside as well. The application site, along with the other two corner plots at the head of the cul de sac, is significantly larger than other plots on Barford Road. The three proposed properties would lie parallel to the Barford Road/Stockwood Road boundary and would have significantly shorter rear gardens than some, but not all properties, in this area.

The layout of the scheme and general architectural appearance of the dwellings applied for remain largely unaltered since the scheme was last considered. Your Officer's view remains that although the 3 dwellings proposed would be a clear break from the existing form and character of the properties along Barford Road, they are discretely positioned at the corner of the head of the cul-de-sac and there would be no material visual harm arising from the development when viewed from Barford Road.

In response to the concerns which have been raised in relation to the wider landscape impact of the proposal, particularly with respect to public views from Bunny Hill, a local recreational walking area which is to the south of the application site, the applicant has partly modified the dwelling shown on Plot 1 by introducing a hipped design rather than a gable as previously proposed. The change, although modest, results in a reduced massing of the dwelling on that plot when viewed from Bunny Hill reducing its visual prominence particularly when it is noted that it will be seen in the context of other urban residential development.

The current proposal also includes additional tree planting around the edges of the eastern boundary (towards Stockwood Road) and southern site boundary (towards Bunny Hill) and also shrub planting to the front of Plot 2 to improve the schemes appearance when viewed from Bunny Hill compared to the previous proposal.

As a result the development proposed, introducing two additional dwellings, will not appear inappropriate from wider views subject to the agreement of external facing materials.

Subject to the provision of the soft landscaping/tree planting proposed and controls over external facing materials the impact on the character of the area is acceptable.

2. Is the impact to neighbouring living conditions acceptable?

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

The separation distances between the proposed dwellings and existing properties remain unchanged from the previous application. There is around 35 metres between the dwelling shown on plot 2 and number 61 Stockwood Road (the closest of the houses on Stockwood Road) which exceeds the minimum recommended distance of 24 metres referred to in the SPG taking into account ground level differences changes where an additional 3 metres separation is recommended as being appropriate in addition to the 21 metre standard.

With respect to Nos 7 and 9 Barford Road either side of the application site the scheme has been designed so that there is no significant impact to the principal windows of those

dwellings. The layout applied for complies with privacy and outlook standards achieved through the position of the driveway and orientation of the dwellings proposed.

The additional tree planting now included along the boundary of the site shared with neighbouring properties along Stockwood Road which includes a mixture of Silver Birch and Pear trees further improves screening and privacy for those residents. Additional tree planting can be achieved, through the imposition of a condition, to provide further screening.

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

### 3. Is a financial contribution towards public open space provision appropriate?

The Open Space Strategy, which was adopted by the Council on the 22nd March 2017, requires a financial contribution of £5,579 per dwelling towards public open space improvements and maintenance for any development involving the construction of additional dwellings. The policy that applied prior to the adoption of the Open Space Strategy only sought contributions for developments involving 10 or more dwellings.

Any developer contribution to be sought must be both lawful, having regard to the statutory tests set out in Regulation 122 and 123 of the CIL Regulations, and take into account guidance. It must be:-

- 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.

It must also comply with national planning practice guidance on the seeking of contributions for small scale developments. Most importantly ministerial policy as set out in a Ministerial Statement of the 28th November 2014, since confirmed by the Court of Appeal in May 2016, indicates that “tariff-style contributions” should not be sought from developments of 10 units or less which have a maximum combined gross floorspace of no more than 1,000 square metres.

A tariff style contribution is defined as one where the intention is to require contribution to pooled funding pots intended to fund the provision of general infrastructure in the wider area. The Landscape Development Section have indicated that the contribution in this case would be applied to Guernsey Drive Play Area, and/or Wye Road Playing fields so whilst the amount is calculated on a “sum per dwelling” basis it does not meet the definition in the Guidance or Statement of a tariff-style contribution and therefore the guidance does not rule out seeking such contributions in this case.

Guernsey Drive is approximately 400m from the application site and Wye Road approximately 850m. As such both are within easy walking distance. The contribution is necessary to make the development acceptable in planning terms and directly related to this residential development (it seeks to address the additional demands upon open space which residential development brings) and is fairly and reasonably related in its scale – the Open Space Strategy setting out a detailed methodology to demonstrate how the capital element of the sum (£4,427) is calculated whilst the maintenance element (£1,152) represents 60% of the costs of 10 years maintenance – a figure in line with that sought by other LPAs, according to the Strategy. The contribution being sought is therefore considered to meet the statutory tests.

For the avoidance of doubt it can be confirmed that the obligation would not be contrary to Regulation 123 either.

## APPENDIX

### **Policies and Proposals in the Approved Development Plan relevant to this decision:-**

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

Policy SP1	Spatial principles of Targeted Regeneration
Policy SP3	Spatial principles of Movement and Access
Policy ASP5	Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP5	Open Space/Sport/Recreation

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

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

### **Other Material Considerations**

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

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

#### Supplementary Planning Documents/Guidance

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

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

#### Relevant Planning History

17/00483/FUL	Proposed demolition of existing bungalow and construction of three dormer bungalows	Refused	2017
58/03962/APP	Housing development	Allowed	1959

#### Views of Consultees

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

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

**Severn Trent Water** has no objections to the development.

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

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

The **Landscape Development Section** has no objections subject to the following:-

- a 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 Guernsey Drive Play Area, and/or Wye Road Playing fields.
- Agreement and implementation of a dimensioned Tree Protection Plan to be approved prior to the start of work on site.
- Agreement and implementation of an Arboricultural Method Statement (detailed).
- Agreement and implementation of revised landscaping Proposals (to include replacement trees for other trees on the site that will be lost).

#### Representations

12 letters of representation have been received objecting to the proposal on the following grounds:-

- The development has not addressed any issues previously found to be unacceptable in the last attempt to secure planning permission.
- There is a lack of detailed information in the plans regarding dimensions, levels, drainage and landscaping.
- The plans are inconsistent as they show no trees or hedges on or adjacent to the site.
- There is no information about how impacts of construction will be mitigated.
- The development is still out of keeping / detrimental to the visual appearance of Bunny Hill.
- The new buildings are still overbearing to neighbouring residents.
- Land stability will be disrupted through construction activity and also any tree removal.
- There will be potential harm to local wildlife.
- The plans submitted are vague and misleading.
- The proposal will bring about parking issues

#### **Applicant/agent's submission**

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

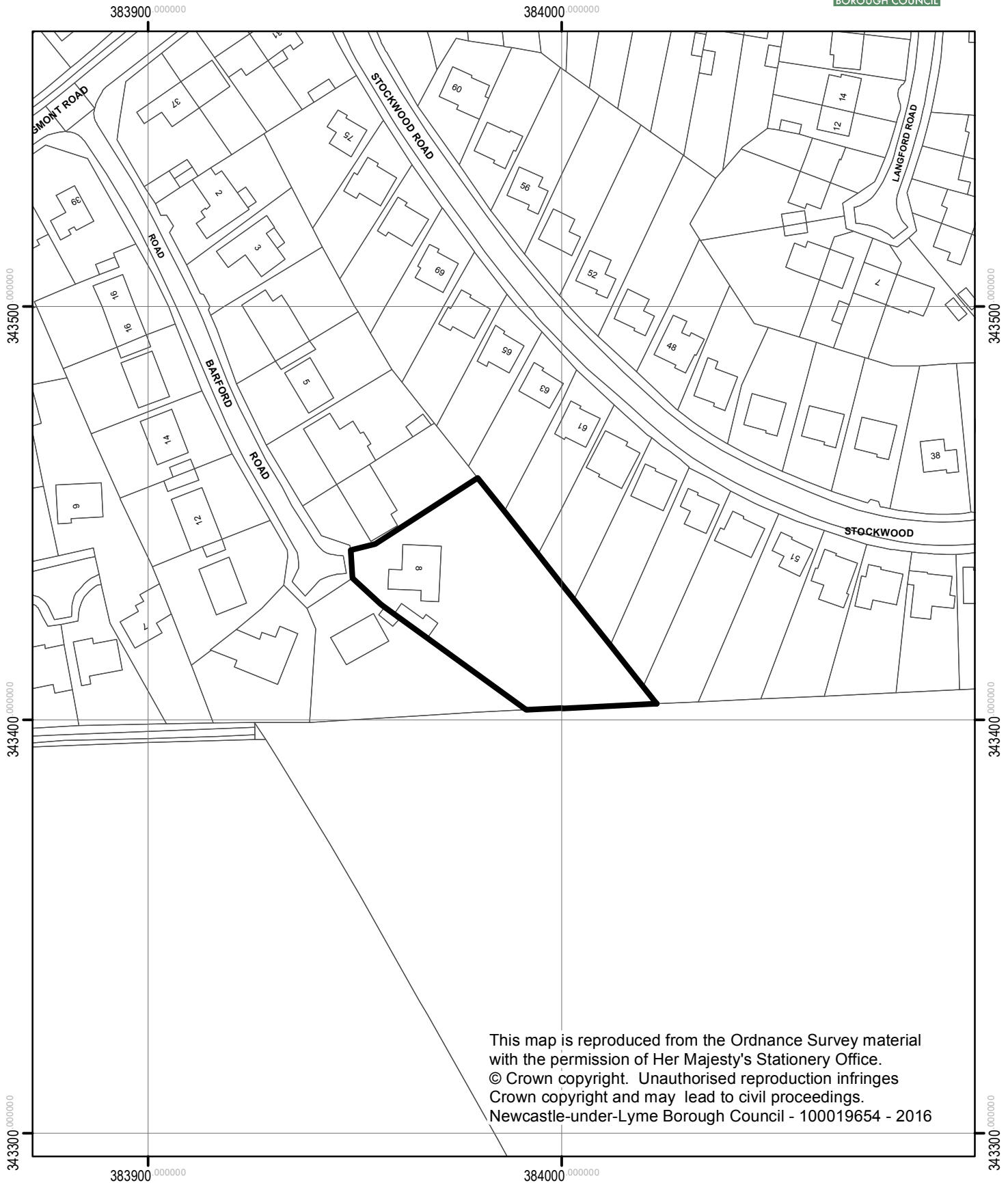
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00878/FUL>

#### **Background Papers**

Planning File.  
Planning Documents referred to.

#### **Date Report Prepared**

17<sup>th</sup> November 2017.



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**NEW SPRINGS COTTAGE, AUDLEY ROAD, TALKE**  
**MR CHRIS PURKISS**

**17/00651/FUL**

The application is for the construction of a 50m X 25m ménage for private use on land adjacent to New Springs Cottage, Audley Road, Talke.

The application site is located within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on 9<sup>th</sup> October 2017 but the applicant has agreed an extension of time to the statutory determination period to the 8<sup>th</sup> December 2017**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following matters:**

- 1. Time limit relating to the commencement of development**
- 2. Approved plans**
- 3. Prior approval of any external lighting**
- 4. Prior approval of any boundary treatment/means of enclosure of the ménage**
- 5. Non commercial use only**
- 6. Prior approval of jumps or similar features**
- 7. Submission of a contaminated land verification report**

**Reason for Recommendation**

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses – is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would coincide with the construction of the proposed ménage which is appropriate development within the Green Belt. In addition, the development by virtue of its design, scale and materials, would not harm the character of the rural area or the Area of Landscape Restoration, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12, N17, T16 and N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the aims and objections 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 failed to overcome fundamental highways objections to the development despite discussion with officers of the LPA and the Highways Authority. The development remains an unsustainable form of development and therefore fails to accord with the aims and objectives of the National Planning Policy Framework 2012.

**KEY ISSUES**

Full planning permission is sought for the change of use from agricultural land to a use involving the keeping and exercising of horses, including the erection of a ménage. The application site is located within the Green Belt, and an area of Landscape Restoration and within the rural area, as indicated by the Local Development Framework Proposals Map.

The proposed ménage would measure 50m by 25m and would be situated in a field to the East of New Springs Cottage.

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

- Is the development considered appropriate development in the Green Belt?
- Is there any conflict with policies on development in the countryside?
- Is the design of the proposed development acceptable?
- Is the impact to trees and hedges acceptable?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally,
- If inappropriate development, are there any very special circumstances to justify approval?

Is the development considered appropriate development in the Green Belt?

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. It goes on to state that any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

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

Paragraph 90 of the NPPF identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are listed as one of these exceptions. The creation of the ménage is considered an engineering operation that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development.

Changes of use of land are not listed, within paragraph 90 of the NPPF, as appropriate development. Therefore the starting point for the consideration of the change of use of the land must be that it would be inappropriate development in this Green Belt location.

Is there any conflict with policies on development in the countryside?

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site lies within an Area of Landscape Restoration. Policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas it is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The appearance of the development will be open in nature and would not unacceptably intrude visually into the wider landscape. Therefore it is not considered that the proposed development would not further erode the character of the landscape and so would accord with Policy N21.

Is the design of the proposed development acceptable?

The NPPF states that the government attaches great importance to the design of the built environment, and that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

The proposed ménage would measure 50m by 25m and would be surfaced in 150mm thick silica sand. No details of any means of enclosure to surround the ménage have been submitted with this application. However, this detail could be secured via an appropriate condition.



The design proposed is standard for this type of development, and there are no concerns identified with regards to any potential harm to the visual amenity of the wider landscape. It would have no adverse impact upon the Area of Landscape Restoration as it will not erode the character or quality.

The design of the ménage is therefore considered to comply with Policy N21 of the Local Plan, Policy CSP1 of the Core Strategy and the aims and objectives of the NPPF.

Is the impact to trees and hedges acceptable?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The Landscape Development Section (LDS) requested that an Arboricultural Impact Assessment and Tree Survey should be submitted with the application to establish any potential impacts that the proposed development would have on the adjacent trees and hedgerows. Having received such information the LDS raises no objections as it is considered that no harm to trees or hedges would be caused by the proposed development. The development would therefore be in accordance with Policy N12 of the Local Plan.

Is the impact on residential amenity and the environment acceptable?

Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The dwelling of New Spring Cottage is an isolated property with the nearest residential neighbour located approximately 323m east of the application site. Therefore the development would not raise any significant adverse impact to the residential amenity enjoyed by neighbouring properties. The ménage would be for private use of the occupiers of New Springs Cottage and so there would be no significant increase in noise or activity on the site. The Environmental Health Division (EHD) has no objections to the proposed development subject to conditions relating to approval of any external lighting scheme proposed.

Therefore the development is considered acceptable in this regard.

The site is subject to an ongoing retrospective application with the County Waste Authority to regularise the importing of waste materials to the site for field alterations and the creation of a turning area/hard standing adjacent to the access road.

The Councils Environmental Health Division was consulted by Staffordshire County Council on the retrospective application (Reference N.16/02/2025 W) who submitted a holding objection due to land contamination. A land contamination report was subsequently provided which confirmed the presence of asbestos.

The proposal for the construction of the ménage has been put forward as a suitable mitigation measure to contain the contaminated waste/soils and sever the linkage between the asbestos-contaminated soils and site end users. The EHD initially raised objections as the construction details were not clear. Additional information has since been provided with specific details on the separate construction elements of the ménage and in consideration of this the EHD raises no further objections to the application subject to appropriate conditions to secure the submission of a verification report to demonstrate the satisfactory completion of its construction, the development is considered acceptable.

If inappropriate development, are there any very special circumstances to justify approval?

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that 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 circumstances. Inappropriate development by definition is harmful to the interests of the Green Belt. However, beyond that no element of 'other harm' has been identified associated with the change of use of land.

There is no suggestion that the use of the land as a ménage involves the provision of other permanent equestrian paraphernalia (jumps etc.) and so no harm to the Green Belt's openness or to any of the purposes of including land within the Green Belt arises from the use in questions, and the use is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". The land would remain open with the only alterations being to the surfacing of the land and potentially new boundary treatments (although these could be implemented under permitted development rights).

Given the lack of substantial harm to the openness of the Green Belt the change of use of the land it is considered that the required very special circumstances can be considered to exist in this case.

## **APPENDIX**

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

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

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP4: Natural Assets

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

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

### **Other Material Considerations**

#### National Planning Policy

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

#### Other Guidance

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

#### Relevant Planning History

92/00380/FUL Conversion of redundant agricultural outbuilding to two dwellings – Refused

16/01074/CPO Retrospective application to regularise the waste material brought in for field alterations and creation of a turning area/hard standing adjacent to the access road

#### Views of Consultees

The **Coal Authority** has no objections given that the nature of the development would not require substantial earthworks.

The **Landscape Development Section** has no objections to the development

The **Environmental Health Division** in respect of land contamination raises no objections to the development. The Environmental Health Officer objected to the proposal in comments received on the 18<sup>th</sup> of August, however additional information was submitted to address these concerns. A condition requiring the submission of a verification report is considered necessary in this instance to demonstrate the satisfactory completion of the development construction. A condition is also required for the prior approval of the installation of any external lighting.

**Kidsgrove Town Council** and **National Grid** have not responded by the due date and as such it is assumed that they have no comments.

#### Representations

One representation received with comment summarised as follows;

- Would like clarification whether this will be for public or private use
- Concerns over increase in traffic given the narrow road is not built for heavy use
- As the land is contaminated it should not be used

Applicant/agent's submission

The requisite plans and application forms were submitted together with a Design and Access Statement, Topographical Survey and a Tree Survey. These documents can be viewed on the Councils website;

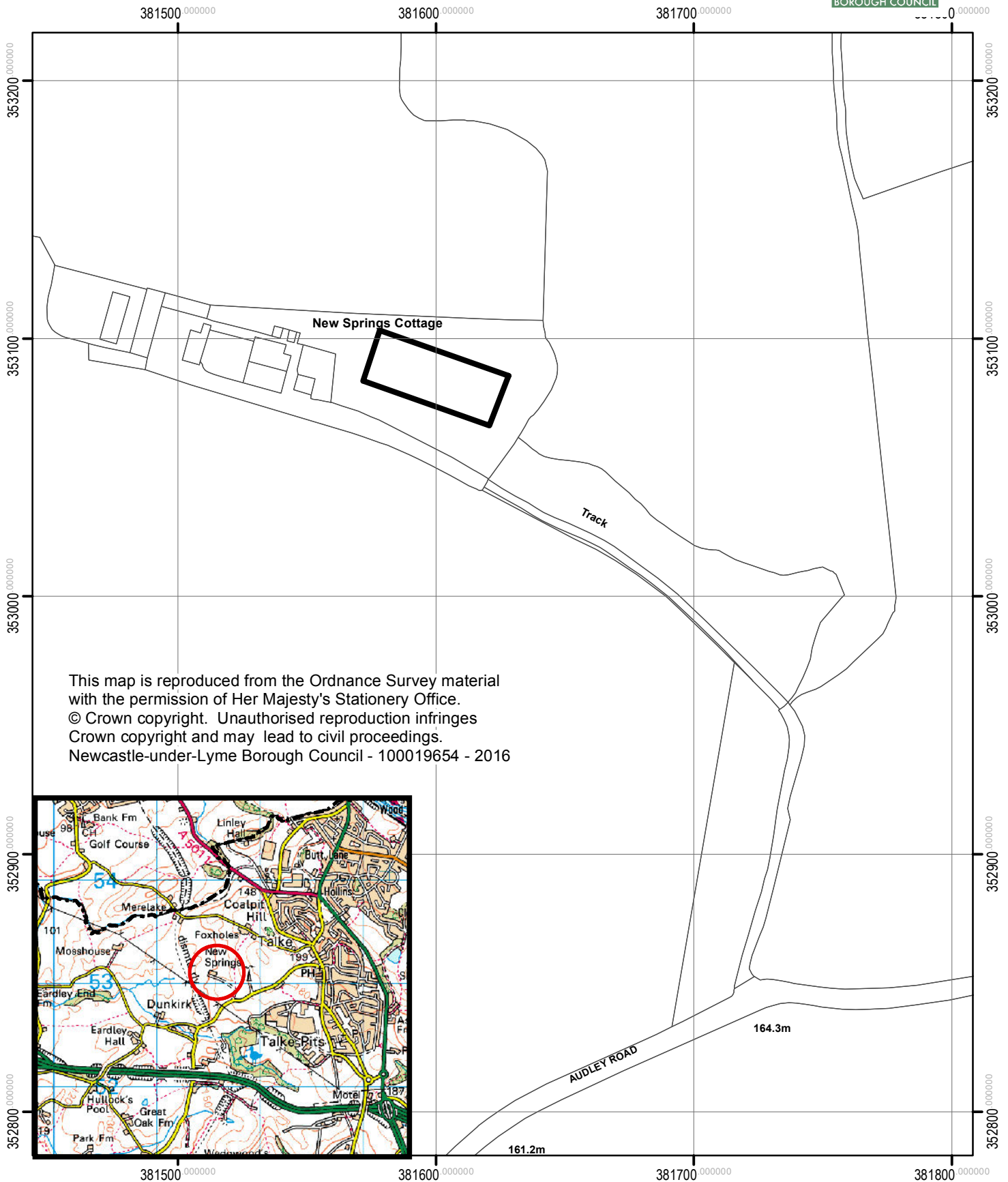
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00651/FUL>

Background Papers

Planning File  
Development Plan

Date report prepared

17<sup>th</sup> November 2017



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## REPORT TO PLANNING COMMITTEE

### MID-YEAR DEVELOPMENT MANAGEMENT PERFORMANCE REPORT 2017/2018

#### Purpose of the report

To provide members with a mid-year report on the performance recorded for Development Management between 1<sup>st</sup> April 2017 and 30<sup>th</sup> September 2017. Figures for 2015/16 and 2016/17 are also provided for comparison as are targets set within the relevant Planning Service Plan.

#### Recommendations

(a) That the report be received.

(b) That the Head of Planning with the Development Management Team Leader seeks to maintain performance of the Development Management team where satisfactory and improve the service provided where our level of performance falls significantly below the targets set out in the Planning Service Plan for 2017/18.

(c) That the next 'Development Management Performance Report' be submitted to Committee around June 2018 reporting on performance for the complete year 2017/18.

#### Reasons for recommendations

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

#### **1. Background:**

An extensive set of indicators is collected to monitor the performance of the Development Management. These include both "National Indicators" and those devised by this Council – "local indicators". These indicators have changed over time and officers have sought to ensure that the right things are being measured to enable us to improve performance in every significant area. The range of indicators included reflects the objective of providing a *balanced* end to end development management service, including dealing with pre-application enquiries, breaches of planning control, considering applications, and approving subsequent details and delivering development.

#### **2. Matters for consideration:**

There is an Appendix attached to this report:-

**APPENDIX 1: 'NATIONAL AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT, 2015/16, 2016/17 and 2017/18:** Contains quarterly and annual figures for the national and 'local' Performance Indicators applicable during 2017/18 (comparative figures for 2015/16 and 2016/17 are also shown).

This report is a commentary on the national and local performance indicators as set out in detail in Appendix 1. It follows on from a report that was considered by the Planning Committee at its meeting on the 15<sup>th</sup> August 2017 which reported on the performance achieved in 2016/17, and discussed appropriate targets.

The Council's Finance, Resources, and Partnerships Scrutiny Committee and subsequently Cabinet receives a Quarterly Financial and Performance Management report on a series of performance indicators including those which relate to whether planning applications are being determined "in time", and any indicators failing to meet the set targets are reported by exception.

### 3. The performance achieved:

7 indicators are included in the Planning and Development Service Plan for 2017/18. These are referred to in the commentaries below. It is currently predicted that the target set is likely to be met in four cases.

#### **INDICATOR - Percentage of applications determined within timescales:-**

- (1) 70% of 'Major' applications determined 'in time'**
- (2) 70% of 'Minor' applications determined within 8 weeks**
- (3) 85% of 'Other' applications determined within 8 weeks**
- (4) 85% of 'Non-major' applications determined 'in time'**

**(see the definitions set out at the end of this report)**

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

In November 2016 the Government announced that a threshold on Major decisions made within the statutory determination period, or such extended period as has been agreed in writing with the applicant, of 60% for the assessment period between October 2015 and September 2017.

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

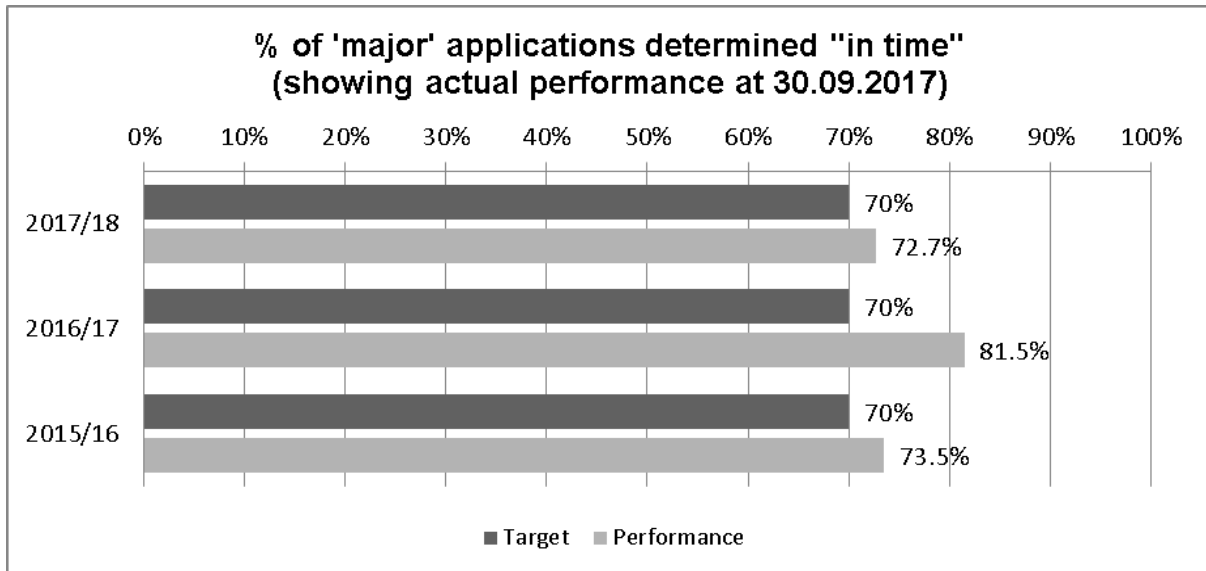
The period referred to in this report – between April 2017 and September 2017 accordingly falls within both of the above assessment periods.

The other designation criterion measures the quality of decision making as demonstrated by appeal performance and the Council's performance in this respect will be addressed in the Annual Appeals Performance Report which will be taken to Planning Committee around June 2018 (the annual appeals performance for the year 2016/17 was reported to Planning Committee on 15<sup>th</sup> August 2017).

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

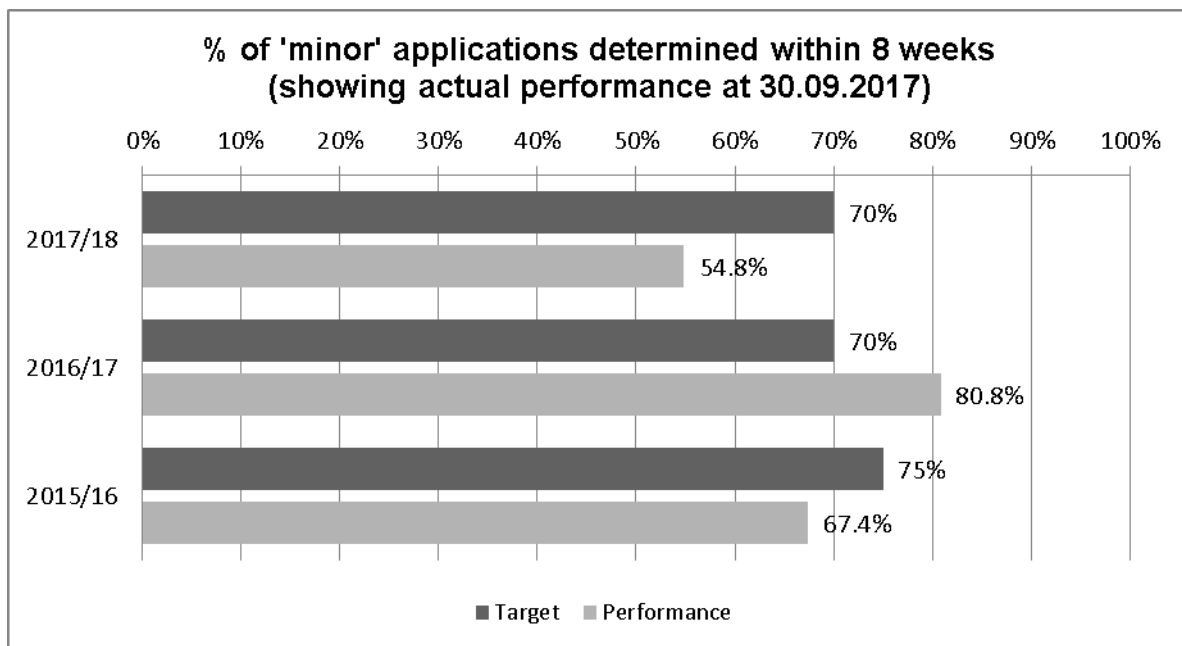
(1) In dealing with '**Major**' applications during 2016/17 we determined 81.5% "in time" against the 'local' target of 70% (22 out of 27). Performance for the first half of 2017/18 was 72.7% (16 out of 22) reflecting a continued focus by the Service on the obtaining of agreements by applicants to extend the determination period. Based on performance up to the end of September, the major applications currently "in hand", and the applications that are expected to be submitted it is predicted that the target will be met, although it will be challenging.





**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

(2) During 2016/17 80.8% of 'Minor' applications were determined within 8 weeks against the 'local' target of 70% (173 out of 214). Performance for the first half of 2017/18 is significantly down on last year's performance at 54.8% (57 out of 104) against the 'local' target of 70%.



Performance for the first half of the year has been affected by a period of reduced officer resources following the departure of a Planning Officer, in early March. Additional temporary resources were secured for a period of 5 weeks which has limited the impact but has not prevented a decline in performance against this indicator.

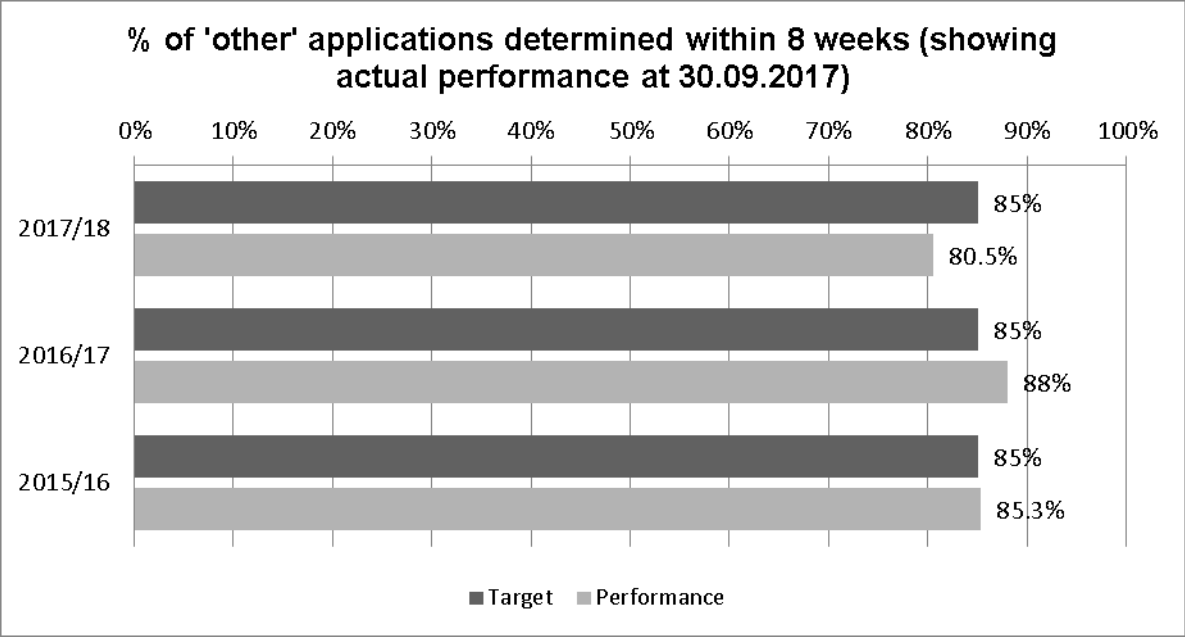
A Trainee Planning Officer has been recruited, who started in July, and has taken on a full caseload of work (largely in the 'Other' applications category). The Officer is however undertaking training out of the office one day a week during term time so is not working full time.

There remains a certain level of backlog of undetermined applications which will impact on performance against this indicator. A further factor that is impacting on our ability to determine Minor applications in 8 weeks is the change in policy agreed by Cabinet earlier this year that means that contributions to public open space improvement and maintenance are required for Minor dwellings proposals (under 10 units) as well as for Major dwellings proposals. The securing of such a contribution requires the applicant to enter into a planning obligation before planning permission can be issued which takes time and delays the

issuing of the decision notice. To limit this delay a model unilateral undertaking has now been agreed. It, however, remains extremely challenging to secure the required obligation and issue a decision within 8 weeks. As Minor dwellings applications amount to about 50% of the total of Minor applications the need to secure public open space contributions through planning obligations before planning permission can be issued is having and will continue to have a significant impact on performance. Therefore based upon the performance up to the end of September and the challenges ahead it is currently predicted that the 70% target will not be met.

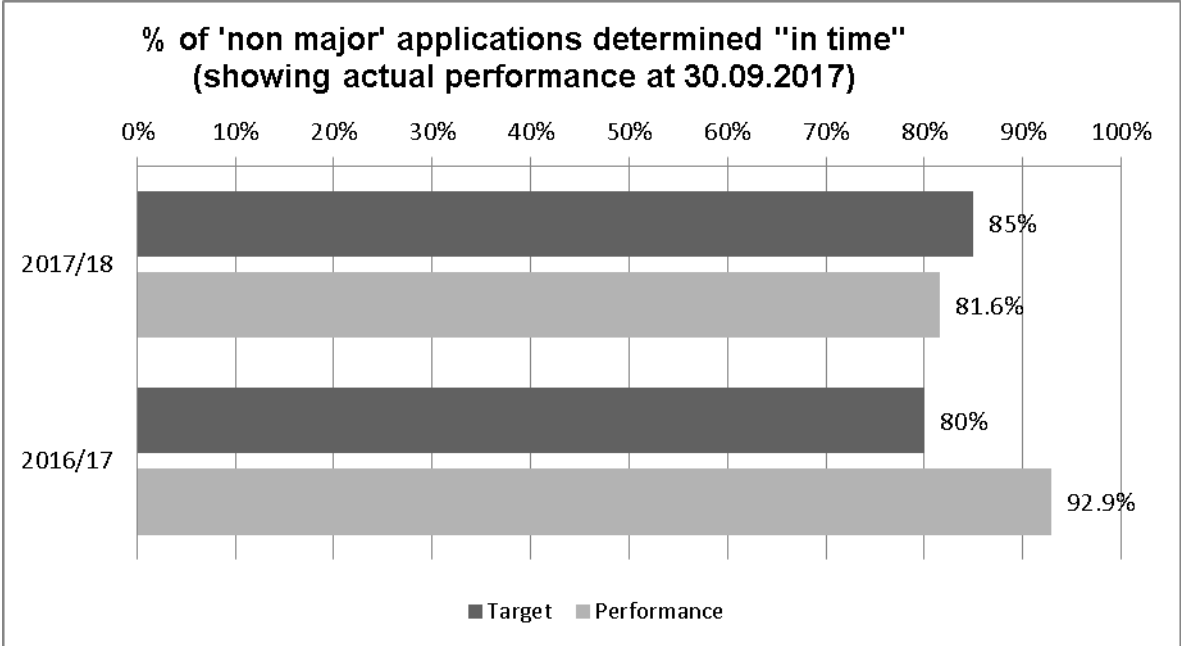
**TARGET FOR 2017/18 UNLIKELY TO BE ACHIEVED**

(3) During 2016/17 88% of 'Other' applications were determined within 8 weeks (338 out of 384). Performance for the first half of 2017/18 was 80.5% (177 out of 220) compared with the 'local' target of 85%. Notwithstanding that we are currently below target we remain optimistic and the prediction for the year is that the target will be achieved.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

(4) This target relating to 'non-major' applications determined 'in-time' was introduced in 2016/17. Performance for the first half of 2017/18 was 81.6% (218 out of 267) against the 'local' target of 85%. Notwithstanding that we are currently below target the prediction for the year is that the target will be achieved.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

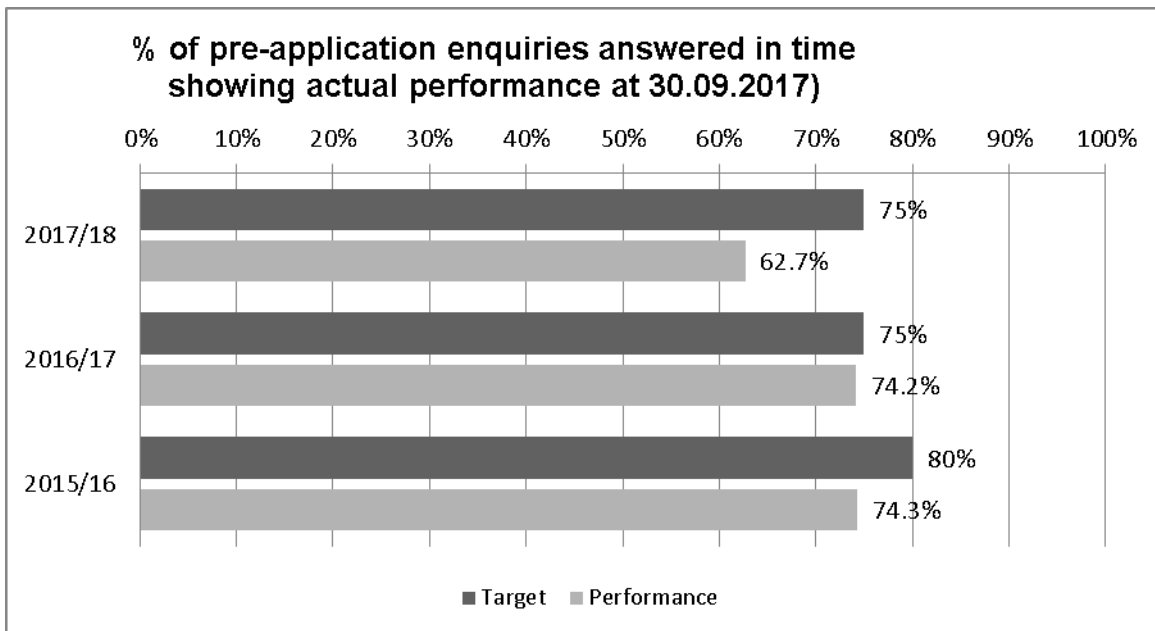
In conclusion the current prediction is that three of the four targets relating to the speed of determination of applications are likely to be achieved.

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**INDICATOR - Percentage of pre-application enquiries answered in time**

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

During 2016/17 74.2% of pre-application enquiries were answered 'in time'. Performance for the first half of 2017/18 was 62.7% (136 out of 217) against the 'local' target of 75%. On the basis of performance for the first half of the year the prediction for the year is that the target will not be achieved.

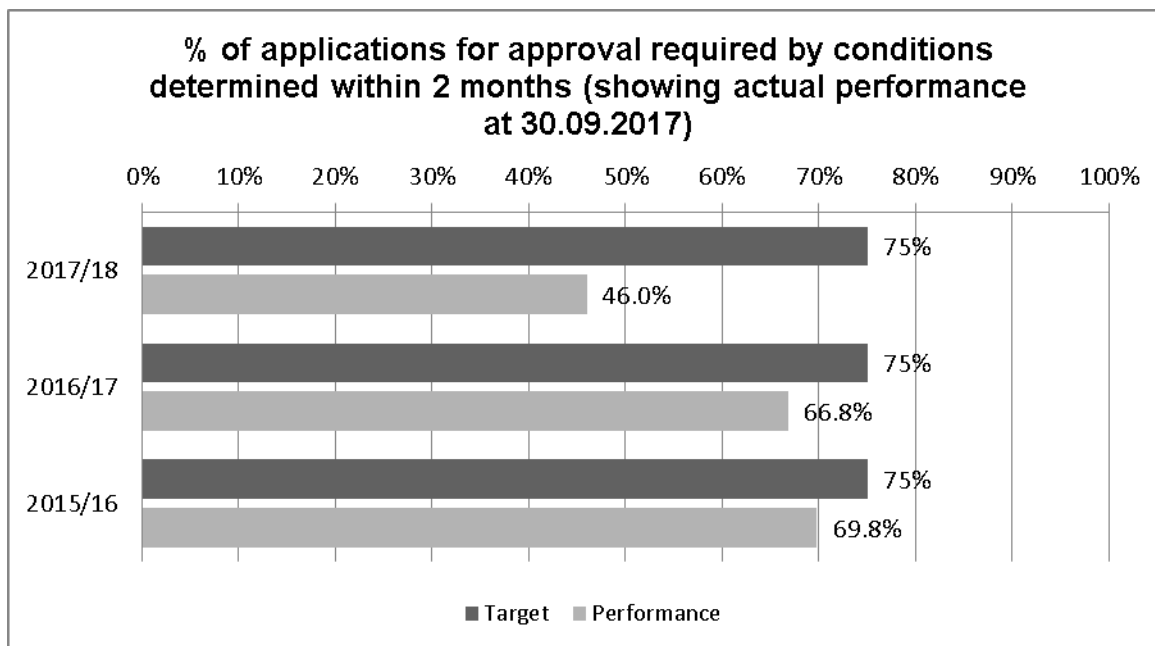


**TARGET FOR 2017/18 UNLIKELY TO BE ACHIEVED**

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**INDICATOR - Percentage of applications for approvals required by conditions determined within 2 months**

The figure for 2016/17 was 66.8%. The figure so far this year is 46% (72 out of 156). The target for 2017/18 is 75%.



The Government have previously identified that planning conditions are an area of concern as too many overly restrictive and unnecessary conditions are routinely attached to planning permissions, with little regard given to the additional costs and delays that they impose. In addition, delays in discharging conditions require the approval of detail can mean that development is not able to be completed as quickly as it should. Whilst they have produced guidance on the use of planning conditions and introduced a deemed discharge procedure that a developer can invoke if they do not receive a decision in time, the Government remain concerned and have sought views on proposals to prohibit the use of pre-commencement conditions without the written agreement of the applicant, and the potential for a wider application of primary legislation to prohibit conditions in targeted circumstances. The Government's response to that consultation was published in December 2016 which concluded that it will be necessary for the local authority to seek the agreement of the developer to pre-commencement conditions. They have also decided to expressly prohibit six conditions through secondary legislation. The necessary changes in legislation to effect such changes has not yet been put in place, however.

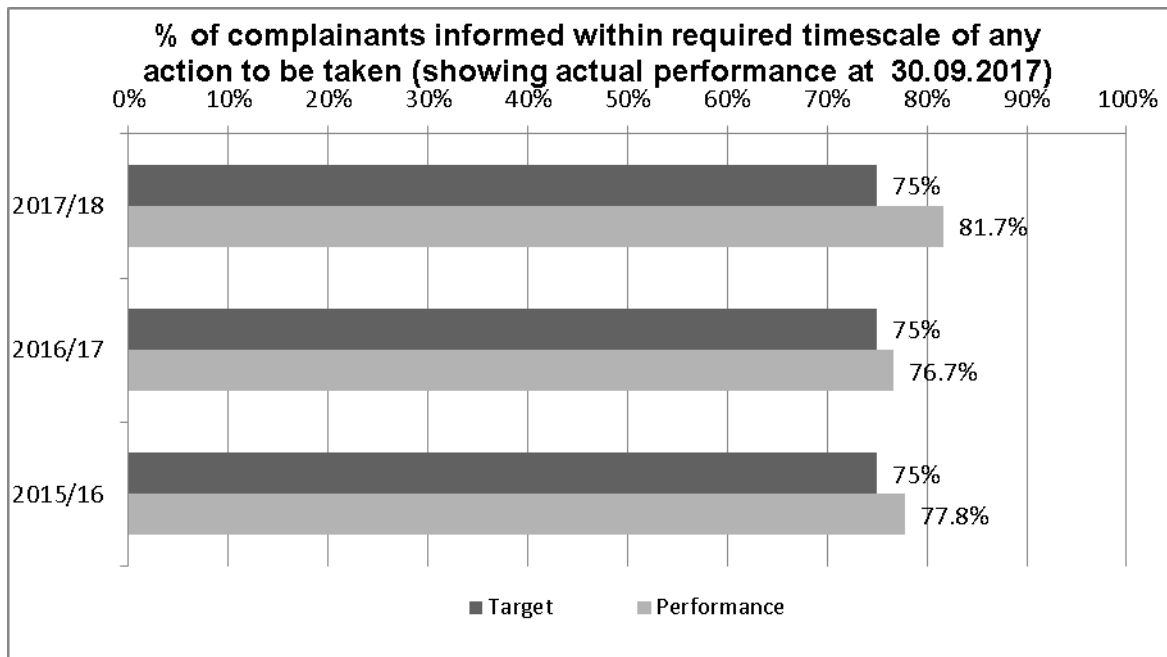
As with the Government, your Officer is keen to ensure that the handling of conditions application does not hinder or delay development, however, whilst continued emphasis has been placed on performance relating to the determination of conditions applications the target is not being achieved. This is concerning and is no doubt a reflection of the resourcing issues that the Section has faced this year, but it also should be recognised that to some extent this performance is a reflection of the inadequacy of the information submitted and the need for further time to be given to enable amendments or additional information to be provided so that the requirements of the conditions are satisfied.

In light of performance to date and the need on occasion to allow additional time for the determination of such applications it is predicted that this target will not be met, given the performance achieved to date.

**TARGET FOR 2017/18 UNLIKELY TO BE ACHIEVED**

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

Performance in 2016/17 was 76.7%. The very commendable performance so far this year is 81.7%. The target for 2017/18 is 75%.



**TARGET FOR 2017/18 LIKELY TO BE ACHIEVED**

**Definitions**

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

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

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

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

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

**Date report prepared:**

23<sup>rd</sup> November 2017

**Source of information/background papers**

- **General Development Control Returns PS1 and PS2 for 2015/16 – 2017/18**
- **Planning Services own internal records, produced manually and from its uniForm modules.**

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**APPENDIX 1: 'NATIONAL' AND 'LOCAL' PERFORMANCE INDICATORS FOR DEVELOPMENT MANAGEMENT 2015/16, 2016/17 and 2017/18.**

Indicator	Year	Target for year	<-----Actuals----->					Actual Performance (at 30.9.17)
			April - June	July - Sept	Oct - Dec	Jan - Mar		
% of 'Major' applications determined "in time"	2017/18	70%	85.7%	50%				72.7%
Replaced in 14/15 former indicator of percentage of applications determined within 13 weeks	2016/17	70%	62.5%	85.7%	87.5%	100%		81.5%
	2015/16	70%	88.9%	90%	71.4%	37.5%		73.5%
% of 'Minor' applications determined within 8 weeks	2017/18	70%	53.7%	56%				54.8%
	2016/17	70%	90.6%	66%	82%	83%		80.8%
	2015/16	75%	56.9%	73.1%	68.9%	72.2%		67.4%
% of 'other' applications determined within 8 weeks	2017/18	85%	81.5%	79.5%				80.5%
	2016/17	85%	90.7%	90.4%	88.2%	81.5%		88%
	2015/16	85%	81.9%	87.3%	81.6%	90.1%		85.3%
% of "Non-Major" applications determined "in time"	2017/18	85%	81.9%	81.4%				81.6%
<i>New target for 2016/17</i>	2016/17	80%	94.5%	94.7%	88.0%	92.2%		92.9%
% of pre-application enquiries answered in time	2017/18	75%	63.5%	62%				62.7%
	2016/17	75%	72.6%	76.2%	71.1%	76.5%		74.2%
	2015/16	80%	84.1%	67.4%	75.9%	72.6%		74.3%
% of applications for approval required by conditions determined within 2 months	2017/18	75%	54.3%	34.8%				46.0%
	2016/17	75%	66.3%	65.9%	70.4%	65.9%		66.8%
	2015/16	75%	62.7%	67.9%	74.7%	75.2%		69.8%
% of complainants informed within required timescale of any action to be taken	2017/18	75%	79.2%	85.2%				81.7%
	2016/17	75%	78.1%	75%	83.3%	71.9%		76.7%
	2015/16	75%	75%	77%	79.1%	80.7%		77.8%

Target achieved for complete year



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

### **Purpose of the Report**

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

### **Recommendations**

**a) That the report be noted**

**b) That the Head of Planning continue to report, on a quarterly basis, on the exercise of his authority to extend the period of time for an applicant to enter into Section 106 obligations.**

### **Introduction**

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

When this practice was first established it was envisaged that such an extension might be agreed where the Head of Planning was satisfied that it would be unreasonable for the Council not to allow for additional time for an obligation to be secured. It was recognised that an application would need to be brought back to Committee for decision should there have been a change in planning policy in the interim. It was agreed that your officers would provide members with a regular quarterly report on the exercise of that authority insofar as applications that have come to the Committee are concerned. The report does not cover applications that are being determined under delegated powers where an obligation by unilateral undertaking is being sought. It also does not include those situations where obligations are secured "in time".

This report covers the period between 12<sup>th</sup> September 2017 (when the Committee last received a similar report) and the date of the preparation of this report (24<sup>th</sup> November 2017).

In the period since the Committee's consideration of the last quarterly report, section 106 obligations have not been entered into by the dates referred to in Committee resolutions, or subsequent agreed extensions, and extensions have been agreed with respect to some 9 applications.

The Council needs to maintain a focus on delivery of these obligations – which can become over time just as important (to applicants) as achieving a prompt consideration of applications by Committee. In some cases applicants have however little immediate requirement to complete such obligations, being content to rest upon the resolution of the Committee. Expectations and requirements vary considerably. It is the issuing of the decision notice, rather than the consideration of the application by the Committee, which is the basis for the measurement of whether the decision has been made "in time" insofar as the speed of determination criterion for designation of poorly performing LPAs is concerned.

Furthermore Local Planning Authorities are required, as part of the Planning Guarantee, to refund any planning fee paid if after 26 weeks no decision has been made on an application, other than in certain limited exceptions, including where an applicant and the Local Planning Authority have agreed in writing that the application is to be determined

within an extended period. This provides yet another reason for the Planning Service maintaining a clear and continued focus on timeliness in decision making, instructing solicitors and providing clarification where sought.

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

Details of the applications involved are provided below:-

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

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

Neither obligation was completed by the 24<sup>th</sup> January – in the case of the agreement due to delays on behalf of the Council as the Local Planning Authority (LPA) in providing instructions. A series of extensions were agreed.

The Unilateral Undertaking to secure visibility splays was completed on the 25<sup>th</sup> August. However, the Section 106 agreement has still not been completed but it is nearing completion and a draft agreement has been in circulation for a number of weeks. In the absence of any material change in planning circumstances the Head of Planning has previously agreed to extend the period within which the agreement may be completed on a number of occasions and the latest agreed date is the 30<sup>th</sup> November. Therefore a further report on progress may be able to be given to the meeting on the 5<sup>th</sup> December.

Some 55 weeks have now passed since receipt of the application.

**(2) Land off Eccleshall Road, Loggerheads.. 16/00866/DEEM4**

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

The Section 106 agreement was not completed by the 3<sup>rd</sup> March due to delays on behalf of the Council as the Local Planning Authority in providing instructions, and accordingly it has been considered appropriate by your Officer to agree a number of further extensions to the period within which the obligations can be completed by.

The latest position is that the applicant's solicitor now has from the LPA's solicitor a draft of the agreement although the LPA's solicitor is still awaiting instructions from the Education Authority. Given the fairly recent receipt of this draft, it would be unreasonable to "time out" the application at present, and in the absence of any material change in

planning circumstances, your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 20<sup>th</sup> December. If there are any developments before the 5<sup>th</sup> December they will be reported to the Committee.

Some 56 weeks have now passed since receipt of the application.

### **(3) Land around Wilmot Drive Estate 17/00281/FUL**

This application for full planning permission for the erection of 276 dwellings, public open space and associated infrastructure works came before the Planning Committee at its meeting on the 18<sup>th</sup> July (at around week 15). The resolutions of the Committee inter alia required obligations be entered into securing a financial contribution of £60,000 towards a Multi-Use Games Area, an undefined sum towards off site highway works, commuted off site affordable housing payments, travel plan monitoring fee of £6,430, an agreement for the long term maintenance of on site public open space, and the review of the financial assessment of the scheme and its ability to make additional contributions, if there has been no substantial commencement within 18 months of the grant of planning permission. The resolution included the requirement that the agreement containing these obligations should be completed by the 25<sup>th</sup> August.

That date passed without the obligations being secured following delays on behalf of the Council. There were also further delays and your Officer agreed to extend the time within which the agreement could be completed on a couple of occasions and the latest deadline by which the agreement should be completed is the 13<sup>th</sup> December.

Some 33 weeks have now passed since receipt of the application.

### **(4) Orchard House and 35 Clayton Road 17/00194/OUT**

This application, for full planning permission for the demolition of Orchard House together with the conversion of No. 35 Clayton Road into four flats and outline planning permission for the erection of up to 20 dwellings on the remaining part of the site came before the Planning Committee on 18<sup>th</sup> July (at around week 19). The resolution of the Planning Committee included a time limit for the securing, by the 18<sup>th</sup> August 2017, of planning obligations with respect to the provision of 25% on-site affordable housing and a financial contribution towards off-site public open space.

The date for the completion of the Section 106 agreement was always challenging given the timescales. However, further delays were encountered on both sides and your Officer agreed to extend the time for the completion of the S106 on several occasions. The agreement was finally completed on the 7<sup>th</sup> November and the decision notice on the application was issued "in time" on the 9<sup>th</sup> November.

The decision was issued in this case some 37 weeks after receipt of the application

### **(5) Former Bristol Street Ford Garage 16/01106/FUL**

This application for full planning permission for full planning permission for 499 studio apartments for student occupation came before the Planning Committee at its meeting on the 15<sup>th</sup> August 2017 (at around week 21). The resolutions of the Committee inter alia required that obligations securing a financial contribution of £1,199,396 towards public open space and public realm improvement; the agreement and implementation of a landscaping scheme involving tree thinning and landscape works, including paths, to the Lyme Valley Parkway boundary immediately adjacent to the site; and sums relating to highways and transportation matters of:- £2,245 or such sum as is appropriate, towards Travel Plan monitoring; £50,000 for residential street parking surveys and implementation of car parking zones if deemed appropriate; £10,000 for Real Time Passenger Information displays (and maintenance) at the bus stops on London Road; £5,000 for bus shelter upgrades; and £25,300 towards local cycle network improvements from Newcastle Town Centre to Keele University and the provision of introductory bus passes.

The resolution included the requirement that the agreement should be completed by the 30<sup>th</sup> September.

There were delays in preparing and circulating a draft agreement. This resulted in the applicant submitting a draft agreement to the Council on the 4<sup>th</sup> September. This then had to be considered by the Council and your Officer agreed to extend the time period for the completion of the S106 agreement to the 30<sup>th</sup> October.

The agreement was completed on the 30<sup>th</sup> October and the decision notice on the application was issued "in time" on the same day.

The decision was issued in this case some 32 weeks after receipt of the application.

**(6) Former Ex Serviceman Club, Heathcote Street, Chesterton 17/00417/FUL**

This application for full planning permission for the erection of 14 dwellings came before the Planning Committee at its meeting on the 15<sup>th</sup> August (at around week 10). The resolutions of the Committee inter alia required that obligations securing a review mechanism of the scheme's ability to make a policy compliant financial contributions of £33,244 (index linked) towards the provision of education places and the discounted financial contribution of £23,202 (index linked) to public open space, if the development is not substantially commenced within 12 months from the date of the decision, and the payment of such contributions if found financially viable with preference being given to the making of a policy compliant contribution to the provision of education places first followed by the above contribution to public open space. The resolution included the requirement that the agreement should be completed by the 4<sup>th</sup> September.

The date for the completion of the Section 106 agreement was always challenging given the timescales but delays on behalf of the applicant in the late stages resulted in the 4<sup>th</sup> September not being achieved. However, because the agreement was at an advanced stage your Officer agreed to extend the time for the completion of the agreement.

The agreement was completed on the 26<sup>th</sup> September and the decision notice on the application was issued "in time" on the 28<sup>th</sup> September.

The decision was issued in this case some 16 weeks after receipt of the application

**(7) Land south of Market Drayton Road 17/00067/DEEM4**

This application, for outline planning permission for the erection of up to 65 dwellings with associated open space and landscaping, came before the Planning Committee on 12<sup>th</sup> September (at around week 32). The resolution of the Planning Committee included a time limit for the securing, by the 12<sup>th</sup> November 2017, of a Section 106 agreement providing obligations relating to a management agreement for the long-term maintenance of the open space on the site, a financial contribution of £132,976 towards education places, 25% on site affordable housing, and a financial contribution of £5,579 per dwelling if an equipped play area is not provided on site.

The agreement was not completed by the 12<sup>th</sup> November following delays on behalf of the Council as the Local Planning Authority in providing instructions, and accordingly it has been considered appropriate by your Officer to agree an extension to the period within which the obligations can be completed by – to the 20<sup>th</sup> December.

Some 42 weeks have now passed since receipt of the application.

**(8) Land North of Bradwell Hospital 17/00515/DEEM4**

This application, for outline planning permission for the erection of up to 85 dwellings, came before the Planning Committee on 10<sup>th</sup> October 2017 (at around week 16). The resolution of the Planning Committee included a time limit for the securing, by the 11<sup>th</sup>

November 2017, of an agreement providing obligations relating to on-site affordable housing, and payment of contributions towards public open space and education facilities, and the monitoring of a travel plan.

The agreement was not completed by the 11<sup>th</sup> November due to delays on behalf of the Council as the Local Planning Authority in circulating a draft agreement. However, a draft S106 agreement has now been sent to the applicant's legal representatives.

Given that the delay is on the Local Planning Authority's side (in providing the required instructions) it would be unreasonable to "time out" the application, and in the absence of any material change in planning circumstances, your Officer has agreed to further extend the period within which the Section 106 agreement may be completed, to the 27<sup>th</sup> November. This date is also unlikely to be achieved and a further update will be given prior to the committee meeting on the 5<sup>th</sup> December.

Some 22 weeks have now passed since receipt of the application.

#### **(9) Cartref Rye Hills Audley 17/00503/FUL**

This application for full planning permission for the erection a detached dwelling came before the Planning Committee at its meeting on the 10<sup>th</sup> October (at around week 10). The resolutions of the Committee inter alia required that obligations securing financial contribution of £5,579 towards improvements and maintenance at Wereton Road/Queen Street Play Area, The resolution included the provision that the agreement should be completed by the 21<sup>st</sup> November.

The S106 was received by the Council prior to the deadline but a further short deadline was required in order for it to be completed and your Officer has agreed to further extend the period within which the Section 106 may be completed, to the 24<sup>th</sup> November 2017. It is expected that the meeting on the 5<sup>th</sup> December will be advised that the agreement has been completed and the decision issued.

Some 16 weeks have now passed since receipt of the application.

#### **(10) Site of former Baptist Church, London Road, Newcastle 17/00162/FUL**

This application for full planning permission for the amendment of a scheme for flats on this site came before the Planning Committee at its meeting on the 12<sup>th</sup> September (at around week 28). The resolution of the Committee was that subject to

- (a) Your officer determining, on the basis of a new financial assessment by the DVS, that the development still cannot finance all or part of any policy compliant contributions to offsite affordable housing provision and public open space; and
- (b) subject to the applicant entering into a Section 106 obligation by agreement by 30<sup>th</sup> October, to provide such policy compliant contributions as can be afforded and requiring in the event of substantial commencement of the development (as defined in the previously entered into Section 106 agreement) not being achieved within 18 months of the date of the permission, a financial reappraisal of the scheme to assess its ability at that time to fund full policy compliant contributions to offsite affordable housing provision and public open space, and the making of such contributions as are financially viable

the application (17/00162/FUL) was to be permitted.

The District Valuer's report took significantly longer to obtain than had been anticipated and as a consequence it was not until mid- November that your officer reached a view on the financial position and at that point steps were started to draw up the appropriate agreement. Given that the 30<sup>th</sup> October date had been passed a new deadline was agreed – of the 13<sup>th</sup> December.

Some 38 weeks have now passed since receipt of the application.

Date Report prepared

24<sup>th</sup> November 2017

## **Buildings at Risk Survey 2016**

**Report to Planning Committee 5<sup>th</sup> December 2017**

### **Purpose of the Report**

To inform members of the outcome of the Borough Council's 2016 Buildings at Risk Survey of all of the buildings within the Borough that are on the Statutory List of Buildings of Special Architectural or Historic Interest.

### **Recommendations**

1. That members accept the findings of the Survey for buildings found to be "at risk" and agree that the Conservation Officer and other officers work with owners and their agents to get these buildings removed from the At Risk Register.
2. That the Conservation Officer and other officers work with owners and their agents for those buildings identified from the Survey as buildings "requiring monitoring" to stop them worsening and becoming "At Risk".
3. That officers undertake a survey of all of statutorily Listed Buildings every 5 years or as resources permit and that the survey is updated as necessary if individual buildings are removed from the list or new ones are identified as "at risk"
4. That the list of Buildings at Risk in the Borough is published on the Council's website.

### **Reasons**

To develop and maintain understanding of the Borough's designated heritage assets as well as ensuring their survival for the enjoyment of future generations.

## **1.0 Context and Background**

- 1.1 Historic England (formerly English Heritage) has published an annual Register of Buildings at Risk in England since 1999 for Grade I and II\* Listed buildings, Scheduled Ancient Monuments (SAMs), and Registered Parks and Gardens, and it encourages Local Authorities to produce their own Registers of Buildings at Risk for Grade II Listed buildings. Grade II Listed buildings account for more than 92% of all Listed buildings.
- 1.2 The following structures are on the current Historic England Buildings at Risk Register for the Borough. <https://historicengland.org.uk/advice/heritage-at-risk/buildings/buildings-at-risk/>

Model Farm complex, Betley Old Hall, Betley	Grade II*
Heighley Castle, Heighley Lane, Madeley	Grade II & SAM
Gatehouse walls to Maer Hall, Maer	Grade II*
Hales Roman Villa, Loggerheads	SAM
Moated site and enclosure, Willoughbridge Park, Loggerheads	SAM
- 1.3 The Council carried out a survey of all Listed Buildings during 2009 – 2010 and published the results in 2011. The Borough has 365 listed building entries on the Statutory List. Some entries include more than one building but the survey has included the entry as a single entity. The Council survey did not include Scheduled Ancient Monuments as these are dealt with by Historic England and the County Archaeology Service. Following the last survey the Council has produced a guidance note which has been sent to all Listed properties, where appropriate, last year and this can be found on the Council's website at [www.newcastle-staffs.gov.uk/conservation](http://www.newcastle-staffs.gov.uk/conservation).

## **2.0 Process**

- 2.1 The previous and current surveys were both based on the recognised methodology for assessing the degree of risk to Listed Buildings based on their condition and their level of occupancy/use. Clearly each building will need to be dealt with on an individual basis depending on its state of deterioration or level of occupancy. As last time a number of officers have undertaken the survey and were given guidance by the Conservation Officer on the survey which is based on a visual assessment, including up to date photographs of the buildings.
- 2.2 The previous survey identified 19 buildings as at risk. This represents just over 5% of the Listed Building stock. The Table below provides an update of whether the building is still at risk and what its current status is from the last full survey. The analysis of the data also showed that 22 required monitoring (6%) at that time. Clearly buildings can easily move between the low risk and monitoring category and careful control is required to ensure a positive future for the buildings.

<b>SITE ADDRESS</b>	<b>UPDATE since 2009-11 survey</b>
Farm Buildings at Oakley Park Farm Butterton Road Butterton	Remains at risk. Conservation Officer has met owners to discuss new uses for the buildings. Nothing has been progressed.
Former Brewhouse wall at Oakley Hall Mucklestone	Remains at risk
18A High Street (shop) Newcastle	Occupied but needs monitoring.
Jasmine Lodge Newcastle Road Talke	Not leaking currently but needs monitoring
Barn at Whitmore Riding School Shut Lane Head	No longer at risk
Conservatory at Madeley Manor Nursing Home Heighley Castle Way Madeley	No longer at risk as Conservatory now boarded up and made weatherproof but needs monitoring
Woodshutts Farmhouse Second Avenue Kidsgrove	Remains at risk. This building was repaired but following a serious fire in 2015 much of this work was lost. Owner has engaged new architect and conservation contractor to implement the scheme. Currently confirming funds but not in place as yet so remains extremely vulnerable.
Barn attached to farmhouse at 181 Aston Staffordshire	Still at risk owners yet to implement development scheme to reuse and make building safe but is being monitored.
Summer House in garden at 21 Larchwood Keele Newcastle	No longer at risk – restored following last survey by Keele University and Council Historic Building Grant.
Gatehouse at Maer Hall Courtyard Maer Newcastle	Gatehouse has been tied and stabilised temporarily but needs a long term solution programming. No longer at immediate risk but needs monitoring and owner to carry out next phase of repairs.
Former Maxims, Lower Street Newcastle	No longer at risk. Building currently being refurbished with new use – occupation expected this December.
Agricultural Building at Church Farm Crown Bank Talke	Remains at risk
Model Farm The Old Hall Farm Main Road Betley	No longer at risk from collapse or weathering as whole building has been repaired structurally but needs a use so is unoccupied. Currently considering options with owner who has engaged an architect so building needs monitoring.
Dovecote The Old Hall Farm Main Road Betley	No longer at risk, Needs monitoring



Smithy The Old Hall Farm Main Road Betley	No longer at risk, Needs monitoring
Boat House Heighley Castle Way Madeley	Temporary roof cover and secure but remains vulnerable and unoccupied. Needs monitoring
Oakley Folly Tyrley Market Drayton	Remains at risk
Pigsties The Old Hall Farm, Main Road Betley	No longer at risk, restored
Heighley Castle (Remains) Heighley Lane Madeley	No longer at risk but needs monitoring, vegetation removed and Historic England giving owners a grant to consolidate the ruins.

- 3.4 There are various ways of dealing with these problems buildings and negotiation and patience has been the most successful way of sorting out many of these buildings and removing them from the At Risk Register. Some buildings are more difficult to deal with than others, and aspirations of owners and occupiers are usually the most significant challenge.

### 2016 Survey

- 3.5 The current survey has identified 14 buildings of being “at risk”, 8 of these are from the last survey, meaning 11 buildings that were at risk in the last survey have been removed from the At Risk Register over the last 7 years. This survey has added an additional 6 buildings and structures to the Register and these are all **highlighted in bold** in the Table below. This work is a constant challenge for the department although the Council’s Historic Building Grants are still available for historic buildings as an incentive to help retain significance and character of the Borough’s heritage assets.
- 3.6 Importantly there are 3 graded categories of Risk – a score of 5 being low risk and 7 being severe risk. This score varies according to the condition of the property and whether it has an economic use or not. Some of the buildings identified at risk last time, have changed score, so at the last survey Betley Model Farm was severely at risk structurally and had no use and was high risk overall. The farm complex has now been completely restored by the owner but does not currently have a use, so whilst it is still at risk, it is a low risk.

SITE	ADDRESS	2016 survey and proposals
Farm Buildings at Oakley Park	Farm Butterton Road Butterton	At risk – contact owner to chase a new use for the buildings or consider serving Urgent Works Notice on buildings.
Former Brewhouse wall at	Oakley Hall Mucklestone	At risk – Officer to contact owner to make wall safe. Contact building control officer to assess the level of risk to the public as the property and grounds are used to hold functions such as weddings
Oakley Folly Tyrley Market	Drayton	At risk – monument with no viable use or obvious owner. Officer to find owner and make contact about ensuring it is consolidated as a ruin and monitored.
Conservatory/orangery at	Madeley Manor Care Home, Madeley	Not at immediate risk as now boarded up and weatherproof but no economic use for the orangery to date
Woodshutts Farmhouse Second	Avenue Kidsgrove	At risk – Despite contractor and architect on board work has still not started on site so remains extremely vulnerable as winter approaches. Consider serving Urgent Works Notice if remains uncovered.
<b>Blast Furnace, Springwood</b>		At risk - Whilst vegetation was present during the last

<b>Road, Chesterton</b>	survey, this has become much more invasive and the brickwork has become more vulnerable. Officer to contact owner and undertake some removal of vegetation and consolidation of structure. Consider grant.
Jasmine Lodge, Talke	Many years of temporary patch repairs this building remains vulnerable with elderly owner. Parapet structure continues to decay.
<b>Tower, Mill Rise, Kidsgrove</b>	Former windmill, left as a ruin and has a significant crack. It is owned by the Borough Council. A structural survey of building initially is required to monitor the crack. Consider grant.
<b>1 Nelson Place, Newcastle</b>	Building is vacant and has been for some years but has permission for conversion into flats and scaffolding is in place. Roof was leaking. Officer to check if roof leak has been fixed and if development is commencing.
<b>Former Orme Centre, Higherland, Newcastle</b>	Building is vacant and received permission in July 2017 for conversion into student flats as part of a bigger scheme. No start has yet been made to implement the permission. In the meantime there is a need to remove invasive vegetation from the building and ensure it is secure and weatherproof. Officer to contact owner to get vegetation removed and monitor the building. Consider appropriate notices.
Boat House, Heighley Castle Way, Madeley	Building remains vulnerable with no economically viable use but roof covering is still in place and security measures are also in place. Officer to contact owner to see if a new use can be found for the building, or roof properly repaired. Consider grant.
<b>Audley End Mill, Mill End, Audley</b>	No use for the building and owner reluctant to allow access but assures structure is sound with no leaking. Brickwork poor and needs repointing with lime. Some cracks need investigating. Consider grant.
<b>Stable block at Whitmore Hall</b>	There are a number of cracks in this building and probably needs structural monitoring again. It has no use but is part of the Whitmore estate.
181 Aston – attached cowshed	Still at risk owners yet to implement development scheme to reuse and make building safe although they have sought advice from a structural engineer to come up with a safe way to reuse the building and implement the permission which may include careful numbering of all the stone blocks turning them where possible or replacing.

#### 4.0 Options for Action

- 4.1 The Council is committed to working with owners to secure lasting repairs and productive re-use of the Buildings at risk within the Borough. The Council supports the principle of undertaking regular care and maintenance of historic buildings as the best way to ensure that the need for major repair will not develop. The Council is always ready to help provide guidance to owners in the best way to move forward including finding the right specialist for the maintenance of buildings.
- 4.3 The Council can target its limited grant aid funds towards the Buildings at Risk and indeed has done this on a few occasions, and has helped some apply for other funding streams, such as the Heritage Lottery Fund. The Maxims development secured significant funding from HLF through their Heritage Enterprise funding stream and this has enabled the building to be appropriately repaired and now has an economically viable use again. Historic Building Grants which are still available for Listed Buildings, buildings in Conservation Areas or on the local Register are important as an incentive to help retain significance and character of the Borough's heritage assets.

## **Legislative options**

- 4.4 Where a property is not fully occupied, notice can be served under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act). This enables the Local Authority to undertake urgent works to those parts of the property that are not in use. The Notice must describe the proposed works and be served to give a minimum of seven days written warning. The owner can respond by undertaking the specified works. If the Authority has to undertake the works themselves the costs can be recovered from the owner.
- 4.6 In order to secure the long term preservation of a Listed Building a Repairs Notice can be served on the owner under Section 48 of the 1990 Act. This requires the owner to undertake works that are identified in the comprehensive specification and schedule that should accompany the Notice. There is no provision for an appeal against such a Notice, and if no reasonable steps have been taken to carry out the repairs after two months, the Local Authority can begin compulsory purchase proceedings under Section 47 of the 1990 Act. Such an Order can be subject to an objection by the owner, and requires the confirmation by the Secretary of State. However the Local Authority can withdraw the Order at any time and its service is not a commitment to purchase.
- 4.7 It is possible for compensation to be payable if the owner has not deliberately allowed the building to fall into disrepair. In addition, a Local Authority will need to have established a strategy for the proper repair and reuse of the property.
- 4.8 Other notices that can be applied to a Listed Building at risk are Section 215 "Amenity" Notices under the Town and Country Planning Act 1990, and a Dangerous Structures Order under Section 77 of the Building Act 1984 which should always be a last resort, since the necessary works are subject to listed building control and may require consent.

## **Alternative options**

- 4.9 The best way to ensure a building has a secure future is to ensure that it remains in viable use. Officers are always available to discuss options to try and reach mutually acceptable solutions. This will need vision, skill and willingness to recognise that heritage assets as a commodity have value. They have intrinsic character and a connection to the locality that new buildings do not have.

## **Other Outcomes of the survey**

- 4.10 Both surveys have identified unauthorised works which have been undertaken to some Listed buildings, (often buildings which are not visited often and are relatively hidden from public view). The most common problem by far is the installation of inappropriate windows. The Council will seek to get the most appropriate solution for each building to ensure the special character of that building is protected and has been working with owners and agents to rectify unsympathetic development. There has been successful reinstatement of appropriate windows in many cases although some are still being negotiated. The Council always reserves the right to prosecute such offences and if members suspect such work is or has been undertaken we urge that you contact the planning department to inform officers so that we can investigate. Heritage assets are a finite resource and their authenticity is paramount to protecting what makes Newcastle special.

## **5.0 Conclusions**

- 5.1 Progress has been made since the last survey to work with owners to remove buildings from the "at risk" category and undertake repairs and find new productive uses for buildings. Work needs to continue in this way to ensure that the council protects and preserves the special character of its protected buildings.

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